

**Letters from Yokohama: Major John Dickey and the Prosecution of Japanese Class 'B'
and 'C' War Crimes**

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A thesis submitted in partial fulfillment of the
requirements for the degree of Master of Arts (History)

Saint Mary's University
Halifax, Nova Scotia

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9 June 2008

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Abstract

Letters from Yokohama: Major John Dickey and the Prosecution of Japanese Class 'B' and 'C' War Crimes

Mark Sweeney

John Horace Dickey was a fourth generation Haligonian lawyer who, after serving on the domestic front with the Canadian Army travelled to Japan as a part of the Canadian War Crimes Liaison Detachment – Far East. Dickey was involved in the prosecution of Japanese Class 'B' and 'C' war crimes committed against Canadian soldiers that were captured after the fall of Hong Kong in December 1941.

Class 'B' and 'C' or 'minor' war crimes consist of traditional or conventional war crimes, "violations of the laws and customs of war," and crimes against humanity, "murder, extermination, enslavement, deportation, and other inhumane acts.") These trials are important as they have been largely overlooked in favour of the Class 'A' trials, crimes against peace, at Nuremberg and Tokyo, and also allow for an investigation of the experiences of individual soldiers involved in both sides of the conflict.

This study will broaden English language war crimes trials scholarship, and also make an addition to a growing body of historiography investigating Canadian involvement in war crimes trials. While the political impetus for Canadian involvement has already been well developed, analysing the experiences of individual prosecutors from a social history perspective allows for a better understanding of how the sentences and judgments were reached, and the context that the trials themselves were undertaken.

9 June 2008

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Special note is also due to Roderick MacLean and Jim Derby of The Army Museum in Halifax, as well as Miriam Walls from the Parks Canada library. These three have provided me with special access to the *John Dickey Papers*, and have been exceptionally cooperative and enthusiastic from the onset of this project.

A final note of thanks must go to my family. My mother and father, Reg and Reeta Sweeney, sister, Ellen, and girlfriend, Adrienne, have been constant sources of compassion, guidance and confidence for me. Thank you all for helping me succeed in this endeavour, and for always offering support and love.

Dedication

To Dad, Reg Sweeney (1949-2007)

Thank you for instilling confidence in me, and making me realize all I need to do is try.

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Abbreviations

BCOF – British Commonwealth Occupation Force
DEA – Department of External Affairs
GHQ – General Headquarters
IMTFE – International Military Tribunal for the Far East
JDP – John Dickey Papers
LAC – Library and Archives Canada
NARA – National Archives and Records Administration
NDHQ – National Defence Headquarters
NSARM – Nova Scotia Archives and Records Management
RRC – Royal Rifles of Canada
SCAP – Supreme Commander for the Allied Powers
UNWCC - United Nations War Crimes Commission
WCAC – War Crimes Advisory Committee
WG – Winnipeg Grenadiers

Photograph Credits

All photographs are used with the permission of The Army Museum, Halifax and belong to the *John Dickey Papers*, which were donated by Mrs. Dickey in 1999. The utmost gratitude must be extended to Joyce.

Note About Japanese Names

Japanese names, aside from those cited as authors of secondary sources, are given in the traditional Japanese order, with the family name preceding the given name.

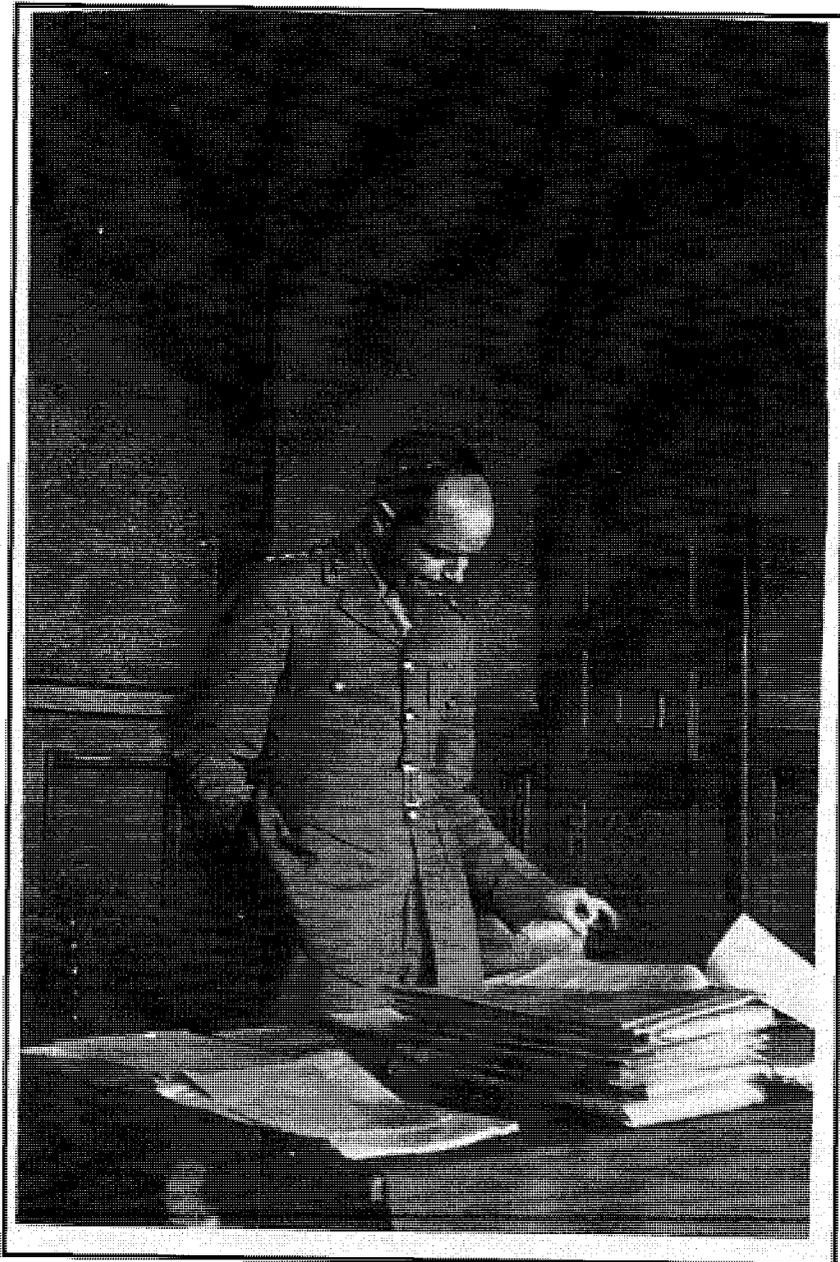


Figure 1 – John Dickey in action during the Yokohama War Crimes Trials.¹

¹ Untitled, *John Dickey Papers* (Halifax: The Army Museum, 1999.6.1), folder 3.0 photographs.

Introduction

On 15 April 1946, a young lawyer and Captain in the Canadian Army, John Horace Dickey, stepped off a plane accompanied by a contingent of two Canadian barristers, two former POWs and two administrative members of the military who comprised the Canadian War Crimes Liaison Detachment – Far East. The Detachment had just finished a week-long journey which saw them travel from Ottawa to Washington, Washington to San Francisco via Kansas, and then island hopping the Pacific Ocean, stopping at Honolulu, Kwajalein, and Guam until reaching its final destination, Atsugi Airport, north of Tokyo. This arrival marked the beginning of John Dickey's legal experience in Japan, representing Canada as a Chief Prosecutor at the Yokohama War Crimes Trials under the auspices of the American Eighth Army and the Supreme Commander for the Allied Powers (SCAP).¹

John Dickey was born on 4 September 1914 in Edmonton, Alberta. His father, Horace Beaumont Arthur Dickey, the third in a line of prominent Nova Scotian lawyers, was killed during the First World War, at which time Dickey and his mother Catherine moved back to Nova Scotia.² Dickey received his undergraduate training at Saint Mary's College in Halifax, graduating in 1936, only to move on to Dalhousie Law School, attaining his LLB, and graduating second in his class in 1940.³

Dickey passed the Nova Scotia Bar in the fall of 1940, and was quickly recruited by Halifax law firm MacDonald, McInnes, MacQuarrie and Pattilo where he worked until

¹ For a biographical sketch of John Dickey, please see Appendix, page 161.

² See Nova Scotia Archives and Records Management (hereafter NSARM), MG 100, Vol. 234, #22, The Stewart Family Genealogy, by C.S. Stayner. Dickey's legal lineage dates back to his great-grandfather, Robert Barry Dickey who was called to the Nova Scotia Bar in 1834 and was a Father of Confederation.

³ See "First of 'Four Generations' In Law Families," *The Mail-Star*, 11 February 1965, and Harry Flemming, *A Century Plus: McInnes Cooper & Robertson* (Halifax: S.N., 1989), p. 59.

volunteering for the Canadian Army in 1942.⁴ Dickey's military experience was best described as "an exercise in frustration,"⁵ as Dickey spent the majority of the war bouncing from domestic training ground to domestic training ground, holding postings in an artillery camp in Petawawa, Ontario, anti-aircraft training in Eastern Passage, Nova Scotia, an infantry posting in Brockville, Ontario and an eventual posting in preparation for Pacific service in Vernon, British Columbia where he spent the remainder of the war.

As early as late August 1945 Dickey, with the assistance of the partners from MacDonald, McInnes, MacQuarrie and Pattilo, had been trying to acquire a release from the Canadian Army to return to practice with his home law firm in Halifax. Several letters were sent between Dickey, the firm, the commanding officer of the No. 3 Pacific Infantry Training Brigade in Vernon, B.C. and a representative for the Minister of National Defence in Ottawa to make the release as quick and painless as possible.⁶ The release never came, and by March 1946 Dickey was selected for the Canadian War Crimes Liaison Detachment on its trek to Japan. Dickey was recommended for the Detachment by Col. Jennings, his commander in the Pacific, who saw Dickey as a favourable candidate.⁷ It is not exactly clear what quite made Dickey a favourable candidate, but it may have been as a result of his experiences with MacDonald, McInnes, MacQuarrie and Pattilo in Halifax, his family's affluence, or quite possibly that he was a hard-working, young man with a law degree and a willingness to go to Japan. To Occupation authorities, a relatively inexperienced young lawyer willing to travel across the world and

⁴ Flemming, *A Century Plus*, p. 59 and 69. Dickey later returned to service with the firm, which changed title in 1946 to McInnes, MacQuarrie and Cooper, after the end of his service with the Canadian Army in 1947.

⁵ Flemming, *A Century Plus*, p. 59.

⁶ See various letters requesting release in *John Dickey Papers*, (Halifax: The Army Museum, 1999.6.1), folder 5.0. The *John Dickey Papers* are the most frequently cited collection in this thesis. Hereafter any source cited from the collection will include the pertinent information, followed by *JDP*, and a reference to which of the five folders the source has been taken.

⁷ John H. Dickey to Mrs. W.B. Wallace, 1 March 1946, p 1-2, *JDP*, folder 1.0 correspondence. The *JDP* includes large collection of fourteen months worth of correspondence between Dickey and his mother. The citations for these letters will hereafter include the information about the letter, but will omit the abbreviation *JDP*.

complete what would prove to be a rather long and drawn out task could have proved to be the most enticing qualification Dickey presented.

Dickey reported that he looked forward to the trip, from the perspective of legal experience, and that of a travel opportunity that “could never be duplicated in civil life.”⁸ His expectations were of a probable six month stint in Japan – “depending on developments” – and looked forward to the chance to hone his legal skills, hoping that there would be “much work to do.”⁹

The stance of the Canadian government with regard to war crimes was initially hesitant. War crimes were considered to be a European problem so when in 1942 the issue became one of heavy debate between Roosevelt, Churchill, and the leaders of governments-in-exile in London, the Canadian government’s response was reluctant. It was decided however, that some form of action ought to be taken, as “refusal would put the government in the awkward position of appearing to be unconcerned about the suffering of the victims of fascism.”¹⁰ With this, the Canadian government, in the form of the War Crimes Advisory Committee (WCAC), opted to take a role in investigating and publicizing atrocities through the United Nations War Crimes Commission (UNWCC). Canada was, however, coerced by the United States to take a stronger stand on the issue, and a more direct involvement in the prosecution of war crimes.¹¹ Nevertheless, the primary Canadian goal was to focus on atrocities committed against individual Canadian soldiers and nationals, rather than the architects of war against which several Allied leaders were proposing charges against at Nuremberg and Tokyo.

⁸ Dickey to Mrs. W.B. Wallace, 1 March 1946, p. 3.

⁹ Dickey to Mrs. W.B. Wallace, 1 March 1946, p. 3.

¹⁰ John Stanton, “Canada and War Crimes: Judgment at Tokyo,” *International Journal*, Vol. 55 (Summer 2000), p. 379. An earlier version was published in 1999 as: John Stanton, “Reluctant Vengeance: Canada at the Tokyo War Crimes Tribunal,” *The Journal of American and Canadian Studies*, Vol. 17 (1999), pp. 61-87.

¹¹ Stanton, “Canada and War Crimes,” p. 379.

To facilitate the prosecution of individual war criminals, the Canadian government passed the War Crimes Regulations (Canada) on 30 August 1945.¹² Under these new regulations the Canadians were required to work with the American and British governments, as with no occupation force in the Pacific, the Canadian government would have had to bring each alleged war criminal to Canadian soil to try them. Consequently, Canadian representatives played a significant role in minor war crimes trials under the jurisdiction of the Americans at Yokohama and the British at Hong Kong.

Reluctance on the part of the Canadian government to become involved in the prosecution of war crimes and compulsion from the United States and Britain, are strong themes in John Stanton's groundbreaking essay on Canadian involvement in the trials of Japanese war criminals. Stanton highlights the British pressures on Canada to become involved in the process from the beginning. Then, after Canada had committed to issues "of direct concern to Canada," the United States "expected a *quid pro quo*: Canada's participation in an International Military Tribunal for the Far East (IMTFE)."¹³ Thus, once the Canadian Department of External Affairs (DEA) had dedicated itself to participating in the prosecution of those that committed atrocities against Canadian soldiers and nationals captured at Hong Kong in December 1941, they were already being roped into playing a much larger role in providing a judge and a member of the prosecution for the trials in Tokyo.

Stanton's work, much like Canadian policy on Japanese war crimes, shifts from focusing on 'minor' or 'lesser' war crimes to focusing on the more sensational trials in Tokyo. While Canadian participation in the Tokyo Trials was certainly forced, it took the focus away from the mistreatment of individual Canadian soldiers – that which Canadian policy had originally

¹² For a copy of the regulations themselves, see P. Whitney Lackenbauer and Chris M.V. Madsen, *Kurt Meyer on Trial: A Documentary Record* (Kingston, On.: Canadian Defence Academy Press, 2007), p. 61.

¹³ Stanton, "Canada and War Crimes," p. 387. Italics added.

intended – and put it squarely on the trials of ‘major,’ Class ‘A’ war criminals which have been largely regarded as the ‘Nuremberg for the Pacific.’¹⁴ Thus the historiography of Canadian participation in Japanese war crimes trials shaped by Stanton’s seminal work has concentrated on the ‘A’ trials, leaving the ‘B’ and ‘C’ trials relatively unexplored. This thesis attempts to lay the groundwork for further inquiry into the Canadian prosecution of Class ‘B’ and ‘C’ war criminals; that is, those charged with traditional or conventional war crimes (“violations of the laws and customs of war”) and crimes against humanity (“murder, extermination, enslavement, deportation, and other inhumane acts”).¹⁵ For Canadian purposes, a war crime was defined in the War Crimes Regulations (Canada) as “a violation of the laws or usages of war committed during any war in which Canada has been or may be engaged in at any time after the ninth day of September, 1939.”¹⁶

Building upon Stanton’s essays, historian Yuki Takatori has also explored Canadian involvement in the Tokyo War Crimes Trial, arguing that while interest in the process may have been tentative from the DEA in Ottawa, the strong personalities of Canadians involved at Tokyo made it less of a solely American venture than has been previously assumed.¹⁷ While Takatori’s

¹⁴ There has been a good deal of comparison between the Nuremberg and Tokyo Trials. Despite their similarities, however, stark differences have been pointed out by historians such as Richard Minear, Arnold Brackman, Ian Buruma and John Dower. See Minear, *Victors’ Justice: The Tokyo War Crimes Trial* (Princeton: Princeton University Press, 1971), chapter three, Brackman, *The Other Nuremberg: The Untold Story of the Tokyo War Crimes Trials* (New York: William Morrow and Company, 1987), Buruma, *The Wages of Guilt: Memories of War in Germany and Japan* (New York: Farrar Straus Giroux, 1994), part three, and Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York: W.W. Norton & Company, 1999), notably chapter fifteen. Timothy Brook also points out several important points of difference between Tokyo and Nuremberg, including the fact that Nuremberg looked to link individuals to their roles in particular events, while Tokyo was used to create a historical narrative of conspiracy rather than identifying each individual’s role. Brook also identifies time as the main reason why Nuremberg is often viewed as a triumph, while Tokyo is viewed as a failure. Nuremberg took place before Tokyo, while public support was still strong, and was executed swiftly, while Tokyo dragged on nearly two-and-a-half years and did not begin until May 1946. Timothy Brook, “The Tokyo Judgment and the Rape of Nanking,” *The Journal of Asian Studies*, Vol.60, No. 3 (August 2001), p. 675.

¹⁵ Dower, *Embracing Defeat*, p. 456.

¹⁶ See Lackenbauer, *Kurt Meyer on Trial*, p. 62.

¹⁷ Yuki Takatori, “Justice Tempered by Realpolitik: Canada’s Role in the Tokyo Trial,” *International Journal of Canadian Studies*, Vol. 32 (2005), p. 148.

research is focused mainly on the actions of Canada's representation at Tokyo, (justice E. Stuart McDougall, prosecutor Henry G. Nolan, and diplomat E.H. Norman,) several of her themes carry over to those officials representing Canada at the 'minor' war crimes trials in the Pacific theatre as well. Although the war crimes trials at Yokohama – where the majority of the trials involving Canadian interest took place – were not the main focus of a Canadian public exhausted with conflict and a government looking to avoid external issues to preserve its own autonomy, personalities such as that of John Dickey and Oscar Orr emerged and played an important role.

To this point, little has been made of Canadian efforts both at Yokohama and Hong Kong in endeavouring to do what the DEA had originally intended – focus on the mistreatment of Canadians. Stanton engages thoroughly with how Canadians became involved in the process of war crimes trials, but when Canadian policy is forced to shift, the focus of his work shifts with it, and never returns to the Class 'B' and 'C' trials.¹⁸ Takatori as well primarily focuses on the flashier, Class 'A' trials in two articles, making only brief mention of the trials at Yokohama and Hong Kong.¹⁹ Patrick Brode, in *Casual Slaughters and Accidental Judgments*, does deal with Yokohama and Hong Kong, but only briefly, and dedicates to each of them only one chapter in a study which aims to deal with all Canadian war crimes prosecutions from 1944-1948.²⁰ Such a broad perspective, while invaluable for other reasons, simply can not do justice to a series of trials which saw sixty convictions in Yokohama and Hong Kong with distinct Canadian interest, several of which involved Canadian prosecutors, witnesses and evidence. Brode's main attention (and much of the Canadian public's) was on the trial of Brigadeführer Kurt Meyer, the man

¹⁸ See Stanton, "Canada and War Crimes."

¹⁹ See Takatori, "Justice Tempered by Realpolitik," p. 145. Takatori has also written an article focusing on the Commonwealth leadership at Tokyo, in which Canadians McDougall, Nolan and Norman played a major role. See Yuki Takatori, "'America's' War Crimes Trial? Commonwealth Leadership at the International Military Tribunal for the Far East, 1946-48," *The Journal of Imperial and Commonwealth History*, Vol. 35, No. 4 (2007), pp. 549-568.

²⁰ Patrick Brode, *Casual Slaughters and Accidental Judgments: Canadian War Crimes Prosecutions, 1944-1948* (Toronto: University of Toronto Press, 1997).

responsible for the death of Canadian POWs at Normandy. Meyer received the death sentence, which was then commuted to a life sentence, of which he served nine years.²¹

Beyond this Canadian perspective, however, is a larger English-language historiographic gap surrounding the Yokohama Trials. Few studies have dealt with the generalities of Yokohama in its own right, and several others only mention the trials as part of larger studies about the Allied Occupation of Japan, or war crimes trials in general. There is a lack of any thorough analysis of the trials at Yokohama on the whole, especially from a Canadian viewpoint.

Whitney Lackenbauer and Chris Madsen have identified three waves of scholarship that followed the trial of Kurt Meyer, which can also be applied to the historiography of the Japanese trials.²² The first wave represents personal reflection by those involved in the legal process, who sought to “justify individual actions and ensure that each party to the debate established their “facts” and counterbalanced conflicting perspectives.”²³ The bulk of writing on the Yokohama War Crimes Trials was published while the trials were going on, or within a year of the end of the trials in October 1949. There were a few publications put forth in law and military journals during this period, mainly explaining the legal process of the trials, issues of international law, or the way in which the framework for the trials had developed.²⁴ Albert Lyman and Paul E. Spurlock, both case reviewers for the US 8th Army, wrote articles attempting first to debunk myths about the trials being too harsh, and to explain the process in which the trials progressed.²⁵ Major W.P. McClemon wrote an article for the *Canadian Army Journal* outlining the Canadian

²¹ Brode, *Casual Slaughters and Accidental Judgments*, p. 100, 206-216.

²² Lackenbauer and Madsen, *Kurt Meyer on Trial*, p. 29.

²³ *Ibid.*, p. 29.

²⁴ See Albert Lyman, “A Reviewer Reviews the Yokohama War Crimes Trials,” *The Journal of the Bar Association of the District of Columbia*, Vol. XVII, No. 6 (June 1950), pp. 267-280, Paul E. Spurlock, “The Yokohama War Crimes Trials: The Truth About a Misunderstood Subject,” *American Bar Association Journal*, Vol. 36 (May 1950), pp. 388-389, 436-437, and W.P. McClemon, “War Crimes Trials,” *Canadian Army Journal*, Vol. 1, No. 3 (June 1947), pp. 16-20.

²⁵ Spurlock, “The Yokohama War Crimes Trials,” p. 387 and Lyman, “A Reviewer Reviews the Yokohama War Crimes Trials,” p. 269.

involvement in the Tokyo Trials, Yokohama, Hong Kong as well as the much more thoroughly researched Kurt Meyer trial.²⁶ These articles have proven to be the foundation for more recent publications, and were used by Philip Piccigallo, who has been acknowledged by John Dower, Meirion and Susan Harries, and Gavan Daws as the authority on smaller, national tribunals.²⁷

One more recently published work that fits into the first historiographic wave is John L. Ginn's popular history, *Sugamo Prison, Tokyo*, which deals in part with the Yokohama Trials.²⁸ Ginn joined the American forces in the spring of 1948, and was assigned to Sugamo Prison as a front gate and tower guard, and also worked in the labour and sanitation divisions.²⁹ His text is a massive endeavour, and attempts to contend with his role at Sugamo, the Tokyo and Yokohama War Crimes Trials, the sentences, executions and prison terms of Japanese prisoners sent through Sugamo as well as the experiences of those Americans posted in Japan after the end of the war. While Ginn's text is marred with incomplete listings of trials and prisoners, it is a useful piece in a field with such rare secondary resources.³⁰ Ginn takes a staunchly pro-Allied stance and provides personal memories of the trials, prisoners and environment surrounding the trials as provided to him through correspondence with his former co-workers. Ginn does make useful note that there were only approximately thirty Class 'B' war criminals tried at Yokohama,

²⁶ McClellmont, "War Crimes Trials," p. 16-17. For more on the Meyer trial, see Lackenbauer and Madsen, *Kurt Meyer on Trial* and B.J.S. MacDonald, *The Trial of Kurt Meyer* (Toronto: Clarke, Irwin & Company Limited, 1954).

²⁷ See Dower, *Embracing Defeat*, p. 626, note 6, Meirion and Susan Harries, *Sheathing the Sword: The Demilitarisation of Japan* (New York: MacMillan Publishing, 1987), p. 326, and Gavan Daws, *Prisoners of the Japanese: POWs of World War II in the Pacific* (New York: William Morrow Company, 1994), p. 438.

²⁸ See John L. Ginn, *Sugamo Prison, Tokyo: An Account of the Trial and Sentencing of Japanese War Criminals in 1948, by a U.S. Participant* (Jefferson, N.C.: McFarland & Co., 1992). Sugamo Prison was the location where both the Class 'A' war criminals of the IMTFE and the Class 'B' and 'C' war criminals tried at the Yokohama District Courthouse were held before, during and after their trials.

²⁹ Ginn, *Sugamo Prison, Tokyo*, p. 195-197.

³⁰ Ginn's listings are based on mainly on the finding aid for the National Archives Records Service, Reviews of the Yokohama Class B and Class C War Crimes Trials by the U.S. Eighth Army Judge Advocate, 1946-1949, which in the alphabetical listing of Japanese officials tried at Yokohama, omits the name of Yanaru Tetsutoshi. Although Yanaru's case (#84) is included in the microfilm and the finding aid numerically lists the cases tried at Yokohama, giving the name Yasaru Tetsutoshi [*sic*], Ginn still manages to exclude the case.

who were typically high ranking officers who had allowed their troops to commit atrocities during the Pacific War.³¹

The second wave of historiography identified by Lackenbauer and Madsen is a “relativist” or “revisionist” school, which argues that “both sides were guilty of war crimes.”³² In a Japanese or Pacific War context this school had been prevalent, but not particularly in the English-language scholarship regarding Yokohama. Scholarship on the Tokyo Trials, on the other hand, has largely taken this perspective, led by Richard Minear who considered the Class ‘A’ trials to be nothing but “victor’s justice” and a clear case of a “trial of the vanquished by the victors” which had been fuelled by political and race-related motives from the onset.³³ Since Minear’s book, other publications have similarly pointed to the questionable motivations behind the Tokyo Trials, including Maria Hsia Chang and Robert P. Barker’s article “Victor’s Justice and Japan’s Amnesia,” in which they argue that the Tokyo Trial was marred by several “sins of omission,” the most problematic being the absolution – for the benefit of the Allies – of Emperor Hirohito.³⁴

One of the few pieces of Yokohama scholarship which fits into this category is Jon Elster’s *Closing the Books*. Elster argues that in comparison to trials held in Germany, war crimes trials in Japan were both a deviation and “perhaps the closest approximation to pure political justice in the universe of cases.”³⁵ Elster contends that the trials held in Germany “conformed to legal justice” in both “adherence to due process and uncertainty about the

³¹ Ginn, *Sugamo Prison, Tokyo*, p. 33.

³² Lackenbauer and Madsen, *Kurt Meyer on Trial*, p. 29.

³³ Minear, *Victors’ Justice*, p. 12.

³⁴ Chang and Barker, “Victor’s Justice and Japan’s Amnesia,” p. 74.

³⁵ Jon Elster, *Closing the Books: Transitional Justice in Historical Perspective* (Cambridge: Cambridge University Press, 2004), p. 86.

outcome.”³⁶ While his arguments about the IMTFE being mainly a show trial and a case of victor’s justice are at least comparable to those made by Minear and others critical of the Tokyo trials, his statement: “[o]n a smaller scale, the same can be said about the Yokohama trials,” is not founded in sufficient evidence.³⁷

The third wave identified by Lackenbauer and Madsen, and indeed the one that best applies to the majority of scholarship on Yokohama, is one which dismisses the notion that both sides “were equally immoral and unlawful on the battlefields.”³⁸ This scholarship argues that if “some Allies were guilty of transgressions, which they likely were, their actions were not comparable to the widespread atrocities committed” by those on trial.³⁹ There is a growing body of research that suggests that while Allied soldiers in the Pacific may have had their moments of indiscretion on the battlefield, war crimes trials against the Japanese were justified. As many scholars note, more than twenty-seven per cent of Allied POWs perished in the hands of the Japanese compared to four per cent in Europe.⁴⁰ In a Canadian context, Charles Roland asserts that, “of the 1,975 Canadians who sailed from Vancouver in October 1941, 557 were buried or

³⁶Elster, *Closing the Books*, p. 86 for comments about Japan, and p. 85 for those about Germany. Elster describes *political justice* as when a new governing body (SCAP) “unilaterally and without the possibility of appeal designates the wrongdoers and decides what shall be done with them.” He also explains that this political justice “can take the form of *show trials*” which he readily links to the IMTFE. The simplest definition of *legal justice* is plainly being at the opposite end of the continuum of justice from political. See page Elster, *Closing the Books*, p. 84.

³⁷ Elster, *Closing the Books*, p. 86.

³⁸ Lackenbauer and Madsen, *Kurt Meyer on Trial*, p. 29.

³⁹ *Ibid.*, p. 29.

⁴⁰ See Patricia Roy, J.L. Granastein, Masako Iino, and Hiroko Takamura, *Mutual Hostages: Canadians and Japanese During the Second World War* (Toronto: University of Toronto Press, 1990), p. 211, and R. John Pritchard “The Historical Experience of British War Crimes Courts in the Far East, 1946-1948,” *International Relations*, Vol. 6 (1978), p. 313. These two works claim that 27 per cent of Allied POWs died in Japanese captivity, while Brode argues 25 per cent in *Casual Slaughters and Accidental Judgments*, p. 157. Canadian percentages were 4 per cent in Europe and 20 per cent in the Pacific. The trouble with relying on figures such as these is that they must not consider Soviet prisoners under German captivity from the Eastern Front, where, of 5.5 million captives, 3.5 million perished or disappeared by 1944. While the chaos of war, and climate conditions that prisoners could not cope with have been points of argument (especially in the Pacific and Eastern Front) for the perishing of prisoners, Peter Calvocoressi argues that millions of POWs do not die simply by mistake, and that the German attitude towards Russian combatants was one of “calculated callousness,” allowing for the extermination of millions of captives. See Peter Calvocoressi, Guy Wint and R. John Pritchard, *Total War: The Causes and Courses of the Second World War* (New York: Pantheon Books, 1989), p. 256.

cremated in the Far East.”⁴¹ Of these casualties, W.P. McClemon claims that 272 were killed or died from mistreatment as prisoners-of-war.⁴²

There are several works which fall under this third historiographic category for Yokohama. In 1979, Philip Piccigallo provided “the major English-language overview of the local trials”⁴³ with *The Japanese on Trial*. Piccigallo’s text was specifically written as a broad overview of Allied judicial operations in the Pacific theatre, and provides a straightforward depiction of each Allied nation’s war crimes program. Within this broad study, Piccigallo briefly deals with the Yokohama War Crimes Trials. Piccigallo argues that the Yokohama Trials are of particular significance for two reasons; the first is the pure volume of cases undertaken at Yokohama. In terms of American case volume, 319 of the 474 trials held across Southeast Asia were tried at Yokohama. Of the 1409 defendants brought before American-run military commissions in the Pacific theatre, 996 of them were tried in Yokohama.⁴⁴ According to Piccigallo, more important was the second characteristic of the trials – their international character. The trials, he notes, had a more international nature than national trials under the auspices of Britain in Singapore, or the Dutch in Java, as the Yokohama Trials were under the direction and authority of the Supreme Commander for the Allied Powers – who “represents all the occupying nations” – therefore even though they were primarily administered by American forces, they too had to be considered international tribunals as “the prime authority for their creation stems from S.C.A.P.”⁴⁵

⁴¹ Charles G. Roland, *Long Night’s Journey into Day: Prisoners of War in Hong Kong and Japan, 1941-1945* (Waterloo: Wilfrid Laurier UP, 2001), p. 322-333.

⁴² McClemon, “War Crimes Trials,” p. 18.

⁴³ Dower, *Embracing Defeat*, p. 626.

⁴⁴ Piccigallo, *The Japanese on Trial*, p. 83, 95.

⁴⁵ *Ibid.*, p. 83.

Piccigallo is correct to state that the international character of the Yokohama trials makes them particularly noteworthy, especially as most nations that focused on the prosecution of war criminals were running their own individual courts, dealing with incidents committed against their own servicemen and citizens.⁴⁶ The Yokohama Trials permitted an international cohesion of military and civilian legal minds from Australia, the United Kingdom, China, Canada, the Netherlands and the United States, working in multiple capacities to see that the trials of Class 'B' and 'C' war criminals could take place.⁴⁷ The trials were permitted to be constructed as "international military commissions," which consisted of "representatives of several nations or of each nation concerned" and were "appointed to try cases involving offences against one...or more nations."⁴⁸

Of Yokohama, and other trials with vested American interests, Piccigallo claims that there is very little criticism that can be levied at the trials. He argues that American lawyers representing both the prosecution and defence argued their cases ably, and with the utmost professionalism.⁴⁹ Piccigallo points to the composition of the trials as one of their main strengths, but identifies the prosecution of joint trials as the one major weakness.⁵⁰ He does note that "all of the prosecuting Allied nations regularly held joint trials," and that without doing so, SCAP and the American state department officials could never have hoped in "disposing of their

⁴⁶ Stanton, "Canada and War Crimes," p. 379.

⁴⁷ General Headquarters, Supreme Commander for the Allied Powers, Legal Section, 30 August 1946, Public Relations Informational Summary No. 237, Subject: Personnel of Legal Section, *JDP*, folder 5.0.

⁴⁸ National Archives and Records Administration (Hereafter NARA), Reviews of the Yokohama Class B and Class C War Crimes Trials by the U.S. Eighth Army Judge Advocate, 1946-1949, Documents of Authorization, General Headquarters, Supreme Commander for the Allied Powers, Regulations Governing the Trials of Accused War Criminals, 5 December 1945, p. 1.

⁴⁹ Piccigallo, *The Japanese on Trial*, p. 91-92.

⁵⁰ *Ibid.*, 95.

enormous burden.”⁵¹ Although his treatment of the Yokohama War Crimes Trials is limited, and largely uncritical, it acts as a foundation from which further scholarship may begin.

After Piccigallo, the remaining work on the Yokohama Trials can only be found on the fringes of broader studies. One of the first texts of this nature was written by Meirion and Susie Harries and focused primarily on the Allied occupation and demilitarisation of Japan.⁵² The bulk of *Sheathing the Sword* deals with the removal of military infrastructure in Japan, but devotes a section of the text to the trials of the Japanese. Although mainly focused on the Tokyo Trials, *Sheathing the Sword* argues that in Yokohama’s case, the trials were an important dynamic of the Occupation and postwar world, and that although “they were occasionally accused of miscarriages of justice,” the trials were an “extension of existing military legal procedure,” and did not “disturb the natural progress of the Occupation reforms.”⁵³ Where Piccigallo had framed the trials as important in their own right, and central to the development of a peaceful postwar world, Harries and Harries reflect on them as a tool in the belt of the Occupation authorities, and one that began to depreciate in value as the Occupation wore on.

Harries and Harries only dedicate a few paragraphs to the trials, and the majority of the space is allotted to figures about the trials and sentences, and to a few anecdotal notes. They do argue, however, that there was a shift in interest between the beginning of the trials in 1946 to the “Allied decision to call a halt [to the trials], somewhat arbitrarily and artificially, in 1949.”⁵⁴ They claim that between the beginning of the trials and the end, “the pendulum had swung from the craving for retribution to compassion born of political expediency,” although the trials did play a major role in satisfying the existing “dichotomy between the public’s thirst for retribution

⁵¹ Piccigallo, *The Japanese on Trial*, p. 95.

⁵² *Sheathing the Sword*, is a popular history, but does provide a useful insight into the popular perspectives surrounding both the Yokohama trials themselves as well as the Allied Occupation of Japan on the whole.

⁵³ Harries, *Sheathing the Sword*, p. 101.

⁵⁴ *Ibid.*, p. 100.

and the planners' enthusiasm for reform."⁵⁵ They also attest, albeit with not quite as much elation as Piccigallo, to the international scope of the Yokohama trials, explaining that where "the victims were not all American, the relevant nation was invited by the U.S. Judge Advocate General to join the prosecution."⁵⁶

Gavan Daws has also utilized Class 'B' and 'C' trials, and those tried at Yokohama, into his more broadly reaching text about the prisoners of the Japanese. Daws discusses the most infamous minor war crimes trials – those of General Yamashita Tomoyuki and General Homma Masaharu – which set the main precedents for the IMTFE and other Allied tribunals.⁵⁷ Daws compares how Japanese war criminals were treated at the modern Sugamo Prison with the "jungle dung heap[s]" in which they had imprisoned Allied POWs.⁵⁸ Daws also gives a long and detailed list of the atrocities that these POWs suffered, in comparison to the more humane treatment that the prisoners of Sugamo could expect from their young American guards.⁵⁹

The important advance Daws brings to the body of historiography is in his efforts to deal with the misconceptions about race and culture being "forced in the roughest manner through the coarse mesh of military law."⁶⁰ The broader point Daws tries to illustrate is that it must at least be brought into question whether under similar circumstances, Allied soldiers would have, and to a certain degree did, commit similar acts when ordered by their superiors.⁶¹ Daws calls into question the overall fairness of the trials, and just what sort of justice would have been dealt had

⁵⁵ Harries, *Sheathing the Sword*, p. 100.

⁵⁶ *Ibid.*

⁵⁷ Daws, *Prisoners of the Japanese*, p. 365. The Yamashita and Homma trials were conducted very early in the postwar period, and set precedents for future cases, developed a pattern of procedure, and have been heavily criticised as being a 'rush to judgment.' See Tim Maga, *Judgment at Tokyo: The Japanese War Crimes Trials* (Lexington: UP of Kentucky, 2001), chapter one.

⁵⁸ Daws, *Prisoners of the Japanese*, p. 366.

⁵⁹ *Ibid.*, p. 363, 366-367.

⁶⁰ *Ibid.*, p. 371.

⁶¹ *Ibid.*, 372.

the Allies lost the war, asking: “Would Truman and MacArthur have been hanged? And should they have been?”⁶²

Daws works towards closing the responsibility gap between Allied and Imperial Japanese soldiers, and is relatively sympathetic to the release of nearly all war criminals held at Sugamo by the end of the 1950's. He does note one particularly unnerving fact: excluding native Asians and white civilians, there was only one Japanese soldier sentenced for every fifty Allied POWs who spent three and a half years in a POW camp, and only one Japanese soldier, or camp guard executed for every two hundred-fifty POWs who died under the Japanese.⁶³ For Daws, these are “far short of an eye for an eye.”⁶⁴

Another important, and recent addition to the Yokohama historiography is Tim Maga's *Judgment at Tokyo*. Despite the title, Maga explores the two trials that set the majority of the precedents for postwar trials in the Pacific. These were the swift trial, sentencing and execution of General Yamashita in the Philippines and that of General Homma on Guam.⁶⁵ Maga uses these cases to show the heavy American influence on the trials, the new and changing rules of evidence, as well as the considerable public interest in the trials immediately following the end of the war.⁶⁶ Where most texts dealing with war crimes trials deal with Yamashita and Homma, Maga breaks new ground by dealing with the first case tried by the United States in the Pacific, that of Mitsushima Prison Camp guard Tsuchiya Tatsuo. While the case and subsequent sentencing of Tsuchiya could have been “irrelevant in the face of larger matters at hand,” the case set “a number of precedents and procedural examples” which would prove to be very

⁶² Daws, *Prisoners of the Japanese*, p. 372.

⁶³ *Ibid.*, p. 371.

⁶⁴ *Ibid.*

⁶⁵ Maga, *Judgment at Tokyo*, p. 19-21.

⁶⁶ *Ibid.*

important for both the IMTFE as well as smaller trials such as Yokohama.⁶⁷ The only problem in terms of Yokohama historiography is that Maga fails to note that the Tsuchiya trial was the first of 319 cases held at Yokohama, as he only makes general statements about the trial setting precedents in Japan, and makes it appear as though the trial took place in Tokyo.⁶⁸

This lack of any substantial historiography on the Yokohama Trials may in itself be worth consideration. How could a text about the career of American Eighth Army General Robert L. Eichelberger not provide any information about the Yokohama Trials even though he was the commanding authority presiding over them?⁶⁹ One of the criticisms that arises in Canadian historiography on the judicial efforts in the Pacific is that the public was never well-informed about the trials, and never took any great interest in them.⁷⁰ The trial results were published, however, by newspapers in Halifax, Ottawa, London, Ontario, Hamilton, Vancouver, Edmonton, Winnipeg, Quebec and Montreal which on the contrary suggests a level of national interest.⁷¹ In this author's opinion, in an era in which war crimes and international law are becoming increasingly prevalent and important in a global context, understanding the way in which much of the groundwork was laid for present day prosecutions is important. Based on the international flavour of the trials, the number of individuals involved on both sides, the massive volume of historical data produced by and the precedents created by Yokohama, a more thorough study building on what these writers have begun is urgently needed.

⁶⁷ Maga, *Judgment at Tokyo*, p. 2.

⁶⁸ See Headquarters Eighth Army, United States Army, Office of the Staff Judge Advocate, Case No. 1, United States of American VS Tatsuo Tsuchiya, Reviews of the Yokohama Class B & C War Crimes Trials by the U.S. 8th Army, 1946-1949 (Washington: National Archives and Records Service, 1981), Reel 1, hereafter 8th Army Reviews.

⁶⁹ See John F. Shortal, *Forged by Fire: General Robert L. Eichelberger and the Pacific War* (Columbia: University of South Carolina Press, 1987).

⁷⁰ Brode argues that the "Canadian public was uninformed and possibly indifferent to the fact that justice was slowly being handed down in the Far East." See Brode, *Casual Slaughters*, p. 191.

⁷¹ For newspaper publications please see Library and Archives Canada (hereafter LAC), RG 24, Vol. 8018, TOK - 1-2-1- Press Releases. This file includes clippings and copies of articles about the Yokohama and Hong Kong War Crimes Trials published in newspapers across Canada. Also see LAC, RG 24, Vol. 8019, TOK - 5-3 - Public Relations Officer, GHQ, SCAP, Lt. Col. Orr, to Public Relations Officer, Legal Section, *nd*.

Stanton, Brode and Takatori have already laid the framework for a more thorough study of Canadian involvement in the prosecution of minor Japanese war criminals, and clarify the circumstances which allowed the Canadian War Crimes Liaison Detachment to become involved in the Tokyo Trials, the Yokohama War Crimes Trials and the War Crimes Courts at Hong Kong. The story of the trials resulting directly from the capture and subsequent internment of the surviving Winnipeg Grenadiers (WG) and Royal Rifles of Canada (RRC) at Hong Kong in December 1941, however, remains both largely untold and unclear.⁷² This thesis uses the papers and experiences of Major John H. Dickey, a Haligonian military lawyer sent to Japan as Chief Prosecutor under Lt. Col. Oscar Orr to investigate and prosecute a series of atrocities and mistreatments against Canadian POWs held at the Omine POW camp near Fukuoka, Kyushu. In spite of its reliance on Dickey's papers, this study is not solely biographical, but rather aims to use Dickey's experiences and observations as a vehicle to better understand the minor war crimes trials and the context in which they were undertaken.

It is this approach, focusing on the experience of Canadians involved in the actual process of war crimes trials that promises for a further development in the aforementioned waves of historiography. Understanding the experience, and getting a sense of the circumstances that surrounded these trials and those involved in them is paramount to understanding how the sentences and implications of the trials fit in the larger framework of the Allied Occupation of Japan and the postwar world.

Several themes have emerged from this research, the most noteworthy being how thoroughly outside factors influenced what went on in the courtroom. Homesickness, loneliness,

⁷² For further reading on the experience of Canadian soldiers at the fall of Hong Kong see C.P. Stacey, *Six Years of War: The Army in Canada, Britain and the Pacific* (Ottawa: Queen's Printer, 1955), Tony Banham, *Not the Slightest Chance: The Defence of Hong Kong, 1941* (Vancouver, UBC Press, 2003) and Oliver Lindsay, *The Battle for Hong Kong, 1941-1945: Hostage to Fortune* (Montreal & Kingston: McGill-Queen's University Press, 2006).

the particular dynamics of the Allied Occupation, and personal and social contexts of Allied personnel all played a role in what transpired in the courtroom. Whether it was the prosecution opting not to call witnesses in order to end cases earlier, the administrators of the trials making countless organizational errors further delaying the trials themselves, or a prevalent intercultural disconnect that has led to a 'victors versus vanquished' view of war crimes trials in the Pacific in general, it is clear that the outcomes of the Yokohama War Crimes Trials were shaped by myriad influences, which often had little to do with justice.

In comparison with his two colleagues, Dickey provides a relatively representative experience. Dickey was Chief Prosecutor on three cases involving four individuals from the Omine POW camp near Fukuoka, Japan. In these three cases Dickey achieved four convictions with 10, 15, 15 and 28 year prison terms. His colleagues offered up similar numbers, with Major John Boland acting as Chief Prosecutor on two cases, garnering guilty sentences for four individuals at 15, 15, 33 and 40 years.⁷³ Boland also acted as Assistant Prosecutor on the trial of Tsuda Kojue who was sentenced to life imprisonment, and began another trial as Assistant Prosecutor, but had to withdraw as it conflicted with one of his own trials. Lt. Col. Orr was Chief Prosecutor on two cases involving four individuals which saw guilty sentences including 1, 4, 4½ and 5 years for members of the Tokyo 3D camp, and was Assistant Prosecutor on one case which garnered a 15 year sentence for Hazama Kozaku of Oeyama. The rest of the trials with a vested Canadian interest were prosecuted by American or Dutch lawyers, with either some Canadian involvement in procuring and supplying evidence, support from the prosecution team, or just an acute interest as Canadian POWs had been involved. The final report on the War Crimes Investigation Section reported that by the end of Canadian involvement in the Yokohama

⁷³ Boland's main camp of focus, Niigata, was considered to be the worst camp Canaidans were held. The commandant of the camp, Yoshida Masato was considered to be the "worst camp commander Canadians came in contact with" but was deemed insane and did not finish trial.

War Crimes Trials, “6 common trials involving 25 defendants and 25 individual trials had been disposed of, or a total of 49 convictions and 1 acquittal. These represented the more serious cases in which Canada was interested and on their completion the Canadian War Crimes Liaison Detachment returned from Japan.”⁷⁴ Several of these serious Canadian cases were tried before the first members of the detachment departed Ottawa, and the majority of cases were prosecuted by American lawyers.⁷⁵

Dickey departed from Japan before either of the other prosecutors, leaving on 21 February 1947. John Boland departed for Canada on 2 May 1947, while the rest of the members of the Detachment departed on 21 May 1947. Dickey and Boland were true colleagues and certainly the more comparable section of the Detachment. Dickey and Boland were of similar age and experience, prosecuted a similar case load with comparable results, worked and socialized together, struggled with, but overcame the American system of case preparation with relative ease (while Orr complained constantly), and both had great enthusiasm for the trip and the work involved until administrative hurdles held them back too frequently at which point they both turned to travel as a primary focus. Orr conversely was more hesitant to make the trip to Japan in the first place. As Patrick Brode notes, “Orr was not enthusiastic. Almost fifty-four and looking forward to returning to civilian life, he tried to decline.”⁷⁶ Orr, although unhappy with some of the American legal methods, grew more committed as time passed and was content to supervise the Detachment until its disbandment in May 1947.

⁷⁴ McClellmont, Final Report, p. 3.

⁷⁵ The trial information above has been compiled using Dickey’s letters, files from LAC, RG 24, Vol. 8018, TOK - 1-2-1 - Press Releases, TOK - 1-2-2 - Progress Reports, TOK - 1-2-5 - Despatches, TOK - 1-2-5 Vol. 2 - Despatches, and Brode, *Casual Slaughters and Accidental Judgments*.

⁷⁶ Brode, *Casual Slaughters and Accidental Judgments*, p. 160.

PART I - Preparation

Chapter One - Preparation, Departure, Procedure

Like many young Canadian boys who flocked to the recruitment offices to join the ranks heading to Europe during World War II, John Dickey of Halifax jumped at the chance to go to Japan as a part of the Canadian War Crimes Liaison Detachment.¹ Dickey saw this posting to Japan as not only a great opportunity to expand his training as a lawyer, but also as a travel opportunity “that could never be duplicated in civil life.”² Dickey wrote home from Ottawa to his mother on 5 March 1946 proclaiming, “I have been selected for the War Crimes party. As a result as long as nothing happens to prevent the party going at all I will be along.”³ The trip was originally forecasted to take about six months, but this letter home would signify the beginning of a thirteen month journey that saw Dickey log more than 20 000 travel miles, greatly improve his standing as a lawyer, and be promoted from Captain to Major.⁴

At a late-evening meeting held on 7 March 1946, Dickey was introduced to his travel partners and given a summary of the nature of his work over the months to come. The leader of the Canadian War Crimes Liaison Detachment – Far East, was Lieutenant Colonel Oscar Orr, a surly, impatient, gruff Colonel with a military career that put him in active service in World War I, and as adjutant-general in the Pacific Command during World War II. Orr had been a crown attorney in Vancouver during the interwar years, and had been enthusiastically looking forward

¹ Dickey to Mrs. W.B. Wallace, 1 March 1946, p 1-3. An important point of clarification must be noted about Dickey’s letters home from Japan. The letters are addressed to Mrs. W.B. Wallace, and written to his mother, Catherine. The reason for this is that after moving back from Edmonton to Antigonish, Catherine married a Halifax judge W.B. Wallace. See NSARM, MG 100, Vol. 234, #22, The Stewart Family Genealogy, by C.S. Stayner.

² Dickey to Mrs. W.B. Wallace, 1 March 1946, p. 3.

³ Dickey to Mrs. W.B. Wallace, 5 March 1946, p. 1.

⁴ See *n.t., n.d.* “Travel Information,” *JDP*, Folder 5.0, for travel information, and Dickey to Mrs. W.B. Wallace, 13 November 1946, p. 1 for promotion. Dickey spent roughly ten months in Japan (15 April 1946 – 21 February 1947), about two months in Ottawa and over six weeks travelling on either end of the journey.

to retirement from the forces when he was coerced into heading to Japan.⁵ Dickey's colleague on the trip was Captain John Boland, an Ontarian lawyer, with whom Dickey became very close.⁶ Also included on the Japan portion of the detachment were two former Canadian POWs, Warrant Officers Robert Manchester and H.B. Shepherd, who acted as eye-witnesses in some of the pivotal Canadian cases, as well as two administrative officers, R.W. Martin and W.E. Preston.⁷

The members of the Liaison Detachment were put on twenty-four hour notice, ready to depart for Japan at the drop of a hat.⁸ Plans had been made to leave as soon as possible, or at the very least to be set to leave at a moment's notice. The group was eager to set out, but time and time again the date of departure was pushed back. The initial sense of urgency had all but disappeared, and Dickey laughingly commented on the delays almost a week later as seeming "pretty silly," and noted that this tended to be the "way things so often go in the Army."⁹ Dickey had even found time for a short trip back to Halifax to visit his mother, and upon return to Ottawa found "still no definite word of departure."¹⁰

One of the issues holding the Canadians back was a lack of focused leadership. Dickey explained that preparations were being made in a very casual manner, and that someone with "some drive and initiative at the head" certainly would have accelerated the process.¹¹ This lack

⁵ Brode, *Casual Slaughters and Accidental Judgments*, p. 160-161. Orr's official title was Lieutenant Colonel, but throughout Dickey's correspondence he is referred to as Col. Orr. For the purpose of this study, he will be referred to as Col. Orr in the text, and cited in full as any official documentation requires.

⁶ Dickey to Mrs. W.B. Wallace, 10 March 1946, p. 1-2. This letter provides a good general overview of who the core members that comprised the detachment and their backgrounds.

⁷ Major W.P. McClemon, Final Report, War Crimes Investigation Section, Directorate of Administration, Army Headquarters, Ottawa, 30 August 1947, *JDP*, folder 5.0, p. 2.

⁸ Dickey to Mrs. W.B. Wallace, 7 March 1946, p. 4.

⁹ Dickey to Mrs. W.B. Wallace, 12 March 1946, p. 1.

¹⁰ Dickey to Mrs. W.B. Wallace, 21 March 1946, p. 3-4.

¹¹ Dickey to Mrs. W.B. Wallace, 22 March 1946, p. 1.

of leadership would be a continual theme in his letters home. The sense of frustration with these delays was well summarized when Dickey commented that:

[t]his party is I am sorry to say suffering from an extreme lack of drive at the top and a bad case of the old army mentality in the Admin line. If we ever get started it will be a real surprise to me!¹²

These frustrations continued on through the end of March, and Dickey found himself stationed in Ottawa, waiting to leave for Japan, and out of things to do.¹³ As the weeks wore on and March faded into April, Dickey stopped going to the office. Being the hardworking and inquisitive mind that he was, he was “able to keep [himself] amused and usefully employed.”¹⁴ He took the rest of his leave and, uncertain whether he would have time to get out of the city, spent some free time in Ottawa attending several sessions at the House of Commons and reading up on Japan at the Parliamentary Library.¹⁵

Herbert Passin argues that the majority of Allied Occupation personnel would have known little about Japan before arriving beyond what they had been told by their governments during the war.¹⁶ The fact that Dickey took the initiative to prepare in this way for his trip may set him apart from many of his peers. Nevertheless, of the books available about Japan from the Parliamentary Library before April 1946, the majority (thirty-one of fifty-five) were published in the United States and written predominantly about Japanese expansion into Manchuria, aggression against China, and issues of war responsibility.¹⁷ It is likely that Dickey departed for

¹² Dickey to Mrs. W.B. Wallace, 24 March 1946, p. 2.

¹³ Dickey to Mrs. W.B. Wallace, 29 March 1946, p. 1-2.

¹⁴ Dickey to Mrs. W.B. Wallace, “2 April, 1946,” p. 1.

¹⁵ Dickey to Mrs. W.B. Wallace, 29 March 1946, p. 2-3 and 2 April 1946, p. 1.

¹⁶ Herbert Passin, “The Occupation – Some Reflections,” in *Showa: The Japan of Hirohito*, eds., Carol Gluck and Stephen R. Graubard (New York: W.W. Norton & Company, 1992), p. 119.

¹⁷ While the Parliamentary Library could not provide a complete listing of all texts dealing with Japan before April 1946, they could provide a thorough listing of fifty-five titles that were definitely in the library while Dickey was in Ottawa. For list of titles available, please see Appendix, page 154. Information gathered from correspondence between author and staff at the Library of Parliament in Ottawa. Library of Parliament (Ottawa), Personal Correspondence, William R. Young, Parliamentary Librarian to Mark Sweeney, 16 January 2008.

Japan loaded with a healthy dose of the typical North American preconceptions about the Japanese as enemy.

It is likely that Dickey's preconceptions were framed not only from these sorts of texts, but also by the political and cultural context of the North American immediate postwar world. Dickey and the rest of his colleagues were steeped in a North American worldview, characterised by "raw prejudices and...fueled by racial pride, arrogance, and rage on many sides."¹⁸ This is not to say that Dickey was racist, – his impartiality and professionalism is evident in his letters – but his decisions, both legal and social, were affected by the prejudices and worldview of his era. This is evident in the nonchalant use of terms such as 'Nip' and 'Jap' in several of Dickey's letters, and contemporary newspaper reports.¹⁹

Organizational and travel related hindrances plagued the Liaison Detachment until moments before their final departure for Japan. Questions about who would ultimately be responsible for the transport of the Canadian contingent, (the Americans or the Canadians), as well as whether it would be by air or by sea, would hold the group back until the very end. The Canadian Ambassador, Lester B. Pearson, was working with officials in Washington to secure the most efficient travel plan for the Canadians.²⁰ By this time, there were avenues in place through the American military to travel to Japan, but this attempt at cutting costs resulted in a considerable waste of time. Plans for departure and a 24 hour notice arose as early as 7 March, but the group did not get away from Ottawa until 9 April.²¹

¹⁸ John W. Dower, *War Without Mercy: Race & Power in the Pacific War* (New York: Pantheon Books, 1986), p. 4.

¹⁹ For example, see "Copy Canada's Jap War Trial Setup," *JDP*, folder 2.1, newspaper articles re: Dickey.

²⁰ See Dickey to Mrs. W.B. Wallace, 27 and 31 March 1946.

²¹ Dickey to Mrs. W.B. Wallace, 7 March 1946, p. 4 and 9 April 1946, p. 1. For a general summary of the Canadian War Crimes Liaison Detachment – Far East's travel agenda, see *n.t., n.d.* "Travel Information," *JDP*, Folder 5.0

The original travel plans had the group set out from Ottawa by rail to Seattle, and from there to the port of Yokohama on the USS *Stetson Victory*.²² These plans were finalized and explained to the members of the War Crimes Liaison Detachment at a meeting on Friday, 5 April, with the arrangements made to depart on the following Sunday. Just as the debriefing meeting was wrapping up, plans again changed. Even after the members of the detachment had been given all of the details and transport warrants, plans changed “when the phone rang in a most anti-climatic manner and all bets were suddenly called off.”²³ Dickey and his cohort would not be travelling to Seattle, but to Washington, D.C., and it would not be on Sunday night, but on Tuesday, 9 April.²⁴

The final travel arrangements involved a trek from Ottawa to Washington D.C., by rail, followed by a flight from Washington to San Francisco with a stopover in Topeka, Kansas. The group then flew from San Francisco to Honolulu and then on to Kwajalein, Guam and finally Tokyo, arriving at the Atsugi Airport at 13:30 on 15 April.²⁵ The trip began on 9 April and saw the detachment members log over 10 000 miles in six days. Dickey managed to have dinner with some family friends in Montreal, and met Fran, a good friend, on the train platform at Penn Station in New York en route for Washington.²⁶ Of the travel, Dickey’s comments were quite positive other than the fact that they arrived at Honolulu and Kwajalein at night so did not get to see very much, but did arrive and depart at Guam during daylight hours and described “quite a large island...and a really amazing military development.”²⁷

²² Major A.T. Veysey, Despatch of JAG Party to Tokyo, Department of National Defence, Ottawa, 4 Apr 46, p. 1, *JDP*, folder 5.0.

²³ Dickey to Mrs. W.B. Wallace, 7 April 1946, p. 1-2.

²⁴ Dickey to Mrs. W.B. Wallace, 9 April 1946, p. 1-2.

²⁵ See Dickey to Mrs. W.B. Wallace, 9, 12, 13, 16 April 1946, and LAC, RG 24, Vol. 8018, TOK – 1-2-10 – Administration of Detachment, Lt. Col. Oscar Orr, to Secretary, DND, Ottawa, War Crimes Liaison Detachment, Tokyo, Japan, 19 April 1946.

²⁶ Dickey to Mrs. W.B. Wallace, 12 April 1946, p. 1-2.

²⁷ Dickey to Mrs. W.B. Wallace, 16 April 1946, p. 3.

Upon arrival, the Canadians had been bussed from Atsugi Airport, northwest of Yokohama, to Tokyo. They had been welcomed by a relatively normal countryside, although, as Dickey put it, it was “not particularly Japanese.”²⁸ Quickly however, Dickey and his cohort were struck by the remnants of war. He was genuinely shocked by the “almost unbelievable destruction” which had left Yokohama and parts of Tokyo “literally flat and wiped out.”²⁹ They were driving through an urban and industrial terrain that had been decimated by Allied firebombing, and was now littered with shelters constructed with wood and scrap metal.³⁰ Once arriving in central Tokyo however, they were surprised to find some of the more modern and magnificent buildings virtually untouched, including the Dai Ichi building, now General MacArthur’s headquarters, as well as the Meiji building where the SCAP Legal Section was housed.³¹ Dickey’s claim in a telegram to his mother on 5 March, that there was “little or no delay” expected may have been over-optimistic, but by 16 April the detachment was situated at the Meiji Building in Tokyo, near General MacArthur’s General Headquarters (GHQ) building.³² The Meiji Building was also the headquarters of the American 5th Air Force, the SCAP Legal Section, as well as the Prosecution staff of the IMTFE.³³ This was also close to the main Japanese government buildings.

Dickey’s initial commentary on the Japanese population itself was rather dismissive. In a letter to his mother dated 19 April 1946 he stated:

[t]he people are amazingly submissive. There is no hint of any hostility and on the street one does not see anything which even amounts to an appearance of sullenness [*sic*] or dejection. The men are dull looking and seem preoccupied with the urgency of getting the necessities of life. The women have an authentic

²⁸ Dickey to Mrs. W.B. Wallace, 19 April 1946, p. 1.

²⁹ Dickey to Mrs. W.B. Wallace, 19 April 1946, p. 2.

³⁰ Dickey to Mrs. W.B. Wallace, 19 April 1946, p. 2.

³¹ Dickey to Mrs. W.B. Wallace, 19 April 1946, p. 2-3.

³² LAC, RG 25, Vol. 8018, TOK – 1-2-10 – Administration of Detachment, Lt. Col. Oscar Orr, to Secretary, DND, Ottawa, War Crimes Liaison Detachment, Tokyo, Japan, 19 April 1946.

³³ Dickey to Mrs. W.B. Wallace, 17 April 1946, p. 2.

natural gaiety which they would have difficulty in suppressing for long and apparently don't try. The men are very shabbily dressed mostly in ragged bits of Jap army uniform. Many of the younger women dress in western styles but the majority of all ages wear the kimono or baggy pajamas [*sic*], which are usually quite colourful. When in native dress the women wear a flat wooden sandal with two wooden straps on the bottom to give it some elevation and held on by strips of material running up between the big toe and its neighbour and over the instep. This footwear induces a shuffling [*sic*] walk which most of them retain even when wearing ordinary shoes."³⁴

Upon his first visit to the Yokohama District Courthouse, Dickey was impressed with the quality of the Military Commissions, and commented that "[t]hey seemed to be very much on their toes and don't let the prosecution or defence get away with much."³⁵ These Commissions were under the jurisdiction of SCAP, General Douglas MacArthur, but were run through the direction of the American Eighth Army, and Lieutenant General Robert Eichelberger.³⁶ The trials at Yokohama were already well underway by the time Captain Dickey and the rest of the Canadian contingent arrived, and one of the most important and precedent setting cases had been completed by 27 December, 1945. Tsuchiya Tatsuo, a civilian guard at the Mitsushima POW Camp, and a retired corporal of the Imperial Japanese Army, was tried at Yokohama and sentenced to life imprisonment at hard labour for his involvement in several beatings, and contributing to the death of American Private Robert Gordon Teas.³⁷ This trial helped create a pattern of procedure for the Yokohama Trials, but also set one very important precedent for the court, the admission of affidavits of former POWs and other interested parties into evidence.³⁸ As a result of this precedent, the Canadian War Crimes Liaison Detachment benefited from the admission of more than 1100 Canadian affidavits taken from repatriated POWs.³⁹

³⁴ Dickey to Mrs. W.B. Wallace, 19 April 1946, p. 3-4.

³⁵ Dickey to Mrs. W.B. Wallace, 19 April 1946, p. 2.

³⁶ Spurlock, "The Yokohama War Crimes Trials, p. 387, and Piccigallo, *The Japanese on Trial*, p. 83.

³⁷ 8th Army Reviews, Case No. 1, Tatsuo Tsuchiya. Tim Maga gives a thorough summary of the Tsuchiya trial in *Judgment at Tokyo*, although never directly states that the trial took place at Yokohama.

³⁸ Spurlock, "The Yokohama War Crimes Trials," p. 388.

³⁹ Major W.P. McClellmont, War Crimes Investigation Section, "Final Report, 30 Aug 47," p. 3, *JDP*, folder 5.0

The cooperative system that was used to try cases at Yokohama meant that the Canadian team would not only benefit from, but also contribute to a pool of evidence that was also used by the American, New Zealand, Australian and British prosecution teams. The purpose of this “economy of evidence”⁴⁰ was so that the prosecutions could be joint efforts, and the resifting of evidence was prevented by trying any individuals who were the interest of multiple Allied nations at the same time. Concurrently, to save time and resources, any evidence connected with a specific camp would be pooled against any number of individuals involved, so to a certain degree, the prosecution would be less focused on individual war criminals as they were on the whole staffs of individual camp, where they would be treated “as a group to be dealt with as such.”⁴¹

Omine

Dickey’s first real assignment in Japan was to investigate and eventually prosecute the camp leaders at the Omine POW camp.⁴² The camp was officially referred to as Fukuoka POW Camp 5B and later as Omine Camp 8D. Omine was located in Fukuoka Prefecture, and more specifically, near Soeda.⁴³ Initially it was intended that an American prosecutor be assigned to the case as well, but since there were only twenty-one Americans held at the camp, held only temporarily, Dickey and the Canadians worked independently on the investigation and with the assistance of an American, Jesse Dietch, on the actual prosecution of the Omine camp personnel.⁴⁴ Dickey commented in a letter home that this was both a blessing and a curse, as this “was one case that would be pretty much our own show,” but it also meant that he would not

⁴⁰ Dickey to Mrs. W.B. Wallace, 22 April 1946, p. 2.

⁴¹ Dickey to Mrs. W.B. Wallace, 22 April 1946, p. 1-2.

⁴² Dickey to Mrs. W.B. Wallace, 22 April 1946, p. 3.

⁴³ Roland, *Long Night’s Journey into Day*, p. 264-265.

⁴⁴ Dickey to Mrs. W.B. Wallace, 24 April 1946, p. 2.

have “the benefit of the cooperation of an American prosecutor with some experience before the Commissions.”⁴⁵

On 21 April 1946 a general Legal Section conference meeting was held, which discerned the procedure that the Allied prosecutors would use to prosecute individual alleged war criminals.⁴⁶ Dickey described this meeting in a letter home:

[t]his morning we more or less got the desks cleared for action. There was a general conference of the prosecution side of the legal section and a general basis of co-operation has been worked out. Our method is going to be from some points of view quite simple and from others a bit difficult. In a sense we are not going to worry about individual war criminals. We will take whole staffs of individual camps and treat them as a group to be dealt with as such. This will enable the Canadian section for instance to focus attention on the particular camps in which our men were held. All the evidence against anybody connected with a particular camp will be pooled and any individuals against whom it is considered a case can be made will be tried to-gether. The result will be prosecutions which will be really joint efforts of several interested sections.⁴⁷

At this meeting, Dickey was assigned officially to the Omine camp, and on 24 April some rudimentary directions regarding Omine were handed down.⁴⁸ Dickey commented that his “own first task is going to be a camp called Omine which was in fact one of the best run and most pleasant in which our lads were imprisoned.”⁴⁹ He did not know right away which American had been chosen to assist him, but looked forward to finding out and getting started.⁵⁰

The Omine camp was operated by the Imperial Japanese Army, with the collaboration of the Furakawa Mining Company, and was served by POW labour. The camp was opened on 23 January 1943, with the arrival of one hundred sixty-three Canadian and thirty-seven British prisoners from Hong Kong. The POWs were shipped to Japan on 19 January 1943 aboard the

⁴⁵ Dickey to Mrs. W.B. Wallace, 24 April 1946, p. 2.

⁴⁶ Dickey to Mrs. W.B. Wallace, 22 April 1946, p. 1.

⁴⁷ Dickey to Mrs. W.B. Wallace, 22 April 1946, p. 1-2.

⁴⁸ Dickey to Mrs. W.B. Wallace, 22 April 1946, p. 1-2, and LAC RG 24, Vol. 8019, TOK – 2-2 –Fukuoka Camp No. 5 – Omine, Directive Re Omine, 24 April, 46.

⁴⁹ Dickey to Mrs. W.B. Wallace, 22 April 1946, p. 3.

⁵⁰ Dickey to Mrs. W.B. Wallace, 22 April 1946, p. 3.

Tatsuo Maru.⁵¹ These prisoners had been held at North Point after the fall of Hong Kong in December 1941, and after arriving on Kyushu on 22 January, were transported overnight by train from Nagasaki to Omine.⁵² The first Camp Commander was Second Lieutenant Yanaru Tetsutoshi who maintained a “reign of terror” from 23 January until 30 July 1943.⁵³ Yanaru’s second-in-charge was Sergeant Uchida Teshiharu who became well known to the prisoners for the frequency and severity of his beatings.⁵⁴ Uchida was stationed at the camp from its opening until 10 July 1944.⁵⁵

Other major players at Omine included the third, and most prominent Camp Commander, Captain Kaneko Takio, who oversaw the camp from 20 August 1943 until 12 March 1945. Kaneko was involved in several POW beatings, garnered fear from both prisoners and camp guards, and played a major role in the worsening of prisoners’ working and living conditions.⁵⁶ The “main perpetrator of brutalities” at the camp was Sergeant Kobayashi Shu, Second-in-Charge at Omine from January 1943 until July 1943.⁵⁷ Kobayashi was named in several beatings, the deaths of Canadian POWs G.W. Murray and L. MacDonald and the theft of Red Cross parcels.⁵⁸ The final major player at Omine was a camp guard named Fukami Kazuo who was stationed at the Omine POW camp from 15 May 1945 until 15 August 1945.⁵⁹ Fukami,

⁵¹ Major John H. Dickey, “Prosecution of Omine Camp Personnel,” *JDP*, folder 5.0, and Roland, *Long Night’s Journey into Day*, p. 265, 211-212.

⁵² LAC MG30, E388, Papers of Frank William Ebdon, Vol. 1, File #6, Notebook.

⁵³ Public Relations Summary No. 255, U.S. vs Tetsutoshi Yanaru, p. 1. SCAP documentations vary, claiming that Yanaru was Commandant at the camp until either 28 or 30 July 1943.

⁵⁴ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0.

⁵⁵ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0.

⁵⁶ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0, and “Statement of Satoru Matsui,” p. 4, *JDP*, folder 5.0.

⁵⁷ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0, and LAC RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 – Omine, Case Analysis, Shu Kobayashi, handwritten by John Dickey. When Kobayashi left Omine, he was succeeded by Uchida as Second-in-Charge.

⁵⁸ LAC RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 – Omine, Case Analysis, Shu Kobayashi, handwritten by John Dickey.

⁵⁹ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 4, *JDP*, folder 5.0, and GHQ, SCAP, Result of the Trial of Kazuo Fukami, 13 Feb 47, p. 1, *JDP*, folder 5.0.

nicknamed the “Brown Bomber,” was the commander of civilian guards for the final months of Omine’s existence, and quickly earned a reputation as one of the most severe guards in the camps’ history.⁶⁰



Figure 2 – Narrow and tight entrances to various parts of the mine were typical.⁶¹

Omine did not command the worst living conditions for its POWs, as its living quarters were comparatively better than most other camps, but work conditions, abuses from camp authorities, climate and insect problems, and medical supply and food shortages made for an altogether grim experience for Allied POWs.⁶² The Canadians at Omine were required to work, often while sick, in the Furakawa Mining Company’s No. 2 mine, clearing a collapsed mine shaft, mining coal with picks, jackhammers and scraping boards and loading soft coal into cars to be shipped to the surface.⁶³ Those that were too ill or weak to labour under the surface were required to either tend the garden or mix cement and sand to make concrete blocks to reinforce already weak mine walls. There was a role for everyone, and the camp staff intended that

⁶⁰ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 4 *JDP*, folder 5.0.

⁶¹ Unlabeled, *JDP*, folder 3.0 photographs. Photograph described in Dickey to Mrs. W.B. Wallace, 1 June 1946, p. 1.

⁶² Roland, *Long Night’s Journey into Day*, p. 264-269.

⁶³ *Ibid.*, p. 266 and LAC, MG 30, E328, Frank Ebdon Papers, Vol. 1, File #2, Regulations for Omine Prisoner’s Camp, The branch camp of Fukuoka Headquarters, Instructions for Mine Workers, Part 12.

everyone work.⁶⁴ The mine itself was supported by rotting timbers and loose rock ceilings which dipped frequently. The shafts were constructed “to accommodate much smaller Japanese bodies. Therefore, the POWs had to stoop constantly and painfully.”⁶⁵ The ventilation was awful, and conditions were wet and very cold during the winter, and extremely hot during the summer months.⁶⁶



Figure 3 – The inside of one of the Omine mine shafts, taken during Dickey’s 1 June 1946 investigation of mine working conditions.⁶⁷

Living conditions at Omine saw the POWs corralled eight men to a room, sleeping on mats, which, in the summer months were ridden with fleas.⁶⁸ Food was scarce, with meagre rations of soup, buns and tea being provided typically in the early days of Omine’s operation.⁶⁹ Charles Roland describes a food situation that saw prisoners dropping several pounds in the opening weeks of the camp, being forced to resort to eating maggot encrusted bread, and making

⁶⁴ Roland, *Long Night’s Journey into Day*, p. 267.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ Unlabeled, *JDP*, folder 3.0 photographs. Photograph described in Dickey to Mrs. W.B. Wallace, 1 June 1946, p. 1.

⁶⁸ Roland, *Long Night’s Journey into Day*, p. 269, and Geoff Tyson, *‘The Last Phase’ At Omine* (Omine, Japan: G. Tyson, 1945).

⁶⁹ LAC MG30, E3828, Papers of Frank William Ebdon, Vol. 1, File #1, C.S.M. Ebdon F.W. Diary, entries for 23, 24, 25 July 1943.

do with broth made from stray dogs and snakes that had wandered into camp.⁷⁰ To make matters much worse, he describes at least one occasion where the “Japanese camp commander refused to let the men have [Red Cross parcels], reasoning that if the Allies invaded Japan, Red Cross food might be [the camp staff’s] only food.”⁷¹

The main reason Dickey and the Canadian War Crimes Liaison Detachment went to Japan was to deal with atrocities committed against individual Canadian servicemen. Eleven Canadian POWs died while interned at Omine. Causes of death ranged from malnourishment, the denial of medical treatment, physical abuse and mining accidents. Several surviving POWs returned home with mental illnesses.⁷² Those that died at Omine were buried in a nearby gravesite, although their bodies were moved to Yokohama and given a proper soldier’s funeral orchestrated by the War Graves Commission, which Dickey attended on 7 November 1946.⁷³

The directive handed down at that initial Legal Section meeting asked that the prosecution 1) obtain a complete list of the camp staff from January 1943 until liberation, 2) prepare and develop a charge against the camp administration involving either commission of war crimes, or omission leading to ill-treatment of prisoners, 3) compare deaths of Canadian

⁷⁰ Roland, *Long Night’s Journey into Day*, p. 268.

⁷¹ *Ibid.*

⁷² Gavan Daws outlines several different challenges faced by returning Allied POWs at the end of the Pacific War in Chapter Nine, “Ever After,” in *Prisoners of the Japanese*. These problems ranged from trouble readjusting into society, family and spousal problems, nervous ticks including over-organization and several mental-illness issues.

⁷³ Dickey to Mrs. W.B. Wallace, 7 November 1946, p. 3. The Canadian POWs that died at Omine included: Murray, G.W. (RRC A-23153, RFM – 4-5-43), MacDonald, L. E (RRC– 30439, CQMS – 5-8-43), Savoy, E.J. (RRC, G-30318, RFM – 20-8-43), Wood, D.G. (RRC, E-30176, L/Cpl – 17-8-43), McKinley, S. (RRC, E-29981, RFM – 9-4-44), Chenell, W.R. (RRC, E-30381, RFM – 21-4-44), Fitzpatrick, C. (RRC, E-30684, RFM – 14-7-44), Campbell, R.W. (RRC, E30471, RFM – 14- 7-44), Blank, E.W. (RRC, E-30291, RFM – 28 – 1- 45), Chayboyer, D. (WG, H-41688, Pte. – 13-3-45), Bent, H.W. (RRC, F-40829, RFM – 7-9-45), and Cyr, C. E (RRC, -30414, RFM – 7-9-45). LAC MG30, E328, Papers of Frank William Ebdon, Vol. 1, File #6, Notebook. Ebdon kept track of the deaths of all Canadians, and had a list of the eleven Royal Rifles of Canada that died at Omine in his notebook, as well as a note about the death of Chayboyer, a member of the Winnipeg Grenadiers. The document, Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 2, *JDP*, folder 5.0, notes that “[n]ine Canadian Prisoners of War died during their captivity in this camp,” which does not account for the post-15 August 1945 deaths due to alcohol poisoning of Riflemen Bent and Cyr. Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 2, *JDP*, folder 5.0,

POWs to the dates which Captain Kaneko was Camp Commander, 4) focus on the case of Rifleman G.W. Murray as a major point of Canadian interest, 5) find out if a Kobayashi already in custody was the one in question, 6) seek out information regarding a specified list of alleged war criminals and 7) not ask for further arrests without first consulting with the Legal Section.⁷⁴ Noted in pen across the bottom of the directive is “Yanaru – Murray death (Shepherd),” indicating that the prosecution needed to further investigate the involvement of Second Lieutenant Yanaru Tetsutoshi in the death of G.W. Murray as indicated by Sergeant Major Shepherd’s early testimony.⁷⁵ The final note of instruction on the directive, aside from a partial list of Canadian prisoners beaten at Omine, were the words: “GO TO IT!”⁷⁶

Dickey was enthusiastic to get to work, and his first mention of an investigative trip to Omine came in a letter on 25 April. Dickey mentioned the prospect of such a trip being viable once he had gotten his things in order to make the journey worth while.⁷⁷ He looked forward to the trip, which would not occur until late May, in both the interests of his potential cases, as well as that of seeing some of Japan.⁷⁸ There were, however, several reasons that kept him from getting out to Omine right away.

Col. Orr - Hong Kong and Another Hindrance

One of the greatest frustrations for Dickey was his superior Lt. Col. Orr. Dickey found him to be a constant irritant and a hindrance in getting anything accomplished. One of the more telling lines about Orr came in a letter home from Dickey on 25 April where he said that “I have found Col. Orr very difficult to deal with and he has managed to keep me from getting down to business. His [departure for Hong Kong] should permit me to get things well enough under way

⁷⁴ LAC RG 24, Vol. 8019, TOK – 2-2 –Fukuoka Camp No. 5 – Omine, Directive Re Omine, 24 April, 46.

⁷⁵ LAC RG 24, Vol. 8019, TOK – 2-2 –Fukuoka Camp No. 5 – Omine, Directive Re Omine, 24 April, 46.

⁷⁶ LAC RG 24, Vol. 8019, TOK – 2-2 –Fukuoka Camp No. 5 – Omine, Directive Re Omine, 24 April, 46.

⁷⁷ Dickey to Mrs. W.B. Wallace, 25 April 1946, p. 4.

⁷⁸ Dickey to Mrs. W.B. Wallace, 25 April 1946, p. 4.

so that he won't be able to meddle too much on his return. He is literally a real fuddy-duddy and gets on my nerves."⁷⁹ Orr finally left for Hong Kong to help arrange the Canadian involvement at the War Crimes Courts on 26 April, after several travel setbacks and weather related delays.⁸⁰ This was a relief to Dickey as he had been required to assist in the groups' travel arrangements, and was hoping that he could "get away to Fukuoka before the old boy [Orr] returns."⁸¹ In the mean time, there was plenty of work to keep Dickey occupied. The assignment of a battle-hardened, well experienced lawyer in Orr did well to balance the relatively inexperienced Detachment, but often led to more frustration and delay than may have been worthwhile.⁸²

⁷⁹ Dickey to Mrs. W.B. Wallace, 25 April 1946, p. 1-2.

⁸⁰ Dickey to Mrs. W.B. Wallace, 26 April 1946, p. 1, Dickey to Mrs. W.B. Wallace, 25 April 1946, p. 1.

⁸¹ Dickey to Mrs. W.B. Wallace, 26 April 1946, p. 2.

⁸² Orr served in the First World War, and according to Brode, "still proudly displayed the piece of shell extracted from his skull." He also worked as a crown attorney in Vancouver during peacetime. See Brode, *Casual Slaughters and Accidental Judgments*, p. 160.

Chapter Two – Case Investigation and Preparation

Aside from his post as a Chief Prosecutor under the charge of the American 8th Army, Dickey had many roles and responsibilities in Japan. The months leading up to Dickey's first days in front of the military commissions at the Yokohama District Courthouse were filled with all sorts of different tasks. These ranged from mundane administrative chores to more fulfilling roles such as assisting newly arrived Japanese-Canadian repatriates at Yokohama. Upon his arrival in Japan, Dickey was charged with acquiring office materials and furniture for the new Canadian work station.¹ The Canadian detachment would find themselves, and their workspace, transplanted three times within their first month in Japan, causing a great deal of inconvenience.²

Early on in his deployment to Japan, Dickey's roles were often menial. Before the Canadians could begin trying any of the sixty-eight Japanese of the "Lesser War Criminal Type" in whom they had specific interest, offices, billets and transportation arrangements had to be secured.³ The Detachment bounced from three different billets and three different work spaces, and it was Dickey's role to organize the office, acquire furniture and essential supplies and also get himself settled and begin to work.⁴ Dickey had to try to set up an office space in the Meiji building and acquire everything they would need to work there, only to shortly make another move. These early moves and office shuffles were the second in a long line of delays and hindrances about which Dickey complained frequently in letters home.⁵ These moves were a major annoyance for Dickey and the rest of the Canadian detachment, for they were almost a month overseas before they finally settled in and gave "undivided attention to the question of

¹ Dickey to Mrs. W.B. Wallace, 17 April 1946, p. 1.

² Dickey to Mrs. W.B. Wallace, 7 May 1946, p. 6-7.

³ Major W.P. McClellmont, War Crimes Investigation Section, Final Report, 30 Aug 47, p. 1, *JDP*, folder 5.0

⁴ Dickey to Mrs. W.B. Wallace, 17 April 1946, p. 2, and Dickey to Mrs. W.B. Wallace, 18 April 1946, p. 4.

⁵ Dickey to Mrs. W.B. Wallace, 19 April 1946, p. 1.

getting [the] prosecution under way.”⁶ The final office move, on 7 May, was relatively painless for Dickey, however, as he was at Sugamo Prison completing an interrogation.⁷

Dickey, as one of the lower ranked Canadians on the trip, was often required to run menial errands for the group. These ranged from picking up parcels at the port in Yokohama, to doing Col. Orr’s laundry.⁸ As Dickey’s stay in Japan extended, the frequency of these menial tasks decreased, which reflects his ascent in prominence in the group, especially among the officials from the SCAP Legal Section with whom Dickey became close as the months wore on. Once the majority of the administrative tasks were taken care of, and the real work of investigation and prosecution began, these types of chores were more evenly distributed to whoever was not in the middle of a case, or on an investigative trip at the time.

Dickey often noted having to make quick trips down to Yokohama to pick up personal parcels for his co-workers, goods for the Sacred Heart Convent in Tokyo, and materials forwarded by the Canadian Army for their use.⁹ One of the more notable deliveries to Yokohama happened in October, when Dickey was asked to pick up a Canadian Army vehicle, which Col. Orr had ordered in August. Prior to this, the Canadians had been borrowing vehicles whenever they were available from the SCAP Legal Section.¹⁰ Orr, convinced that the car he had argued at length with the National Defence Headquarters (NDHQ) to get would be on the *Marine Falcon* when it docked in Yokohama on 15 October, sent Dickey to the port to pick it up. There had been a rumour that the vehicle had not made it onboard upon leaving Vancouver, but the group still had high hopes. Upon arrival at Yokohama, Dickey discovered that the staff car

⁶ Dickey to Mrs. W.B. Wallace, 22 April 1946, p. 3.

⁷ Dickey to Mrs. W.B. Wallace, 7 May 1946, p. 6-7.

⁸ Dickey to Mrs. W.B. Wallace, 30 April 1946, p. 2.

⁹ Dickey to Mrs. W.B. Wallace, 8 October 1946, p. 1. The Sacred Heart Convent is further addressed in Chapter Six.

¹⁰ Dickey to Mrs. W.B. Wallace, 30 September 1946, p. 2-3.

was indeed not on the boat but, adding “insult to injury the tools and spare parts for [their] car [were] in the cargo.”¹¹ Dickey felt that not having proper transportation sorted by October had been “a clear case of locking the barn after the horse is stolen but better late than never,” he expected.¹² The transportation issue was eventually solved by a Canadian Army acquisition of an American jeep which was received in mid-November, and paid for through the British Commonwealth Occupation Force (BCOF) who in turn billed the Canadian government.¹³ In tune with most other experiences of the Liaison Detachment, the vehicle frequently broke down and frustrated Col. Orr to no end. After an incident with a dead battery, Dickey avoided the jeep whenever possible.¹⁴

Another of Dickey’s ongoing responsibilities in Japan was to assist wherever possible with the repatriation of Japanese-Canadians to the port at Yokohama. Although the bulk of more than 10 000 repatriates had already arrived in Japan before April 1946, Col. Orr was asked to make observations and report on the process, acting as a figurehead representative for Canada while trying to help direct the newly repatriated people away from the port.¹⁵ Dickey assisted Orr several times: when the *S.S. Marine Angel* arrived at Uruga, Tokyo Bay in April 1946 and when the *Marine Falcon* arrived at Yokohama in January 1947.¹⁶ Dickey noted that Orr found the assignment “quite interesting,” and his first impression was “that most of the adults are

¹¹ Dickey to Mrs. W.B. Wallace, 16 October 1946, p. 1-2. Also see Dickey to Mrs. W.B. Wallace, 30 September and 7, 8, 12 October 1946. Interestingly enough, Charles Roland identifies vehicles missing the boat as one of the major downfalls of the ‘C Force’ in the fall of Hong Kong. There were supposed to be twenty vehicles shipped with the first contingent of Canadian soldiers to help defend Hong Kong from an external attack, and help deny the use of the harbour and dry dock to the enemy. The vehicles missed the initial shipment, were delayed on the actual shipment, and were due to arrive after hostilities with the Japanese forces had begun. The vehicles were then diverted to assist the American forces in the Philippines. See Roland, *Long Night’s Journey into Day*, p. 11.

¹² Dickey to Mrs. W.B. Wallace, 7 October 1946, p. 4.

¹³ LAC, RG 24, Vol. 8018, TOK - 1-2-7-1 - Purchase of a Jeep, Oscar Orr, Canadian 500 weight (1/2 ton) Truck, 18 November 1946, and Lt. Col. A.F. McCook, British Commonwealth Sub Area, to Canadian War Crimes, Provision of Vehicle, 4 December 1946.

¹⁴ Dickey to Mrs. W.B. Wallace, 22 November 1946, p. 1-2.

¹⁵ See Ken Adachi, *The Enemy That Never Was: A History of Japanese Canadians* (Toronto: McClelland and Stewart, 1976), p. 417, and Dickey to Mrs. W.B. Wallace, 19 June 1946, p. 1-2.

¹⁶ Adachi, *The Enemy That Never Was*, p. 317-318.

putting a good face on it and are apparently [*sic*] quite content to come back but the children and young people who really had no election and who had to come with their parents are frankly unhappy and disappointed.”¹⁷ Dickey also observed the arrival of “a fresh boat load of repatriates from Canada” in June.¹⁸ Dickey commented to his mother that he deemed it “very strange to see these people coming back here under these conditions,” and that he was “sure that few of them are really happy about it.”¹⁹

The members of the Liaison Detachment made several recommendations to try to improve the repatriation process. On a report to the Department of Labour sent on 4 July 1946, the Detachment recommended that the Labour officials try to help cut back on excess baggage (some of which had been lost, or misdirected on previous shipments), such as bicycles and other items which were “in surplus supply in Japan.”²⁰ A second important recommendation was that repatriates bring all “the food and tobacco they could afford to tide them over the transition period,” including dried fruit as well as condensed milk and food stuffs which would “be of great value to them.”²¹ The Detachment received several letters of thanks to Col. Orr for facilitating and helping newly arrived repatriates, and many complaining of lost luggage and valuables which Orr forwarded to the Department of Labour.²² Dickey’s involvement in this process reflects the diversity of the Detachment’s role in the Occupation, being much more than just working as prosecutors. It also allowed Dickey to play a part in an international phenomenon, as dealing with displaced persons and forced migration would see civilians and military personnel

¹⁷ Dickey to Mrs. W.B. Wallace, 19 June 1946, p. 2.

¹⁸ Dickey to Mrs. W.B. Wallace, 19 June 1946, p. 2.

¹⁹ Dickey to Mrs. W.B. Wallace, 19 June 1946, p. 2. Interestingly, there is no mention in Ken Adachi’s *The Enemy That Never Was* of a boat arriving in Japan in June.

²⁰ LAC, RG 24, Vol. 8019, TOK -1-10 - Repatriation of Japanese Nationals from Canada, To Department of Labour Dominion of Canada, Report on Japanese Repatriates Ex SS General Meigs, Tokyo, 4 July 46.

²¹ LAC, RG 24, Vol. 8019, TOK -1-10 - Repatriation of Japanese Nationals from Canada, To Department of Labour Dominion of Canada, Report on Japanese Repatriates Ex SS General Meigs, Tokyo, 4 July 46.

²² See LAC, RG 24, Vol. 8019, TOK -1-10 - Repatriation of Japanese Nationals from Canada.

alike being returned to their homelands, or in many cases to lands they had never graced before, a process that continued long after the end of the war.²³

One of Dickey's most interesting side-assignments came during an adjournment of his first case in September. Dickey was ordered, through Col. Orr, by Lt. Col. Henderson of the British Minor War Crimes Section, to escort a suspected Japanese war criminal, Major-General Kinoshita Eiichi from Tokyo to Iwakuni for processing prior to his departure to the War Crimes Courts in Hong Kong.²⁴ Dickey was to accompany Sergeant Major Shepherd, who would remain with Kinoshita all the way to Hong Kong. Kinoshita was the General Chief of the Southeast Asia *Kempeitai* and had been based out of Shanghai during the war.²⁵ As Kinoshita was considered "rather a big fish," Dickey and Shepherd were tasked to "make suitable arrangements that [their] charge does not escape, commit suicide, or attempt contact with other Japanese."²⁶ Of these requirements, Dickey commented that it was "a large order and not conducive to a quiet and pleasant trip."²⁷

Dickey and Shepherd left from Tokyo on Wednesday, 25 September, and found it to be a "quick and thoroughly unpleasant trip to Iwakuni and back," the train journey being particularly unnerving.²⁸ Kinoshita, however, had been docile en route to Hong Kong and "gave no trouble,"

²³ For more on the issue of the repatriation of Japanese-Canadians to Japan see Adachi, *The Enemy That Never Was*. Further reading on the issue of Japanese soldiers posted in China at the end of the war see Donald G. Gillin and Charles Etter, "Staying On: Japanese Soldiers and Civilians in China, 1945-1949," *Journal of Asian Studies*, Vol. 43, No. 3 (May 1983), pp. 497-518. Also of note was the repatriation of ethnic Koreans (predominantly of South Korean descent) to North Korea from 1959 onwards, see Tessa Morris-Suzuki, *Exodus to North Korea: Shadows from Japan's Cold War* (New York: Rowman & Littlefield Publishers, Inc., 2007).

²⁴ See Lt. Col. Oscar Orr to Captain J.H. Dickey, "24 Sept 46, Escort Duty – Major General KINOSHITA Eiichi," *JDP*, 5.0.

²⁵ The *Kempeitai* were a force of military police under the umbrella of the Imperial Japanese Army, comparable to the Gestapo. See Alfred Crofts, "Japan's Role in Southeast Asian Nationalist Movements, 1940-1945," *The Western Political Quarterly*, Vol. 7, No. 3 (September 1954), p. 519 (Book Review).

²⁶ Dickey to Mrs. W.B. Wallace, 24 September 1946, p. 1-2 for comments about Kinoshita and "big fish," and Lt. Col. R.I.M. Henderson to Warrant Officer H. Shepherd, "24 Sept 46, Movement Order," p. 1, regarding escape, suicide and contact with other Japanese.

²⁷ Dickey to Mrs. W.B. Wallace, 24 September 1946, p. 2.

²⁸ Dickey to Mrs. W.B. Wallace, 28 September 1946, p. 1.

though he “still had to be under careful watch every minute,” as the orders for the mission required that “under no circumstances,” was Kinoshita “to be allowed out of the observation of at least one of the escorts.”²⁹ After dropping off Shepherd and Kinoshita in Iwanuki, Dickey spent Thursday evening in the Transit Officers’ mess, and left by train for Tokyo on Friday morning. Aside from simply completing an order, Dickey felt that the “trip produced next to nothing of importance,” and was mainly just a hindrance as it kept him from arranging weekend plans and focusing on his own cases which has been in adjournment.³⁰

Towards the end of Dickey’s tenure in Japan, the arrangement of transportation home for various members of the Canadian detachment became one of his primary responsibilities. Circumstances in the courtroom made Dickey available for the task – two of Dickey’s three cases had been completed by mid-January, and his third did not begin until February – because of his available time, the task quickly became his responsibility. Transportation planning was typically combined with his many trips in late-January to Yokohama for various court related purposes, as well as his own independent travel plans for his return to Canada, but he did not find that these arrangements “required considerable attention.”³¹ After many adjustments in plans to head home to Canada, Dickey would finally make his own travel arrangements, although he was later assigned to accompany Col. Moss and Col. Hogg back to Canada.³²

²⁹ Dickey to Mrs. W.B. Wallace, 28 September 1946, p. 1, and Orr to Dickey, “Escort Duty – Major General KINOSHITA Eiichi.”

³⁰ Dickey to Mrs. W.B. Wallace, 28 September 1946, p. 2.

³¹ Dickey to Mrs. W.B. Wallace, 25 January 1947, p. 3.

³² Dickey to Mrs. W.B. Wallace, 25 January 1947, p. 3 regarding personal travel arrangements, and 1, 3, 6, 14, 17, 18 February 1946, regarding Col. Hogg.

Investigation

Sugamo Prison

Throughout his letters, Dickey made scattered references to the infamous Sugamo Prison in Tokyo, where the majority of Japanese war criminals, of every class, were held.³³ Dickey had the opportunity to interview several Japanese officers held at Sugamo who had links to his case at Omine. On 27 April, Dickey made an initial trip to Sugamo at Toshima Ku, in Northern Tokyo to interview Sergeant Major Harada. Dickey was accompanied by Sergeant Major Shepherd, who was to be used by as an “effective check on the embroidering of stories,” and would hopefully ensure that prisoners did not “deviate too far from the truth.”³⁴ One issue that Dickey kept in mind, however, was that “there is no real defence against loss of memory when it suits convenience.”³⁵

Harada was a Sergeant Major at the Omine POW camp from December 1944 until the end of the Pacific War. Dickey commented that he was a “very decent chap” and that they had “nothing particular against him and were simply in search of any useful information he could give us.”³⁶ Although Dickey considered Harada to be relatively easy to deal with compared to other Japanese officials, he found the interview process exasperating and time-consuming, commenting that only a few useful pieces of information had been gleaned from an entire mornings’ efforts.³⁷ Dickey completed his statement from Harada on 2 May and, although Dickey did not feel as though he could “get much out of him,” he felt that the statement would “eventually prove to be sufficiently full and of some value.”³⁸

³³ For a comprehensive listing of prisoners and employees of Sugamo see Ginn, *Sugamo Prison, Tokyo*.

³⁴ Dickey to Mrs. W.B. Wallace, 27 April 1946, p. 2.

³⁵ Dickey to Mrs. W.B. Wallace, 27 April 1946, p. 2.

³⁶ Dickey to Mrs. W.B. Wallace, 27 April 1946, p. 2.

³⁷ Dickey to Mrs. W.B. Wallace, 27 April 1946, p. 2.

³⁸ Dickey to Mrs. W.B. Wallace, 2 May 1946, p. 2.

In both taking statements from Japanese prisoners, and making observations in the opening days of the IMTFE, Dickey recognized translation to be one of the most difficult issues to contend with: as “no one is ever satisfied with the translation of even an isolated phrase let alone a long statement.”³⁹ Furthermore, he found that it made “dealing with witnesses most difficult” because they would always have “a sure means of escape from conflicting testimony by claiming that they have been mis-translated.”⁴⁰

The issue of translation also had important implications for Dickey’s impressions of the Japanese prisoners he interviewed. Dickey observed that;

[d]ealing with the Nips through the medium of an interpreter is difficult and exasperating. However there is no alternative. In fact a knowledge of the language would not help much as the main difficulty is their carefree disregard of the truth even when under oath and the strange twist of the Oriental mind which produces the most extraordinary replies to simple questions. For instance a negative question invariably gets a reply like “Yes, I did not do that” or “No, I did that.”⁴¹

While Dickey was no doubt imbued to a degree with some of the negative stereotypes of the Japanese prevalent in wartime North America – for example his free and frequent use of “Nips” – linguistic issues are also to blame for his perception of Japanese evasiveness. Double negatives in this case appear conflicting in English, but their use is commonplace in Japanese. Instead of cancelling each other out, as in English, the conflicting terms reinforce each other in Japanese.⁴² So, Dickey, in assuming that there is an apparent “twist of the Oriental mind” which is making the prisoner lie to him, is actually falling prey to an intercultural disconnect. This misperception not only influenced the way in which Dickey dealt with the individuals he was interrogating, and but also the way in which he responded to the information he received. This

³⁹ Dickey to Mrs. W.B. Wallace, 4 May 1946, p. 3.

⁴⁰ Dickey to Mrs. W.B. Wallace, 4 May 1946, p. 3-4.

⁴¹ Dickey to Mrs. W.B. Wallace, 7 May 1946, p. 7.

⁴² Stefan Kaiser *et al* eds., *Japanese : A Comprehensive Grammar* (New York: Routledge, 2001), p. 129.

represents one of the cross-cultural challenges that would plague the prosecution of alleged war crimes at the very foundation of its purpose.

While Col. Orr was away in Hong Kong checking in with Sergeant Major Hogg and Major Puddicombe, the other section of the Canadian War Crimes Liaison Detachment, Dickey continued his work at Sugamo, compiling information and evidence to build his cases against the staff at Omine. One trip to the prison was made with the intention to interview three suspects with “names similar to persons whom [they wanted] to charge with assorted war crimes.”⁴³ One individual was removed from the list as he had successfully accounted for himself in the prison records, and was not considered to be the person they were looking for. Dickey’s comments about the two following interrogations are particularly revealing:

[w]e were then assigned an interpreter and had the first of the remaining two brought in. He fitted the description we had of him just about perfectly and in about an hour of questioning I satisfied my self that he is the one we want. He lied till he was blue in the face but made enough mistakes to permit the truth to seep through. The next step will be for some one to take a full statement from him which will be sworn to and signed. Having sent him off we saw the other prisoner and this was a different story. He did not fit the most distinctive part of the description and questioning brought out a very reasonable story. As a matter of face [*sic*] I think we can satisfactorily identify him as one of the better characters in the particular camp with which he was connected. It was an interesting and useful morning.⁴⁴

Although unsuccessfully, the defence at the IMTFE attempted to use a similar name issue to free General Hata Shunroku, Commander-in-Chief of Expeditionary Forces in Central China from 1940-44. The defence attempted to connect a Lieutenant General Hata Hikosaburo to the charges outlined in the indictment against Hata Shunroku, claiming that there was a case of mistaken identity. Defence officials attempted to not only exonerate Hata Shunroku, but also alleviate him from Class ‘A’ war criminal status, claiming he was “one of the Japanese army’s

⁴³ Dickey to Mrs. W.B. Wallace, 17-18 May 1946, p. 3.

⁴⁴ Dickey to Mrs. W.B. Wallace, 17-18 May 1946, p. 3-4.

sternest disciplinarians who was sent to Nanking to restore order among Japanese troops who committed the infamous rape.”⁴⁵ These attempts would prove to be futile, as, in November 1948, Hata Shunroku was sentenced to life in prison, though he was paroled in 1954.⁴⁶

Investigative Trip to Omine

Dickey’s first mention of an investigative trip to Omine was on 25 April, only a few days after he was assigned the case. Early plans indicated that he would visit the scene of the camp as soon as he could “get things well enough lined up to make it worth while.”⁴⁷ With Col. Orr having departed for a brief stint in Hong Kong on 26 April, this ‘getting down to business’ would become a much easier task, without having such a volume of menial errands to run, and inconveniences to deal with.⁴⁸ A trip of this nature would provide Dickey with both strong sources of evidence for his prosecution as well as a great opportunity to see Japan.

The initial response to Dickey’s proposed trip was positive. The Investigation Section was pleased with the premise of the trip as they had not yet had the “chance to do a complete job in that area and in the case of the Omine Camp have not had sufficient information to go [on].”⁴⁹ Complications arose, of course, in Dickey’s departure to Fukuoka, as the trip hinged on both the return of Col. Orr from Hong Kong, as well as the travel plans of Dickey’s colleague Captain John Boland. Boland was also planning an investigative trip north to Niigata, as he had similarly been assigned the prosecution of the Niigata 15D POW camp.⁵⁰ These types of investigative

⁴⁵ *n.d.* “Wrong General Hata on Trial, Claims Defense,” *n.t. JDP*, folder 2.2, newspaper clippings re: Tokyo Trials.

⁴⁶ *n.d.* “Wrong General Hata on Trial, Claims Defense,” *n.t. JDP*, folder 2.2, newspaper clippings re: Tokyo Trials, and Brackman, *The Other Nuremberg*, p. 407.

⁴⁷ Dickey to Mrs. W.B. Wallace, 25 April 1946, p. 4.

⁴⁸ Dickey to Mrs. W.B. Wallace, 30 April 1946, p. 2.

⁴⁹ Dickey to Mrs. W.B. Wallace, 30 April 1946, p. 3-4.

⁵⁰ Dickey to Mrs. W.B. Wallace, 7 May 1946, p. 7-8.

trips were common all throughout Japan and the Philippines. And Dickey's investigation must be seen against the backdrop of a much larger effort.⁵¹

Dickey intended to leave quickly for Fukuoka, but it was not until late May that he departed from Tokyo. He frequently commented in the interim to his mother that he expected to leave promptly, but again, departure would be postponed frequently, mainly as a result of Col. Orr's delay in returning from Hong Kong. The most irritating of these delays came after 16 May when he was informed by the BCOF that Col. Orr was to arrive back in Tokyo within the next few days. This would mean that travel plans could be finalized and that Dickey could "get away to Fukuoka on Monday," and would "do so unless something unexpected comes up."⁵² Again, something 'came up,' and although Dickey's travel plans were given authorization on 16 May, signed by Major W.L. Day by command of General MacArthur, he would have to cancel departure plans for 20 May as Orr had still not arrived.⁵³ These delays would provide constant disappointment for Dickey, and letter after letter described waiting for Orr to return, or shifting plans to postpone his trip.⁵⁴

During this period of waiting, Dickey's investigation trip gained two other members. Dickey was now to be joined on his trek by Sergeant Major Shepherd and Captain Lloyd Graham, who was part of Henry Nolan's administrative staff, "partly to give him the trip and partly to help with translation."⁵⁵ Shepherd, the former POW, would be used very much in the same capacity as he was in the interviews at Sugamo Prison, to ensure relative accuracy of testimony from the Japanese. Graham would be a benefit since he spoke "Japanese quite fluently

⁵¹ General Headquarters, Supreme Commander for the Allied Powers, *Summation No. 8: Non-Military Activities in Japan, for the month of May 1946*, p. 6. Hereafter SCAP, *Summation No. 8, May 1946*.

⁵² Dickey to Mrs. W.B. Wallace, 16 May 1946, p. 1.

⁵³ See W.L. Day, General Headquarters: United States Army Forces, Pacific, Subject: Order AGPO 136-2. 16 May 46, *JDP*, Folder 5.0.

⁵⁴ Dickey to Mrs. W.B. Wallace, 20 May 1946, p. 1.

⁵⁵ Dickey to Mrs. W.B. Wallace, 16 May 1946, p. 1. Henry Nolan was the Canadian representative prosecutor at the Tokyo Trials.

and will be useful to check on the native interpreters we will be using.”⁵⁶ The trip was allotted “approximately ten...days in connection with investigations of war crimes” with transportation facilitated by the American government.⁵⁷

Dickey finally got underway in his travelling by 22 May, leaving Tokyo in the evening by rail. Orr had not yet returned from Hong Kong, but John Boland had come back from Niigata, and could be left to run things in the office. Dickey, Shepherd and Graham travelled along the coast through Osaka and Hiroshima en route to Fukuoka. Dickey’s trip description included a mixture of beautiful seaside views, and what he described as “the dirtiest journey I have ever experienced,” as successive mountain tunnels had left the train covered in cinders.⁵⁸ Of the countryside, Dickey commented that it was fascinating how “every available square foot of land is under crop of some kind,” and found it a most picturesque view.⁵⁹ Upon passing through Hiroshima, Dickey was able to make an initial estimation on the damage produced by the atomic bomb. He remarked that it “was quite a sight,” but was “inclined to agree with [Alexander de] Seversky in his estimate of the effects rather than the extremists’ [sic] school.”⁶⁰ His observations, made from a passing train would, of course, be limited but he did note that

⁵⁶ Dickey to Mrs. W.B. Wallace, 16 May 1946, p. 1.

⁵⁷ See W.L. Day, General Headquarters: United States Army Forces, Pacific, Subject: Order AGPO 136-2. 16 May 46, *JDP*, Folder 5.0.

⁵⁸ Dickey to Mrs. W.B. Wallace, 24 May 1946, p. 1.

⁵⁹ Dickey to Mrs. W.B. Wallace, 24 May 1946, p. 1.

⁶⁰ Dickey to Mrs. W.B. Wallace, 24 May 1946, p. 2. Major Alexander P. de Seversky, a Russian working for the United States as an aviation researcher, and a noted military conservative, downplayed the destructive power of the atomic bombs in an article he wrote for the February 1946 issue of the *Reader’s Digest*. De Seversky claimed that the effects of the atomic bombs had been largely over exaggerated, that much of the destruction at Hiroshima had been a result of the “flimsy nature of Japanese construction,” and that most fires were from “ruptured gas mains and overturned stoves and lamps.” De Seversky was largely criticised for his claims, but “helped foster the public tendency toward apathy about the atomic bombings.” See Patrick B. Sharp, “From Yellow Peril to Japanese Wasteland: John Hersey’s ‘Hiroshima,’” *Twentieth Century Literature*, Vol. 46, No. 4 (Winter 2000), p. 442, and Michael J. Yavenditti, “John Hersey and the American Conscience: The Reception of ‘Hiroshima,’” *The Pacific Historical Review*, Vol. 43, No. 1 (February 1947), p. 27-28.

aside from the modern steel and concrete buildings, everything was “flat and the trees are blasted and almost branchless - some have green on them but most appear to be completely dead.”⁶¹

The trio arrived in Fukuoka in the early hours of 24 May, and after a few hours of sleep at a naval billet, quickly got to work on the job at hand. Preliminary tasks were based in Fukuoka, and were facilitated by a representative of the SCAP Legal Section’s Investigation Division. By and large, the first few days of the trip mainly comprised information gathering and sight-seeing. Dickey, Shepherd and Graham spent Friday and Saturday, 24 and 25 May going through collections of records in the possession of the Investigation Division and questioning a Japanese officer who was thought to have information regarding the court marshalling of a Canadian POW at Omine.⁶² The interrogation did not yield a great deal of useful information, but provided the address of a suspected war criminal, which Dickey promptly forwarded to Tokyo.⁶³

Plans were to gather as much useful information as possible about the situation at Omine from Fukuoka, before heading, on 27 May, to see the “Omine camp and the Furakawa Coal Mine where the prisoners worked.”⁶⁴ The hope was that once they had “covered the ground [they could] get down to the real business of interrogation.”⁶⁵ The trio would not only have to gather information relating to prospective war criminals employed by the Imperial Japanese Army, but also from the administrative staff of the coal mine, with whom the prisoners were employed.⁶⁶

27 May 1946 proved to be one of the most eventful days in Dickey’s tenure in Japan. The investigators, accompanied by an interpreter and plenty of ‘K’ and ‘C’ rations, made the trek by jeep to the Omine Mine, near Kawasaki. The roads that the group travelled however, were

⁶¹ Dickey to Mrs. W.B. Wallace, 24 May 1946, p. 2.

⁶² Dickey to Mrs. W.B. Wallace, 24 May 1946, p. 3.

⁶³ Dickey to Mrs. W.B. Wallace, 25 May 1946, p. 2.

⁶⁴ Dickey to Mrs. W.B. Wallace, 25 May 1946, p. 3-4.

⁶⁵ Dickey to Mrs. W.B. Wallace, 25 May 1946, p. 4.

⁶⁶ Roland, *Long Night’s Journey into Day*, p. 266.

“the worst [Dickey] had ever had the bad luck to travel,” and at best, had the dimensions “of a run down back alley.”⁶⁷ As the trip continued into the countryside, Dickey described a “narrow road full of holes running straight into a steep winding valley,” as the group was trekking between thirty and forty miles “across two ranges of quite respectable mountains.”⁶⁸ The bouncing ride, “over the roughest thing you can imagine as an excuse for a road” continued in and out of two valleys, peppered with small coal mines and covered in terraced cultivations.⁶⁹ When the group arrived in Kawasaki they were aided by a guide picked up from the local police detachment, who directed them the rest of the way to Omine.

The group’s arrival at Omine represented Sergeant Major Shepherd’s return to the site of his internment during the Pacific War.⁷⁰ While his return was a triumph for Shepherd, it was met with mixed emotion from the personnel at the mine, which was still in scaled down operations. He was “greeted warmly” by the remaining company employees with whom he had worked, but in other sections of the camp, his appearance was met with “shock and gave rise to no rejoicing.”⁷¹ The group’s initial task was to tour the camp site, as well as the mine, in order to construct a proper image of the experience of the prisoners, before beginning an investigation of the documents which remained on site, and an interrogation of the superintendent of the Furakawa Mining Company.⁷²

The bulk of the remaining hours of the day were spent questioning the superintendent, which Dickey completed while Captain Graham and Sergeant Major Shepherd probed paperwork which pertained to the camp and the mining companies operations, much to the

⁶⁷ Dickey to Mrs. W.B. Wallace, 28 May 1946, p. 2.

⁶⁸ Dickey to Mrs. W.B. Wallace, 28 May, 1946, p. 2, 1.

⁶⁹ Dickey to Mrs. W.B. Wallace, 28 May 1946, p. 2.

⁷⁰ Roland, *Long Night’s Journey into Day*, p. 264. Dickey to Mrs. W.B. Wallace, 28 May 1946, p. 2-3.

⁷¹ Dickey to Mrs. W.B. Wallace, 28 May 1946, p. 2-3.

⁷² Dickey to Mrs. W.B. Wallace, 28 May 1946, p. 3.

chagrin of the office workers involved.⁷³ The trio interviewed most of the employees in whom they had interest, and arranged for a number of other individuals to be sent to Fukuoka in the following days for further questioning. At the close of their work, the Canadians would again make the arduous trip back to Fukuoka, through the mountains, but this time with a sense of accomplishment to lighten the mood.⁷⁴

Tuesday and Wednesday, 28 and 29 May were spent in Fukuoka, interrogating individuals that had worked for the Army, were posted at Omine as guards, or worked for the Furakawa Mining Company. Dickey had put in a request to the Fukuoka Branch of the SCAP Legal Section's War Crimes Investigation Division to have three suspects, Takemiya Kiyomitsu, Fukami Takeo and Matsui Satoru to be brought to the 6th Marine Regimental Headquarters for questioning on 28 May, and one individual, Ando Kazuo, to be brought in for questioning immediately.⁷⁵ Ando Kazuo, also known as Fukami Kazuo, had taken on his wife's family name, and moved to Soyeda with her family after the end of the war. He was quickly arrested and brought to Sugamo Prison for investigation.⁷⁶ Tuesday had been taken up with the interrogations of three suspects, one of which, Matsui Satoru, who offered up so much information that he would have to be held in Fukuoka overnight to continue the investigation.⁷⁷ The Matsui interview was telling, and provided a great deal of information both on the treatment

⁷³ Dickey to Mrs. W.B. Wallace, 28 May 1946, p. 3-4.

⁷⁴ Dickey to Mrs. W.B. Wallace, 28 May 1946, p. 4.

⁷⁵ Captain J.H. Dickey, GHQ, SCAP, Legal Section, War Crimes Investigation Div. Fukuoka Branch, *nt*, 27 May 46, LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 - Omine. The spelling of the requested prisoners' names on the form were presented differently than above, but in the spirit of consistency, the spelling as shown in the majority of documents has been utilized.

⁷⁶ LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 - Omine, Report on Omine Investigation. Dickey also had created the outline for a case against Ando, who had the same nicknames, military credentials and term of service at Omine as Fukami. See LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 - Omine, Case Analysis, Kazuo Ando.

⁷⁷ Dickey to Mrs. W.B. Wallace, 30-31 May 1946, p. 1-2.

of POWs at Omine, and in regards to the actions of camp guards and the camp commander, Lieutenant Kaneko Takio.

Matsui had been hired by the Imperial Japanese Army to work as a camp guard on 27 December 1943, and continued employment at the camp until the end of the Pacific War. He had previously been a member of the Army, with combat experience in both China and Manchuria as an artilleryman, from 1 September 1938 until being discharged for medical reasons on 5 November 1942.⁷⁸ Matsui, although transferred to office duty shortly before the end of the war, had been the guard commander, in charge of organizing sentry duty, and regulating the number of prisoners sent to the mine for labour.⁷⁹

The main focus of the interview was the administering of beatings to Allied POWs at Omine. Matsui described an incident where he abused a POW leader as a result of a disturbance in the line at roll call. A sick man had been led away from the parade square by another prisoner, and had consequently affected the numbers and organization of the roll call. Matsui claimed that this was unacceptable as it would anger Kaneko, who was “very strict on the movements of POWs to and from work,” and he was “afraid someone from the office might see the disturbance.”⁸⁰ Matsui confronted the POW in charge of that section, referred to as ‘Number Four,’ and began to slap him. The prisoner retaliated, and exchanged blows with Matsui, whose “anger boiled over,” and “before [he] realized what had happened [he] had stuck a bayonet in No. 4’s arm.”⁸¹ After realizing what had happened and the mistake he had made, Matsui lowered his rifle, grabbed a wooden sword and struck Number Four five times. Matsui went on

⁷⁸ Statement of Satoru Matsui, p. 1, *JDP*, folder 5.0.

⁷⁹ Statement of Satoru Matsui, p. 1, *JDP*, folder 5.0.

⁸⁰ Statement of Satoru Matsui, p. 1, *JDP*, folder 5.0. The interview was held between 29 and 30 May 1946 in Fukuoka, Japan and was translated from English to Japanese and Japanese to English by Baba Yoshio, a translator working with the Legal Section.

⁸¹ Statement of Satoru Matsui, p. 1 *JDP*, folder 5.0.

to explain that he was not the only guard to make use of the wooden sword as a weapon, stating that he had seen other guards using the sticks to beat POWs, including “Taguchi, Ando, Shiromaru, Takaahashi and Sgt. Uchida.”⁸²

Number Four turned out to be none other than Sergeant Major Shepherd, who recalled the assault in trial evidence later submitted against camp commander Kaneko relating to his command responsibility. Shepherd claimed that he had ordered some men in his parade to take the sick prisoner, Private Cox, to the medical room, which caused an exchange of blows between Matsui and him. Matsui then grabbed a rifle, stabbed him through the arm and began beating him when he fell to the ground. The affidavit of POW Corporal E. Cambellton claims that Matsui made a lunge for Sherpherd’s chest with the bayonet, but plunged it into his arm instead.⁸³ According to Patrick Brode, American representatives of the Legal Section wanted the Canadians to pursue a case against Matsui for the incident, but “Orr responded, ‘What do you expect. Here’s a prisoner of war, hits a guard, gives him a good poke in the nose, and the guard pushes his bayonet. What would you expect?’⁸⁴” Shepherd chose not to pursue a charge on the advice of the typically gruff and direct Col. Orr.

In justifying the issue to Dickey, Matsui took a certain degree of responsibility for the administering of the beating and subsequent stabbing, but placed the main culpability on Kaneko. Matsui had apologized to Number Four, and was “on very good terms” after the fact, but noted that Kaneko not only approved of the incident, but would reprimand the prisoner for refusal, and not Matsui for abusing him.⁸⁵

⁸² Statement of Satoru Matsui, p. 3 *JDP*, folder 5.0.

⁸³ LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 - Omine, Takio Kaneko, p. 8.

⁸⁴ Brode, *Casual Slaughters, Accidental Judgments*, p. 186.

⁸⁵ Statement of Satoru Matsui, p. 2, *JDP*, folder 5.0.

Matsui also described other incidents in which he and the other guards beat prisoners at Omine. While being held in the guardroom, a prisoner who was accused of stealing flour from the storeroom in February 1945, was struck across the face repeatedly for being “insolent,” and was confined, naked, in a section of the guard room with no heating facilities for one week by the order of Kaneko.⁸⁶ Matsui made clear note that he and another guard beat the prisoner, but not under direct order from Kaneko. While the wording of the interview is vague, Matsui made it sound as though Kaneko did not order the abuse of POWs, but would actively participate in beatings, and at the very least express approval of actions that would clearly violate any international agreement on the treatment of POWs. Although, when asked by Dickey if after witnessing both Kaneko and Uchida abusing prisoners, the guards felt it was an active instruction that they should follow, Matsui claimed that it was not, and that beatings only increased as a result of increased strictness in monitoring the actions of the POWs.⁸⁷

The interview went on to describe the ferocity of Kaneko and Uchida, and the motivations for prisoner abuse, which ranged from reactions to gambling, to writing in English and to looking at newspaper maps. Matsui provided lengthy evidence, describing numerous episodes in which Kaneko himself had administered beatings with “sticks, sword scabbard, furniture or anything that came to hand,” and where Uchida had dealt out daily abuses.⁸⁸ Matsui claimed that the guard staff was afraid of Kaneko, which would serve to draw motivation for much of the mistreatment of the prisoners themselves.⁸⁹ Matsui went on to expose the camp administration for stealing Red Cross supplies (cigarettes, canned goods, etc.) for ordering that two prisoners stand on guard for thirty-two hours, making sick prisoners work against the

⁸⁶ Statement of Satoru Matsui, p. 3, *JDP*, folder 5.0.

⁸⁷ Statement of Satoru Matsui, p. 4, *JDP*, folder 5.0.

⁸⁸ Statement of Satoru Matsui, p. 4-5, *JDP*, folder 5.0.

⁸⁹ Statement of Satoru Matsui, p. 4, *JDP*, folder 5.0.

recommendations of the medical staff, and forcing POWs to enter the mines without underclothes as punishment for exchanging clothes for food with civilian mine employees.⁹⁰

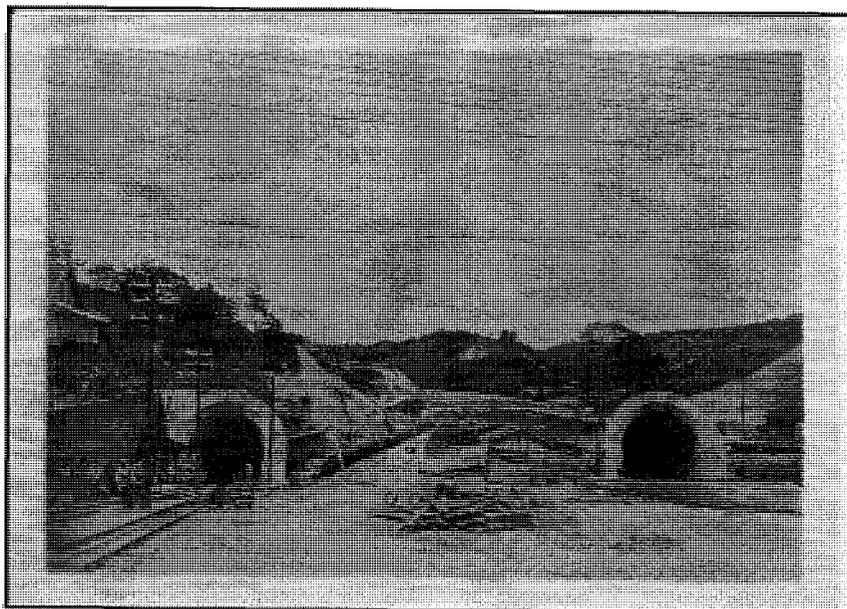


Figure 4 – The mine head at Omine, May/June 1946.⁹¹

On Saturday 1 June, the Canadian investigation crew went back through the mountains to the Omine POW camp site. Dickey interrogated the last of the individuals in whom they had interest, and collected additional documentation, but a more hands-on investigative approach was the true purpose of the return trek to Omine. The group donned mining clothes and headed down into the shafts and the surrounding work areas for more than three and a half hours, taking photographs, and having, in general, “a pretty hectic time.”⁹² The group got down to the section of the mine where Canadian POWs Campbell and Fitzpatrick were killed, inspected the make-shift mining equipment and climbed “through much mud & debris to a point about 100 meters from the portion worked by the prisoners when gas conditions were found to be dangerous.”⁹³ After exploring the mine, and Dickey was confident that they had amassed everything which he

⁹⁰ Statement of Satoru Matsui, p. 4-6, *JDP*, folder 5.0.

⁹¹ Unlabeled, *JDP*, folder 3.0 photographs.

⁹² Dickey to Mrs. W.B. Wallace, 1 June 1946, p. 1.

⁹³ LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 - Omine, Report on Omine Investigation.

had planned to obtain, the trio made a visit to the Omine gravesite where the prisoners that had died were buried, and then made the trip back to Fukuoka.⁹⁴

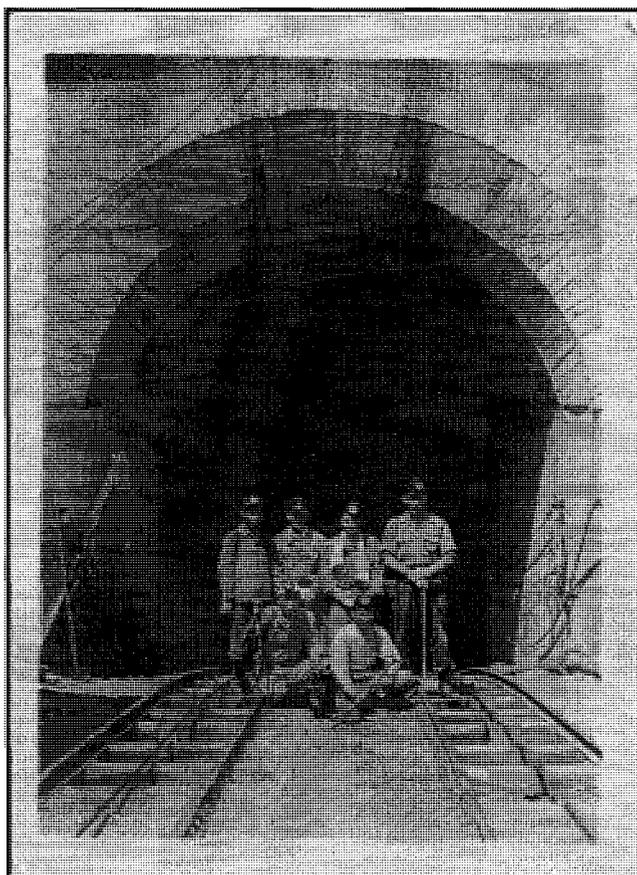


Figure 5 – Investigating the mine at Omine POW camp. Dickey is second from left in the back row.⁹⁵

The following day the group completed all intended business in Fukuoka, including collecting the photographs taken at Omine the previous day and fortuitously received information regarding the whereabouts of Captain Kaneko.⁹⁶ The group left Fukuoka for an airfield at Ayshai on 3 June, but again delays hindered their efforts, as weather prevented their plane from arriving. This, in turn, left them waiting for almost two days. Consequently, they booked a rail trip from Kyushu on the evening of 5 June.⁹⁷ The trip was slow and onerous, but Dickey passed the time by discussing crop potential and agricultural issues with one of the SCAP

⁹⁴ Dickey to Mrs. W.B. Wallace, 1 June 1946, p. 1-2.

⁹⁵ Unlabeled, *JDP*, folder 3.0 photographs.

⁹⁶ Dickey to Mrs. W.B. Wallace, 3 June 1946, p. 1-2.

⁹⁷ Dickey to Mrs. W.B. Wallace, 5 June 1946, p. 1.

statisticians, before arriving back in Tokyo on the morning of 6 June, just in time to grab some breakfast and get to the office. Upon his return, Dickey found an indignant Orr, who had apparently been “in a terrible mood” for three days after his return from Hong Kong, and “found fault with everything.”⁹⁸ Dickey, not surprisingly, decided to wait to provide Orr with anything but “the most sketchy report of [his] activities.”⁹⁹

Later in the week after his return, Dickey noted a significant improvement in Orr’s demeanour, but still claimed that he was “the most unfriendly and difficult person with whom I have ever had to contend.”¹⁰⁰ Orr immediately pressured Dickey to increase his progress on the Omine cases, which was welcome, as Dickey had certainly been nothing but anxious from the onset to get down to work.¹⁰¹ Most of Dickey’s prior complaints about Orr made him out to be ineffective. He made frequent comments that Orr was at fault for many of the delays, and that, upon Dickey’s arrival in Japan, he was “difficult to deal with and he has managed to keep [Dickey] from getting down to business.”¹⁰² Orr’s newfound spirit of efficiency after Dickey’s return is certainly part of the reason that, by the end of the deployment of the detachment, Orr was commended for his “energy and pertinacity” as a driving force behind Canadian accomplishments in Japan.¹⁰³ From early on, pressure from Orr, who typically appeared to intimidate Dickey and Boland, acted as both a motivation, and a major influence on the way the Canadian prosecutors conducted themselves both inside, and outside of the courtroom.

An indirect result of the investigative work of Dickey, Shepherd and Graham at Fukuoka was that “[a] couple of the main perpetrators of crimes in Omine camp [were put] in custody” in

⁹⁸ Dickey to Mrs. W.B. Wallace, 6 June 1946, p. 1-2.

⁹⁹ Dickey to Mrs. W.B. Wallace, 6 June 1946, p. 2.

¹⁰⁰ Dickey to Mrs. W.B. Wallace, 7 June 1946, p. 5.

¹⁰¹ Dickey to Mrs. W.B. Wallace, 10 June 1946, p. 1.

¹⁰² Dickey to Mrs. W.B. Wallace, 27 March 1946, p. 2, 25 April 1946, p. 1-2.

¹⁰³ Major W.P. McClemon, War Crimes Investigation Section, Final Report, 30 Aug 47, p. 2, *JDP*, folder 5.0

early June.¹⁰⁴ Two former Omine Camp Commanders, Captain Kaneko Takio and Lieutenant Yanaru Tetsutoshi were apprehended and brought to Sugamo Prison.¹⁰⁵ This would provide Dickey with plenty of things to do, in waiting for the “green light to go ahead” with the trials.¹⁰⁶ Dickey was put under particular pressure by Orr to make progress in his cases with both Kaneko and Yanaru incarcerated. While Dickey was excited to get underway, he commented that “I am getting ahead with my little case as quickly as possible - the Col. is anxious to see results and as we now have some of my perpetrators under lock and key we will be able to get ahead famously.”¹⁰⁷

Case Preparation Moulded by the International Military Tribunal for the Far East

In investigating Dickey’s participation in the war crimes commissions at Yokohama, it is important to consider how much Dickey’s case preparation was affected by what was happening in Tokyo in the early days of the IMTFE. The Tokyo Trials began while Dickey was in Japan, and ended long after he had returned to Halifax. These trials were the Pacific theatre’s version of Nuremberg, and were designed to try the upper echelon of Japan’s political and military administration for the waging of an aggressive war. The opening day of the trial came on 5 May 1946, with the reading of the indictment against the twenty-eight accused Japanese officials.¹⁰⁸

Although Dickey did not attend the opening session of the Tokyo Trials, he made reports on the progress and excitement surrounding the opening of the tribunal.¹⁰⁹ His initial comments

¹⁰⁴ Dickey to Mrs. W.B. Wallace, 7 June 1946, p. 4.

¹⁰⁵ Dickey to Mrs. W.B. Wallace, 7 June 1946, p. 4-5.

¹⁰⁶ Dickey to Mrs. W.B. Wallace, 7 June 1946, p. 4-5.

¹⁰⁷ Dickey to Mrs. W.B. Wallace, 10 June 1946, p.1.

¹⁰⁸ Minear, *Victors’ Justice*, p. 25. There is a large body of historiography surrounding the Tokyo Trials. The most frequently cited are Minear’s *Victors’ Justice*, Brackman’s *The Other Nuremberg*, John Dower’s *Embracing Defeat*, and Tim Maga’s *Judgment at Tokyo*.

¹⁰⁹ Throughout his letters Dickey, with excitement, made mention of the upper crust of the legal and military world with whom he was getting to meet and dine. Some examples include both Stuart McDougall and Henry Nolan, the Canadian representatives at the IMTFE, Sir William Webb, with whom Dickey would take part in the Feast of

were focused on the grandiose design of the trials, as well as defence plans to challenge the jurisdiction of the court on its opening day. Dickey described some of the legal details of the court to his mother, but the crux of his initial commentary about the IMTFE was in describing incidents between Okawa Shumei and Tōjō Hideki:

from all accounts it was quite a show. The real [*pièce de résistance*] of the first day was the incident in which one of Tojo's neurotic co-defendants began to hit him over the head in the midst of the afternoon session. Tojo is extremely unpopular and the rest of the accused refuse to a man even to speak to him. The lad that did the slappings putting on a good show of insanity at least. He entered the Court room yesterday with his shirt tail hanging out the back and eventually pulled it out all the way round. He acted up all morning and was finally removed after his attack on Tojo. He may well prove to be the smartest of the lot if he can manage to get himself certified as insane.¹¹⁰

Dickey astutely predicted that Tokyo would “be a more protracted trial than Nuremberg,” and indeed the trials lasted from 3 May 1946 until the judgement was handed down on 12 November 1948. Dickey conveyed a sense of (mistaken) belief that “[t]hank heavens we are dealing with the so called Minor War Criminals and can get ahead without too much obstruction.”¹¹¹ The minor war crimes trials would also, however, become a lengthy endeavour.

From time to time as a result of sitting in on sessions and meeting members of the prosecution and judiciary, Dickey provided a commentary on the Tokyo Trials. Dickey’s first direct experience with the IMTFE came on 13 May 1946 when he attending his first session in Tokyo. His impressions were certainly mixed. Dickey, as an onlooker, seemed intrigued by the bright lights and elaborate construction of the trials, although the lawyer in him had “well

Christ the King ceremony in July, as well as General Robert Eichelberger, head of the American Eighth Army, and Col. Blackstock, Chief of the SCAP Prosecution Section.

¹¹⁰ Dickey to Mrs. W.B. Wallace, 4 May 1946, p. 2. Dickey’s commentary would prove correct, as Okawa, typically defined as an ‘ultranationalist propagandist,’ was declared unfit for trial as a result of his actions in court, and underwent psychiatric treatment. Okawa was released from treatment in 1948, a free man. See Brackman, *The Other Nuremberg*, p. 410-411, Minear, *Victors’ Justice*, p. 4-5, 25, 31, and Piccigallo, *The Japanese on Trial*, p. 21.

¹¹¹ For both quotes see Dickey to Mrs. W.B. Wallace, 4 May 1946, p. 3.

founded doubts as to the fundamental effectiveness of the whole thing.”¹¹² Dickey could see the humour in the chief figures of the trial donning sunglasses, remarking that it served “to enhance the Holleywoodian [*sic*] atmosphere,” although his preliminary viewpoint on the IMTFE was rather negative.¹¹³ He found the defence to be much more convincing than the prosecution, the tribunals’ refusal to reconsider issues discomfoting, and Chief Prosecutor Joseph Keenan unimpressive. After one session of observation, Dickey went as far as to claim that the “fate of the motion is a foregone conclusion and that is the sad aspect of the picture.”¹¹⁴ Dickey displayed a distinct displeasure in the rapidity with which the tribunal dismissed defence motions “without giving reasons though they were promised for later on,” and felt that these actions were “an attempt to justify [the foregone conclusion] rather than establish its validity.”¹¹⁵

Dickey’s comments are particularly significant as they foreshadow conclusions reached by historians working on the Tokyo Trials decades later, and also conflict with his own actions in court, dismissing the evidence and input of defence lawyers, especially in the case against Yanaru Tetsutoshi of which he was Chief Prosecutor.¹¹⁶

The initial defence claims against the trials’ jurisdiction - although rejected, with the tribunal “reserving a statement of reasons until later” – were of major interest to Dickey.¹¹⁷ Included in a letter home written on 17-18 May were three articles, with his own comments attached, from the *Nippon Times* and *Pacific Stars & Stripes* which discussed the early adjournment of the IMTFE to decide on “defense motions seeking dismissal of the

¹¹² Dickey to Mrs. W.B. Wallace, 13 May 1946, p. 4.

¹¹³ Dickey to Mrs. W.B. Wallace, 13 May 1946, p. 5.

¹¹⁴ Dickey to Mrs. W.B. Wallace, 13 May 1946, p. 5-6.

¹¹⁵ Dickey to Mrs. W.B. Wallace, 17-18 May 1946, p. 1-2.

¹¹⁶ See chapter four of this study.

¹¹⁷ Minear, *Victors’ Justice*, p. 77. Dickey to Mrs. W.B. Wallace, 17-18 May 1946, p. 1-2.

indictment.”¹¹⁸ Dickey, in his comments, comes down hard on the competency of SCAP for creating a court which “by its terms does not disclose offences with which the accused can properly be charged before the Tribunal as constituted,” and noted that the dismissal of the defence motion was “an unexpectedly quick decision” but “not unexpected!”¹¹⁹ Dickey was also rather critical of the *Pacific Stars & Stripes* coverage of the motion, as it focused predominantly on how the *New York Times* reported on the trials, and did not “take into account the question of the jurisdiction of the court to try the accused for the offences as charged in the indictment.”¹²⁰

Dickey continued to attend sessions of the Tokyo Trials whenever time allowed, and in June, even arranged for two women that had performed in a U.S.O. show entitled “Village Green” to attend a sitting at the trials. The two Americans, whom Dickey had met while in Fukuoka, had attended sessions of the precedent setting Yamashita and Homma cases in 1945, and were glad to “have had a look at the three big war trials in the Far East.”¹²¹ They attended an afternoon session of the trials on 25 June, and would later have dinner with Dickey followed by dancing and conversation in the lounge at the Yuraku, the former billet of the Canadian detachment. The girls claimed to have enjoyed “just about the most civilized entertainment they have had since coming to Japan.”¹²²

Dickey’s final trip to the IMTFE was one which was of more than just peripheral interest as the others had been. On 16 December, the prosecution at the IMTFE took the issue of the

¹¹⁸ “International Tribunal To Reconvene to Reconvene Today After One-Day Recess,” *Nippon Times*, 17 May 1946, *JDP*, folder 2.2, newspaper clippings re: Tokyo Trial. These articles were cut out, taped to a sheet of paper, and Dickey recorded his comments below them to provide his mother with a deeper understanding of what these motions of the Tokyo Trials meant.

¹¹⁹ Dickey’s comments, as attached to “International Tribunal to Reconvene Today After One-Day Recess,” *Nippon Times*, 17 May 1946,” and “Tribunal Backs Trial Legality; All Defence Motions Dismissed,” *Nippon Times*, 18 May 1946, *JDP*, folder 2.2, newspaper clippings re: Tokyo Trial.

¹²⁰ Dickey’s comments, as attached to “Times Upholds Legality Of Tokyo War Trials,” *Pacific Stars & Stripes*, 17 May 1946, *JDP*, folder 2.2, newspaper clippings re: Tokyo Trial.

¹²¹ Dickey to Mrs. W.B. Wallace, 25 June 1946, p. 3.

¹²² Dickey to Mrs. W.B. Wallace, 25 June 1946, p. 2.

treatment of POWs in front of the tribunal. This was the phase of the trials which Dickey and the Canadian Detachment found most interesting.¹²³ This was also a session that many of Dickey's friends at the Legation were involved in, piquing his interest.¹²⁴

As Dickey's own case preparation became more intensive, and his time more monopolized by the happenings at the Yokohama District Court House, his commentary on the Tokyo Trials decreased. Most of his extended interpretations came from discussions with Brigadier Henry Nolan, Canada's representation in the prosecution, as the two grew close within the interconnected social circles of the Occupation. Dickey felt that Nolan was of good character, and expressed great displeasure when he reported that Justice William Webb (President of the IMTFE) had been "apparently very hard" on Nolan when he made his opening statement, and claimed that Webb, whom Dickey had not met, "had been working up a reputation for a lack of tact."¹²⁵ Of other key personalities of the Tokyo Trials, Dickey noted that American Chief Prosecutor Joseph Keenan, who had taken an extended leave from the trials in June-July 1946, was "a pretty poor type for such an important job," and was not impressed with his work in the courtroom, or his assertion that the trials would be over in two months.¹²⁶ Through many of Dickey's comments, it appears that most everyone involved thought that the Tokyo Trials would not be such an extended affair, as even Nolan, who was feeling despondent about the whole process by late July 1946, assumed that "the whole business [would] be wound up by March '47."¹²⁷

Dickey, despite being employed by and under the orders of SCAP, was critical of the usefulness and process of the Tokyo Trials. His early experiences with these trials would forge

¹²³ Dickey to Mrs. W.B. Wallace, 15 December 1946, p. 2-3.

¹²⁴ Dickey to Mrs. W.B. Wallace, 15 December 1946, p. 2.

¹²⁵ Dickey to Mrs. W.B. Wallace, 13 June 1946, p. 4.

¹²⁶ Dickey to Mrs. W.B. Wallace, 12 July 1946 (2), p. 3, 13 June 1946, p. 6 and 14 June 1946, p. 3-4.

¹²⁷ Dickey to Mrs. W.B. Wallace, 31 July 1946, p. 2.

the way in which he prepared his own cases, as well as how he approached both the defence and the Military Commissions at Yokohama.

Dickey and his colleagues were also were conscious of the other major Canadian legal interest, the trial and imprisonment of Kurt Meyer by Canadian prosecutors in Aurich, Germany. Although the trial had been completed before Dickey had departed for Japan, the transfer of Meyer from Headley Down jail southwest of London to Dorchester penitentiary in New Brunswick was news to the Canadian Detachment when Dickey's mother mentioned it in a letter.¹²⁸ In a letter home dated 14 May 1946, Dickey commented that “[t]he news that Kurt Meyer is in Canada interested me very much. We of course got no inkling of it over here.”¹²⁹

Meyer, a former Waffen SS officer elevated to the level of Brigadeführer, was tried by the Canadian Army for taking a commanding and active role in the commission of atrocities against Canadian servicemen in Belgium and France during 1944.¹³⁰ The trial took place between 10 and 28 December 1945 at Aurich, Germany under the charge of Canadian Occupation Force, seeing Meyer sentenced to death.¹³¹ Arrangements for Meyer's execution had been made, but on 13 January 1946, General Chris Vokes, the commander of the Canadian occupation force, commuted the sentence to life in prison, and Meyer was sent to Dorchester Prison.¹³² The trial and “subsequent treatment” of Meyer – as proclaimed by the Chief Prosecutor years later – “aroused more widespread and continued interest in Canada” than any other event of the Second World War.¹³³

¹²⁸ Lackenbauer and Madsen, *Kurt Meyer on Trial*, p. 19-20.

¹²⁹ Dickey to Mrs. W.B. Wallace, “14 May 1946,” p. 2.

¹³⁰ See Canadian Army War Crimes Investigation Section, First Charge Sheet – Kurt Meyer, p. 3-4 and Second Charge Sheet – Kurt Meyer, p. 5, *JDP*, folder 5.0. For more information on the actions and trial of Brigadeführer Kurt Meyer, see Lackenbauer and Madsen, *Kurt Meyer on Trial*, and B.J.S. MacDonald, *The Trial of Kurt Meyer*. (Toronto: Clarke, Irwin & Company Limited, 1954).

¹³¹ Lackenbauer, *Kurt Meyer on Trial*, p. 521.

¹³² MacDonald, *The Trial of Kurt Meyer*, p. 199, and Lackenbauer, *Kurt Meyer on Trial*, p. 529.

¹³³ MacDonald, *The Trial of Kurt Meyer*, p. xiii.

Preparation and Frustration in July and August

It was not until mid-June that Dickey actually had the opportunity to prepare properly for his cases, equipped with information gathered at Omine and Sugamo, and armed with the observations he acquired at the Tokyo Trials. Dickey had observed trials at the Yokohama District Court House in April, which gave him some idea of what the prosecutions he was to be involved in would be like. He noted that he was “most impressed by the quality of the Commissions.”¹³⁴ It was with this foundation at the courthouse that Dickey went on to prepare his cases. Problematically, Dickey’s correspondence does not provide a great amount of detail about the actual process of case preparation, but focuses instead on themes and incidents surrounding his preparation such as hours worked, differing case preparation methods, grievances with Col. Orr and general frustrations with the process by which these cases were to be presented.

This period illustrated a shift in Dickey’s demeanour from very content and enthusiastic upon his return from Fukuoka in June, to extremely frustrated and impatient by the end of August. This shift came largely as a result of delays and hindrances in getting his trials to court, and a consistent lack of any real progress or results after he had submitted his case analyses to the American 8th Army for review. Dickey, as mentioned, had been eager to get moving on his prosecutions upon returning to Tokyo, and this shift is well illustrated in a statement of Dickey’s, from the end of August:

[i]n some ways I can’t imagine how I manage to keep busy as we seem to accomplish so little.... As a matter of fact I have been over the same ground so many times now that I am almost stale on these cases. To my mind there is nothing more fatal than having too much time to put on a case and I have to battle to keep a proper perspective.”¹³⁵

¹³⁴ Dickey to Mrs. W.B. Wallace, 18 April 1946, p. 2.

¹³⁵ Dickey to Mrs. W.B. Wallace, 28 August 1946, p. 2.

This shift is similar to the one which occurred with Dickey towards the end of March and beginning of April, 1946 while the detachment was still waiting on transportation hold-ups to depart from Ottawa. At that time, Dickey began to avoid spending time in the office, and opted to go to the Parliamentary Library to read up on Japan. As the pre-trial portion of Dickey's tenure wore on, he began to take as many weekends away from Tokyo as he could, as he had long since completed his case preparation.

Under the 'energy and pertinacity' of Col. Orr, Dickey pushed himself extremely hard in the months leading up to his debut in front of the Military Commissions, and frequently reported putting in long evening and weekend hours on top of regular work hours, which began at 8:00 AM.¹³⁶ From the outset, Dickey expected "to be working most evenings until [he got] the cases against Capt. Kaneko and Lieut. Yanaru properly organized," and would often return to his billet only upon the prompting of John Boland.¹³⁷ Dickey complained that he would often have to put in evening hours at the office as a result of an intense heat wave, which made it very hard to get much accomplished during the day in June, July and August, and also that, with the nature of the work to be done, "the regular day is just not long enough."¹³⁸ Although the majority of his weekend and evening reports were made alone from the office, he did note that, on occasion, he, Boland and Orr had put in evenings and weekends together, making them, as Dickey described on one occasion "quite a hard working detachment this week-end at least."¹³⁹

These long hours were mainly a result of the Legal Section's requirements for a thorough pre-trial case analysis, which was fundamentally different from what Dickey and his fellow Canadian barristers were used to. The analysis required that the charge and specification be

¹³⁶ Dickey to Mrs. W.B. Wallace, 14 June 1946, p. 3.

¹³⁷ Dickey to Mrs. W.B. Wallace, 11 June 1946, p. 1, 26 & 29 June 1946, p. 3.

¹³⁸ Dickey to Mrs. W.B. Wallace, 12 July 1946, p. 1.

¹³⁹ Dickey to Mrs. W.B. Wallace, 30 June 1946, p. 1.

“drawn out with a particularity and detail” foreign to Canadian criminal or military procedure.¹⁴⁰ The charge was typically very general, showing that the defendant was charged with a Class ‘B’ or Class ‘C’ crime, and was facilitated with a long list of specifications describing the crimes which fell under the umbrella of the charge. Dickey commented that the charges were typically abstract, and the analysis had to be written with exactness and in great “length and complexity in order to avoid [sic] missing something which may prove to be essential.”¹⁴¹ Since this was Dickey’s first time working with specifications and such a detailed analysis, he had to take great care in his preparation, which took “time to say nothing of patience.”¹⁴²

This style complicated matters for the Canadians, but Dickey adapted to the system quickly, and had approval of the charges and specifications of his first case, against Kaneko Takio and Uchida Teshiharu prepared and approved by 12 July. The rest of his cases were written and approved by the end of July, having been completed, approved “and on their way to the 8th Army with request for convening Commissions” with the “loose ends pretty well cleaned up” by 27 July.¹⁴³ Dickey and Boland quickly acclimatized themselves to the American system, but Orr found the system, and the additional work involved, extremely irritating. Dickey noted that Orr was “used to doing things his own way” and found “it difficult to change,” while he and Boland were “not so set in [their] ways,” so it did “not make so much difference.”¹⁴⁴ With his analyses done, he had hoped even by 24 July to be shortly heading to court, but would not actually begin his prosecution in the Kaneko / Uchida case until 5 September.¹⁴⁵

¹⁴⁰ Dickey to Mrs. W.B. Wallace, 11 June 1946, p. 1.

¹⁴¹ Dickey to Mrs. W.B. Wallace, 11 June 1946, p. 1.

¹⁴² Dickey to Mrs. W.B. Wallace, 11 June 1946, p. 1.

¹⁴³ Dickey to Mrs. W.B. Wallace, 12 July 1946, p. 2, and 27 July 1946, p. 2.

¹⁴⁴ Dickey to Mrs. W.B. Wallace, 26, 29 June 1946, p. 1.

¹⁴⁵ Dickey to Mrs. W.B. Wallace, 24 July 1946, p. 4.

From mid-June until the end of July Dickey principally focused his efforts on formulating his cases against Kaneko, Uchida and Yanaru, but was also asked by both the British representation in Japan as well as the Americans to help provide evidence for some of their cases. Since May, the Canadians had been providing the American legal section with “a good volume of evidence,” and “working closely” with the British and Australian sections which he complained had been uncooperative, or non-reciprocal in nature.¹⁴⁶ Dickey was asked to provide evidence for a joint American-Canadian case against Uchida Konemasu – known as ‘Pete the Tramp’ or ‘Cyclone Pete’ – who had been a camp Sergeant at two POW camps where American and Canadian POWs were held.¹⁴⁷ The British section were initially anxious to add a further charge against Kaneko, as there had been a large number of British servicemen at Omine, and required that Dickey review their evidence. Dickey quickly managed to convince them that “their evidence was not nearly complete enough to warrant joining their charge against Kaneko” with that of the Canadians.¹⁴⁸

Throughout July and August, the heat was another contributing factor to Dickey’s displeasure. Dickey frequently commented how wonderful his mothers descriptions of her travels in Kejimikujik and Petite Rivière sounded in comparison to his humid experiences in Japan.¹⁴⁹ The heat wore on his patience and made an already trying working circumstance even more exasperating. Dickey often took “positive action against the heat” by taking afternoon breaks to play tennis at the Tokyo Lawn Tennis Club with his first roommate in Japan, Bob Bender, or go swimming at the Shiba Park swimming pool with various members of the Legal

¹⁴⁶ Dickey to Mrs. W.B. Wallace, 2 May 1946, p. 2-3.

¹⁴⁷ Ginn, *Sugamo Prison, Tokyo*, p. 257. Ginn lists Uchida Kanemasu, but the Canadian documentation gives Konemasu.

¹⁴⁸ Dickey to Mrs. W.B. Wallace, 4 July 1946 (2), p. 4-5.

¹⁴⁹ Dickey to Mrs. W.B. Wallace, 14 July 1946, p. 1, 31 August 1946, p. 1

Section.¹⁵⁰ These breaks, however, led to long evenings in the office to make up for lost time.

Dickey ate salt tablets religiously so to “avoid heat fatigue.”¹⁵¹

What becomes clear in surveying Dickey’s correspondence is that this experience in Japan, in its early stages, had proven to be both enlightening and exasperating. Again, much like in Ottawa, Dickey had worked furiously in the build-up to his cases, only to find that outside hindrances would leave him spinning his wheels, and stuck doing busy-work as he had completed what his co-workers had not. Nevertheless, by the end of August, Dickey would see:

the sign of some action towards getting some of our cases on for trial without waiting their turn. The Legal Section has finally begun to bestir itself and we will now see what they can accomplish. What they have actually come to admit to themselves is that the system has broken down and is not doing the job. At the present moment the Eighth Army is proceeding on a wrong principle in deciding when to convene a commission and is causing most extreme and unnecessary delay in the bringing on of cases for trial. Some really drastic changes in the system are required if it is ever to function efficiently and it looks as if the Legal Section is going to use our cases as the lever either to get some action or to demonstrate the defects in the present set-up.¹⁵²

Of the experience to this point, Dickey commented in a July letter home that the Detachment had

been so busy that time is simply flying past in the last few weeks. If nothing else this trip is interesting and good experience but I don’t think it can be possibly written off on those two scores alone. However we will have to wait and see to tot up the final count. I have certainly made some very pleasant contacts and I think a few good friends.¹⁵³

¹⁵⁰ Dickey to Mrs. W.B. Wallace, 20 June 1946, p. 1. See also Dickey to Mrs. W.B. Wallace, 12, 20 23, 30 June 1946, 5, 12 (2), 15, 18, 22, 25(2), 28, 31 July 1946, as well as 4, 5, 14 August 1946. Dickey’s activities and social life are further discussed in Chapter Six.

¹⁵¹ Dickey to Mrs. W.B. Wallace, 14 July 1946, p. 1-2.

¹⁵² Dickey to Mrs. W.B. Wallace, 23 August 1946, p. 1-2.

¹⁵³ Dickey to Mrs. W.B. Wallace, 8 July 1946, p. 2.

PART II – War Crimes Trials

One year after the War Crimes Trials began at Yokohama, Lieutenant General Robert L. Eichelberger, head of the American Eighth Army and general in charge of the trials restated the purpose of the trials:

[o]ur objectives throughout the trials have been two-fold: First, to punish the guilty in an appropriate and just fashion; second, to demonstrate to the Japanese people that those accused of crimes will be given a fair trial and an adequate defense by the Supreme Commander notwithstanding that they were identified with a militaristic machine and regardless of the fact that they are a defeated and conquered people.¹

This rationale was enviable, and in theory matched the desirable goals of the Tokyo Trials, which included the elimination of war, “establishing the accountability of political leaders before International Law,”² advancing “the cause of peace and right notions of international law,” and in general creating a reliable historical source of Japanese aggression in Asia and the Pacific.³

Dickey and his Canadian colleagues however, took Eichelberger’s comments in a less than positive light. They had been in Japan for roughly eight months, and had accomplished only a fraction of the work which they had planned. Administrative problems had delayed several cases of Canadian interest, and from their own perspective, the Canadians had been fighting for every inch they received in getting their cases in front of the Commissions. Of Eichelberger’s comments, Dickey reported that:

¹ “Trials in Yokohama End 1 Year of Work: Eichelberger Reiterates Two Objectives on Anniversary,” *Nippon Times*, 19 December 1946, *JDP*, enclosed in Dickey to Mrs. W.B. Wallace, 19 December 1946.

² Minear, *Victors’ Justice*, p. 13.

³ Piccigallo, *The Japanese on Trial*, p.15. Conversely, there are numerous sources which outline the less-than-positive motivations behind the Tokyo Trials. The first of which is Minear’s *Victors’ Justice*, but other valuable references which deal directly with the Tokyo Trials and provide excellent insight into the postwar judicial environment include: James J. Orr, *The Victim as Hero: Ideologies of Peace and National Identity in Postwar Japan* (Honolulu: University of Hawai‘i Press, 2001), particularly chapters one and two, Herbert P. Bix, *Hirohito and the Making of Modern Japan* (New York: Perennial, 2001), chapter 15, Brook, “The Tokyo Judgment,” Chang and Barker, “Victor’s Justice and Japan’s Amnesia,” and Lisa Yoneyama, “Traveling Memories, Contagious Justice: Americanization of Japanese War Crimes at the End of the Post-Cold War,” *Journal of Asian American Studies*, Vol. 6, No. 1 (February 2003), 57-93.

[w]e spend so much time trying to get things moving and the Eighth Army turns round and starts to pound its own chest for great accomplishments. To give you a comparison the Australians in New Guinea have in virtually the same time tried about 3 times as many cases and disposed of almost 700 war criminals not counting those acquitted. No wonder our collective patience is so sorely tired.⁴

Such comments reflect the frustration members of the Canadian War Crimes Liaison Detachment felt at the seemingly endless delays, which kept them in Japan, away from their families for significantly longer than any of them had planned.

The trials at Yokohama were heard in front of a committee of “not less than three” military and civilian representatives from several Allied nations.⁵ The trials were to be both fair and expeditious. Tension between these goals caused a great deal of trouble. While the Commissions were to hear issues raised by the charges in question, they were to exclude “irrelevant issues or evidence” which could cause “unnecessary delay or interference.”⁶ This focus on speeding the trials up was the most common theme throughout the Yokohama trials. Written affidavits were used *in lieu* of actual eyewitnesses in most cases to “expedite the trials and decrease their costs,”⁷ common or joint trials were held where “the commissions tried more than one individual for their several acts,”⁸ and in several cases – including Dickey’s – witnesses were not called when the prosecution felt that excluding them would speed the process up.⁹

⁴ Dickey to Mrs. W.B. Wallace, 19 December 1946, p. 1.

⁵ GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, 5 December 1946, p. 1-2, *JDP*, folder 5.0.

⁶ GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, 5 December 1946, p. 2, *JDP*, folder 5.0.

⁷ Don Brown, “Copy Canada’s Jap War Trial Setup,” *JDP*, folder 2.1, Newspaper Articles re: Dickey.

⁸ Spurlock, “The Yokohama War Crimes Trials,” p. 389. Common, or joint trials, brought the trials of multiple offenders together, charging them collectively, or in the case of Kaneko and Uchida “individually with identical or similar offences.” See Piccigallo, *The Japanese on Trial*, p. 85-86. These common trials became popular very early in the process at Yokohama, but quickly grew almost out of control often trying more than twenty defendants at once, and on one occasion, during a largely American motivated trial, forty-six Japanese defendants were charged with atrocities against downed United States Navy airmen. See Piccigallo, *The Japanese on Trial*, p. 87-88.

⁹ Dickey to Mrs. W.B. Wallace, 18 January 1947, p. 2.

Historian Patrick Brode argues that, more than in Germany, the trials in Japan illustrated “the cultural chasm between the triers and the accused.”¹⁰ It had been hard for anyone on the Allied staff in Germany to understand the “pervasive Nazi control of German life,” but in Japan the image of a soldier emerged that had been commonly thought to have been trained since youth under the Bushido code “of absolute obedience and disdain for everything that was not Japanese.”¹¹ Although understanding motivations behind alleged war crimes was a challenge for Allied personnel, the requirement of a *prima facie* case,¹² and several acquittals which indicated that “almost without exception, courts scrupulously adhered to the principle that an accused must be freed unless he could prove beyond reasonable doubt to be guilty”¹³ of a specific offence, demonstrated that the trials made a concerted effort ensure the rights of the accused.¹⁴

Although there was a serious tension between the goals of fairness and expediency, the Allied war crimes trials in the Pacific theatre created a synergy of cross-cultural legal ideals, considering “infractions of customary as well as conventional law,” but mainly sought to prove that the suspected war criminals had broken “the laws and usages of war,” and “international treaties to which the majority of civilized states subscribed.”¹⁵ The defendant could not be found guilty simply by membership in a unit, group or organization, and actual involvement in a crime had to be proven. Thus, guilt was determined much as in common law and criminal trials by

¹⁰ Brode, *Casual Slaughters and Accidental Judgments*, p. 186.

¹¹ *Ibid.*, p. 186.

¹² GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, p. 5-6 *JDP*, folder 5.0. A *prima facie* case is one which upon the first impression, or first glance, is found sufficient by a jury, or in this case, Commission, with evidence that the Commission would “believe unless it is rebutted or the contrary is proved.” The regulations under which the Yokohama Trials were governed required that a *prima facie* case be present, so the accused could be found guilty under similar evidence presented in other cases under SCAP jurisdiction. See GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, 5 December 1946, p. 6, *JDP*, folder 5.0, and for definition see Daphne A. Dukelow and Beysy Nuse, eds., *The Dictionary of Canadian Law* (Scarborough, Ont.: Carswell Publication, 1991), p. 808.

¹³ Brode, *Casual Slaughters and Accidental Judgments*, p. 164.

¹⁴ GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, p. 6, *JDP*, folder 5.0.

¹⁵ Pritchard, “The Historical Experience,” p. 315-316.

proving beyond a reasonable doubt that the accused had been guilty of an infraction contrary to the laws and customs of war.

The sentences at the Yokohama trials were each thoroughly reviewed by a staff of American lawyers who were attached to the US Eighth Army Staff Judge Advocate,¹⁶ and the trials were considered “outstandingly fair and honest justice.”¹⁷ Patrick Brode notes that as time passed, the Yokohama Trials reflected civilian standards of justice, based on the fact that, by September 1947, the prosecution section had fifty lawyers on staff with only two of them being military officers, and while the defence carried a staff of about forty lawyers, with five being military personnel.¹⁸ The trials had begun with a distinct military character, but this had clear dissipated as time progressed.

The expediency with which they were supposed to be run, and the massive administrative hurdles that occurred in practice undermined the equality and fairness that should have been applied to each defendant. While it is clear that the prosecution and defence made ample efforts to work to the best of their ability under the framework provided, the nature of the cases and environment surrounding the Yokohama trials did not lend itself to the same sort of justice that one would expect in a North American court of law. This had as much to do with the context of the Occupation as it did with the massive case volume crammed into such a short period of time. 319 cases and 996 defendants were tried between December 1945 and October 1949.¹⁹

These trials must be considered according to the context in which they took place. In addition to the fact that these trials were judged by the victor's, during the period courts in Nova Scotia were not upholding the most admirable values either. Worth considering is that of black

¹⁶ Lyman, “A Reviewer Reviews the Yokohama War Crimes Trials,” p. 268.

¹⁷ Spurlock, “The Yokohama War Crimes Trials,” p. 437.

¹⁸ Brode, *Casual Slaughters and Accidental Judgments*, p. 185.

¹⁹ Piccigallo, *The Japanese on Trial*, p. 95.

Haligonian Viola Desmond, who was jailed, found guilty and fined for sitting in the main floor seating area of the Roseland Theatre in New Glasgow in 1946, where “her people” were not permitted to sit.²⁰ The conviction was unsuccessfully challenged in the Nova Scotia Supreme Court, further reinforcing racial segregation in Nova Scotia. The larger point in this case is that war crimes trials abroad must be considered in conjunction with what has proved to be a sometimes unfair and unjust judicial system at home.

Much of Dickey’s work in the courtroom proved to be in regard to the abuse and mistreatment of prisoners held at Omine. While more substantial charges regarding medical experiments and torture of captured soldiers by the Japanese were heard at Yokohama, most of Dickey’s specifications focused on poor living and working conditions, beatings, the misappropriation of Red Cross parcels, and the issue of slappings being dealt out by Japanese camp officials and guards to Allied prisoners as punishment in the camp. This issue is one which created a great deal of tension, as physical punishment in the Canadian forces was frowned upon, but in the Japanese forces, although extralegal and committed without official permission, slappings were considered “a useful tool for reinforcing discipline.”²¹ This cross-cultural difference was deemed an offensive, humiliating experience for Allied POWs, while from a Japanese perspective it was viewed as a regular practice. This practice funnelled down, from instructors at the military academies striking student officers, which was handed down to NCOs, men returning to their units, new recruits, and eventually Japanese guards striking POWs.²²

²⁰ See Constance Backhouse, “Racial Segregation in Canadian Legal History: Viola Desmond’s Challenge, Nova Scotia, 1946,” *Dalhousie Law Journal*, Vol. 17, No. 2 (Fall 1994), pp. 299-362.

²¹ Meirion Harries and Susan Harries, *Soldiers of the Sun: The Rise and Fall of the Imperial Japanese Army* (New York: Random House, 1991), p. 421.

²² Harries and Harries, *Soldiers of the Sun*, p. 421.

This problem is again complicated when one considers the “fight-to-the-death mentality” of the Japanese forces which had been engrained during training.²³ While members of the Imperial Japanese Army had been taught to fight bravely, and not to consider submission or surrender in any circumstances, they were also being asked/expected to treat Allied POWs who had been captured with care and respect. It is hard to think that some abuses were not to be expected, especially in the form of slappings, which were a common occurrence in Japanese military society. This begs the question of how worthwhile were prosecutions focusing on issues such as slappings or even other abuses against POWs in the broader scheme of things.

Although Japan was a signatory at the Geneva Convention relative to the treatment of prisoners of war which concluded at Geneva 27 July 1929, their signature was never ratified, thus not binding the Japanese forces to the statutes outlined in the convention. This summary of this convention was both included in Dickey’s papers, and referenced by case reviewers at Yokohama, illustrating that the concepts were enforced though the courts even though no legal commitment was made by the Japanese.

While posted in Japan, Dickey was Chief Prosecutor for three trials involving four of the Japanese personnel at the Omine POW camp near Fukuoka. The following three chapters discuss these trials, which ranged in length between two days, and almost four-and-a-half months.

²³ For more on this issue see Edward J. Drea, “Trained at the Hardest School,” in *In the Service of the Emperor: Essays on the Imperial Japanese Army*, ed., Edward J. Drea (Lincoln: University of Nebraska Press, 1998), pp. 75-90.

Chapter Three - Kaneko Takio and Uchida Teshiharu

In expressing his dismay at how long it had taken to get his first case to trial and at the decelerated pace of the trials, Dickey claimed that the beginning of his first case hinged on a trial which had already been in front of the commissions for ten weeks, and proclaimed that his case would “not be so long I hope.”¹ This proclamation would, in time, prove to be incorrect as the joint Kaneko / Uchida case would last ten weeks mainly as a result of numerous defence requests for adjournment.

The common trial of Captain Kaneko Takio and Sergeant Uchida Teshiharu commenced on 5 September 1946.² The trial, the first of major Canadian interest to be held in front of the Military Commissions at Yokohama, was tried with Dickey as Chief Prosecutor, accompanied by an American civilian, Jesse Deitch as Assistant Prosecutor. Deitch received his LLB from the New York State University Law School in 1938, and was admitted to the New York Bar the same year.³ The defence council was made up of two Americans, Major Harold Y. Kinzell and Second Lieutenant John H. Slagle, whom Dickey noted were “no real bargain but by far the pleasantest team in the defence section.”⁴ The Commission was headed by Law Member, and Canadian, Colonel Thomas Moss, joined by Australian Lieutenant Colonel Francis G.J. Place, as well as Captains Elmer C. Graves and Robert W. Nissley, and First Lieutenant Edmund L.

¹ Dickey to Mrs. W.B. Wallace, 23 August 1946(2), p. 1.

² Headquarters Eighth Army, United States Army, Office of the Commanding General, Special Orders Number 227, 4 September 1946, Appointment of a Military Commission, *JDP*, folder 5.0, Dickey to Mrs W.B. Wallace, 5 September 1946, and 8th Army Reviews, Case No. 73, United States VS Takio Kaneko, United States VS Techiharu Uchida, Reel 1. With regard to Sergeant Uchida, most records are consistent with the spelling Uchida Teshiharu, although the 8th Army Review lists it as Uchida Techiharu, a Halifax newspaper as Teshemaru, and some of Dickey’s notes give Tashiharu. For consistency’s sake, the spelling Teshiharu will be utilized in the text of this study.

³ GHQ, SCAP, Legal Section, Public Relations Summary No. 255, 13 Sept 46, U.S. vs Tetsutoshi YANARU, p. 1, *JDP*, folder 5.0.

⁴ HQ Eighth Army, 4 September 1946, Appointment of a Military Commission, *JDP*, Folder 5.0, Dickey to Mrs. W.B. Wallace, 5 September 1946, p. 2.

Haag.⁵ Dickey was pleased to have Moss and Place sitting on the commission, and felt that he could “depend on them to keep things rolling as much as possible.”⁶ Kaneko and Uchida were charged with traditional or conventional war crimes, classified as Class ‘B’ crimes, namely “violations of the laws or customs of war.”⁷

At the time of trial, Captain Kaneko was a thirty-four-year-old married father of one residing in Yamaguchi Prefecture.⁸ Kaneko had graduated from the Tokyo Art and Technology School, and had been a member of the Japanese military in two stints, the first from 1937-1941, and then from 1942 until the end of hostilities. Kaneko had been a 1st Lieutenant in the Imperial Japanese Army, and was promoted to Captain while at the Omine POW camp. He was the third commandant of the Omine camp, and was in charge from 20 August 1943 until 12 March 1945.⁹ Kaneko had gained a reputation for brutality at Omine, garnering fear from both the POW population as well as from his staff.¹⁰ Most of the complaints against Kaneko stemmed from serious beatings, responsibility for poor camp conditions, and “improper conduct on the part of the staff under his command.”¹¹

One of Kaneko’s underlings, Sergeant Uchida Teshiharu, was stationed at the Omine camp from its opening on 23 January 1943 until 10 July 1944.¹² Uchida was a thirty-year-old,

⁵ HQ Eighth Army, 4 September 1946, Appointment of a Military Commission, *JDP*, Folder 5.0. The Law Member on a commission was the equivalent to the President of a tribunal.

⁶ Dickey to Mrs. W.B. Wallace, 5 September 1946, p. 1-2.

⁷ Dower, *Embracing Defeat*, p. 256. For a complete listing of the charges and specifications against Kaneko please see Appendix, page 159, and for those against Uchida see Appendix, page 163.

⁸ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida. Yamaguchi Prefecture is located in the Chūgoku region on Honshu island.

⁹ J.H. Dickey, Major, Prosecution of Omine Camp Personnel, Fukuoka 5B (8D), 17 Feb 47, p.3. *JDP*, folder 5.0. also 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13. The review states that Kaneko left the camp on 7 or 8 March 1945, while the report written by Dickey says he served at Omine until 12 March.

¹⁰ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0, and Statement of Satoru Matsui, p. 4, *JDP*, folder 5.0.

¹¹ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0.

¹² Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0.

married graduate of the Kyoto Doshisha Commercial College, and resided in Osaka Prefecture.¹³

Uchida served at the camp as a Corporal and was promoted to Sergeant in December 1943.¹⁴

Uchida had gained a reputation for administering brutal beatings with his fists, as well as a sword scabbard or sticks. He was also accused of misappropriating and stealing Red Cross supplies, and ordering the abuse of POWs.¹⁵ In Dickey's case analysis notes, Uchida is described as about 5'11" and 160 pounds, with a "long face with flat features, swarthy complexion, clean shaven but heavy beard, black rimmed glasses....Japanese Army type."¹⁶

Dickey's first case broke him from the sullen state into which he had fallen after months of waiting, and he found himself genuinely excited about his work again. The end of August and beginning of September was an irritable period for the detachment, with frequent complaints regarding the food situation, Jack Boland being "particularly fed up with things in general" and Orr again falling into "one of his unfortunate moods."¹⁷ This tumultuous period was amended with Dickey, and his pending Kaneko / Uchida trial, being the "bright spot of the Canadian Division at the moment - in a very restricted sence [*sic*] of course," allowing Dickey to take not "too dim a view of life."¹⁸ The general lack of progress was beginning to fatigue the group, as everyone involved was "pretty fed up with getting nowhere and some progress [was] welcomed by all bands."¹⁹ Dickey had sincerely hoped to begin the prosecution on 1 September, but the

¹³8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida. Osaka Prefecture is located in the Kinki region on Honshu island.

¹⁴ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹⁵ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0, and Statement of Satoru Matsui, p. 4-5, *JDP*, folder 5.0.

¹⁶ LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 - Omine, Case Analysis - Tashiharu Uchida, p. 1.

¹⁷ Dickey to Mrs. W.B. Wallace, 28 August 1946, p. 1.

¹⁸ Dickey to Mrs. W.B. Wallace, 28 August 1946, p. 1.

¹⁹ Dickey to Mrs. W.B. Wallace, 23 August 1946 (2), p. 1.

initial start-date for the trial was cancelled and reassigned daily from 1 September until 5 September 1946.²⁰

The pre-trial period for Dickey's first case required frequent conferences in Yokohama to sort out the details and procedure for the coming trial. The Commission itself would follow a standard procedure as outlined in the December 1945 SCAP document entitled "Regulations Governing the Trials of Accused War Criminals," which provided procedural standards for the trial.²¹

5 September 1946 proved to be "the most productive and satisfactory" day that Dickey had "since coming to Tokyo."²² His and, indeed, the first Canadian case, began in Yokohama that morning. Dickey had feared that certain "obstructive motions...expected from the defence...would consume much valuable time."²³ These obstructive motions, in all probability calling into question the jurisdiction of the court and the legitimacy of the charges, were "disposed of when made" and the case "got ahead very promptly."²⁴ Dickey had Sergeant Major Shepherd take the stand on the opening day to provide evidence against Kaneko and Uchida, and in general, Dickey was delighted to report that "much better time was made than expected."²⁵ From a personal perspective, just getting started and having some progress was an important turning point for Dickey, and for the Canadian detachment on the whole. Although this was Dickey's first opportunity to get up in front of the commissions at Yokohama, expediency was his primary concern.

²⁰ See letters from Dickey to Mrs. W.B. Wallace, 23 (2), 31 August 1946 and 1, 3 September 1946, and postcard Dickey to Mrs. W.B. Wallace, 27 August 1946.

²¹ GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, 5 December 1945, *JDP*, folder 5.0.

²² Dickey to Mrs. W.B. Wallace, 5 September 1946, p. 3.

²³ Dickey to Mrs. W.B. Wallace, 5 September 1946, p. 1.

²⁴ Dickey to Mrs. W.B. Wallace, 5 September 1946, p. 1.

²⁵ Dickey to Mrs. W.B. Wallace, 5 September 1946, p. 1.

Dickey had mentioned on 4 September that Col. Orr had shown interest and was “coming down to hear the opening of the case,” which pleased him a great deal.²⁶ Orr attended the opening session, but made no comment on the proceedings upon adjournment, which led Dickey to believe that he would get no reaction at all. Orr reserved his judgment until returning to Tokyo that evening, at which time he allowed “that everything had gone quite well” and that “exceedingly good progress” had been made.²⁷ While this may seem not entirely positive, according to Dickey, “[c]oming from him that was praise indeed. I feel.”²⁸ This serves as another example of the frustration that Orr’s moods created, and the degree to which Dickey, and Boland, sought his approval. Dickey and Orr both only commented on the speed in which the proceedings moved in the courtroom, not the actual performance of justice as an indication of a ‘job well done,’ or a noteworthy day in court. It is evident that expediency, even from the first Canadian session in front of the Commissions was of the utmost of importance.

The examination, cross-examination and re-examination of Shepherd took up the opening session as well as the majority of the three days before the court adjourned on 11 September.²⁹ Dickey had spent considerable time preparing with Shepherd and going over “possible points of cross-examination.”³⁰ Dickey claimed Shepherd to be “a funny fellow,” and was unsure of whether he was actually prepared for cross-examination as he had “crossed [Dickey] up several times on direct examination which was most unexpected.”³¹ Shepherd’s oral evidence provided some specific recollections of beatings administered by Kaneko as well as a “good general picture of the working conditions throughout the mine and the particular hazards which the

²⁶ Dickey to Mrs. W.B. Wallace, 4 September 1946, p. 3.

²⁷ Dickey to Mrs. W.B. Wallace, 5 September 1946, p. 3.

²⁸ Dickey to Mrs. W.B. Wallace, 5 September 1946, p. 3.

²⁹ Dickey to Mrs. W.B. Wallace, 11 September 1946, p. 3.

³⁰ Dickey to Mrs. W.B. Wallace, 8 September 1946, p. 3.

³¹ Dickey to Mrs. W.B. Wallace, 8 September 1946, p. 3.

prisoners were forced to under go [sic].”³² Although Shepherd had witnessed, or been a victim of, several beatings he provided a large amount of hearsay evidence, having been told by several victims what had happened to them in Kaneko’s office or while interned in the guard house.³³ At the end of Shepherd’s time on the stand, the court adjourned until 24 September; it was during this adjournment that Dickey had the opportunity to get his second case, against Yanaru Tetsutoshi, underway.³⁴

Aside from taking much longer than Dickey intended to get the Kaneko / Uchida case in front of the Commission, there were several other problems and hindrances that arose. On numerous occasions Dickey, Deitch and Colonel Moss had transportation problems, including drivers failing to arrive to take them to and from Yokohama, drivers abandoning them after a recess for lunch, and a flat tire which saw the trio stranded on the side of the road before being saved by a car of prosecutors heading to work on another case.³⁵ Another similarly comical situation saw all available Legal Section vehicles sent to meet an arriving boat full of dependants unbeknownst to Dickey and company, which left them “literally on the street.”³⁶ This time, Dickey did not have such luck as before, and could not get started at Yokohama until 10:45.³⁷

There were several cases being prosecuted at the same time at Yokohama, which necessarily caused delays for everyone involved in the trials. As time passed Dickey got very impatient with this process, but initially was not particularly perturbed. When Jack Boland’s

³² LAC, RG 24, Vol. 8019, TOK – 2-2 – Fukuoka Camp No. 5 – Omine, Takio Kaneko, p. 6. This document is Dickey’s trial notes outlining the evidence provided for each specification against Kaneko.

³³ See LAC, RG 24, Vol. 8019, TOK – 2-2 – Fukuoka Camp No. 5 – Omine, Takio Kaneko

³⁴ Dickey to Mrs. W.B. Wallace, 11 September 1946, p. 3.

³⁵ Dickey to Mrs. W.B. Wallace, 6-7 September 1946, p. 1. The morning of the flat tire the car that Dickey had arranged arrived late, putting Dickey, Dietch and Moss 30 minutes behind schedule and through dumb luck the group was picked up the other prosecutors, travelling seven in one car to Yokohama, which arrived only ten minutes late. According to Dickey the trip to Yokohama was “a 45 to 50 minute drive under the best of conditions and a very dull one I must say.”

³⁶ Dickey to Mrs. W.B. Wallace, 9 September 1946, p. 1.

³⁷ Dickey to Mrs. W.B. Wallace, 9 September 1946, p. 1.

first case was to begin around 18 September, he noted that it “will delay things a bit but will do no particular harm to the case as things now stand.”³⁸ At this point Dickey was quite convinced that he would have both cases completed by the end of October and would surely be home by Christmas.³⁹ Only a week later Dickey had already become very irritated with the slow and aggravating administrative side of the trials, making numerous complaints about the number of trials on at once at Yokohama.

The joint trial resumed on 23 October, but only for a half day.⁴⁰ Although Dickey would have preferred a full day in order to “have gone forward without any more delay,” he did see the merit in giving Col Moss, who had been very ill, an opportunity to “break back into harness easily.”⁴¹ The prosecution made rapid progress in the first half day, and successfully finished presenting their case by Friday 25 October, one day faster than Dickey had planned for.⁴² The picture the prosecution drew of Kaneko was of a brutal and violent man, who abused prisoners by independently beating and mistreating them, but also failing to restrain those under his command from committing atrocities against the prisoners.

On one such occasion, in March 1944, one of the camp guards, Matsui Satoru, discovered prisoners F.B. Cauldwell, W.R. Parkes, Frank Ebdon, M. D’Avignon, Lance Ross, J.F. Burns and H.P. Lim studying a Japanese newspaper and some maps they had smuggled into the camp.⁴³ The prisoners were taken to Kaneko’s office for questioning, but after none of them would disclose their motives in studying the maps, Kaneko allegedly threatened to cut off their hands, and proceeded to beat them with his sword, scabbard and fist. The group was then confined in

³⁸ Dickey to Mrs. W.B. Wallace, 18 September 1946, p. 1.

³⁹ Dickey to Mrs. W.B. Wallace, 13 September 1946, p. 2-3.

⁴⁰ Dickey to Mrs. W.B. Wallace, 23 October 1946, p. 1.

⁴¹ Dickey to Mrs. W.B. Wallace, 23 October 1946, p. 1.

⁴² Dickey to Mrs. W.B. Wallace, 25 October 1946, p. 1 and 23 October 1946, p. 1.

⁴³ LAC, RG 24, Vol. 8019, TOK – 2-2 – Fukuoka Camp No. 5 – Omine, Takio Kaneko, p. 1 and 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 7.

the guard room without food, standing at attention for thirty-one hours. They were beaten with bamboo sticks if they moved. The prisoners were brought back into Kaneko's office individually for further questioning and beaten again.⁴⁴ Upon their release from the guardroom the prisoners were "compelled to unload cars of cement and rocks" at the mine.⁴⁵

Another incident outlined by Dickey was when, during the summer of 1944, seven prisoners were caught gambling with dice and were taken into Kaneko's office. The group was beaten with a chair and rifle butts by Kaneko, Sergeant Uchida and another guard for their offence, and prisoner Robinson was rendered unconscious after a kick to the stomach.⁴⁶ The men were removed from their regular roles in the mine, and for two weeks were required to unload rocks for ten-and-a-half hours a day, and were kept in the guard house on half-rations for those two weeks.⁴⁷

Other claims against Kaneko included that he administered beatings and internment after finding the words "Jap Latrine" written on a fatigue list in the possession of prisoner Cauldwell. Cauldwell tried to explain that the word "Jap" was only an abbreviation for Japanese, but was stuck several times and confined to the guard room for three days on half-rations, as Kaneko took exception to the term.⁴⁸ Kaneko also allegedly forced prisoner William Calloway to stand in a weapon-pit filled with one and a-half feet of water in December of 1944 when a skeleton key

⁴⁴ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 7.

⁴⁵ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 7, LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 - Omine, Takio Kaneko, p. 1

⁴⁶ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 7.

⁴⁷ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 7.

⁴⁸ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 7.

was found in his possession.⁴⁹ Calloway was brought back inside for questioning and forced to remove his clothing. After refusing to divulge any information about the key, Calloway was forced to stand over a “lighted charcoal brazier” for about a half-an-hour. After standing over the brazier Calloway was brought inside and forced to sit back on his heels in the guard room for three hours. Calloway was forced to repeat this procedure several times over four days and was kept on half-rations. According to the evidence provided, he “received severe burns and was in considerable pain for about a week, but was ordered back to work in the mines the day following his release from the guard room.”⁵⁰ However, in his affidavit, Calloway did not name Kaneko, and incorrectly identified a photograph of Lieutenant Okade as the accused Kaneko.⁵¹

There were several other incidents in which Kaneko was accused of beating prisoners, holding roll calls at any hour of the day or night, and ignoring the claims of camp guards in order to punish prisoners for acts that they had not committed.⁵² Another of the more serious accusations resulted from a new regulation Kaneko put in place in February 1944 which required that prisoners wear only the clothes provided by the mining company underground. Prior to this, the prisoners were permitted to wear whatever layers they had to the mines and could wear Red Cross supplied footwear while they worked underground. The company issued clothing included “a light khaki drill jacket, light khaki drill slacks, canvas shoes with rubber soles and a loin cloth, called a “G-string.””⁵³ The men were allowed to wear coats to the mine, but had to take them off

⁴⁹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 7-8.

⁵⁰ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 8.

⁵¹ LAC, RG 24, Vol. 8019, TOK – 2-2 – Fukuoka Camp No. 5 – Omine, Takio Kaneko, p. 3.

⁵² 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 7-10.

⁵³ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 9.

before waiting fifteen to forty-five minutes unprotected from the elements to be brought down into the “cold and damp” mine.⁵⁴

The majority of the other specifications against Kaneko were for allowing those under his control to commit atrocities against the prisoners while he was camp commandant. Most of them involved beatings, the denial of medical attention, and other mistreatments from various camp guards. Several of the command responsibility-related specifications against Kaneko were reflected, and cross listed in the specifications against Sergeant Uchida Teshiharu. Uchida was presented as a violent, power-hungry drunk who “never missed an opportunity to punish a man.”⁵⁵ The evidence provided by the prosecution alleged that Uchida frequently beat prisoners for violations ranging from playing cards to not saluting him when he entered a room, for oversleeping, and on one occasion, he beat Arthur Bennett, who was roughly forty-five pounds underweight, because he thought that Bennett was laughing at him.⁵⁶ It was alleged that Uchida slapped prisoners for not working hard enough in the mine, beat prisoners with his fists, feet, bamboo sticks, a broom, clubs, rifle butts, chairs and just about anything that he could get his hands on.⁵⁷ The image of Uchida that was portrayed was someone who was always “punching somebody around” and who “took a crack at all of the prisoners at some time or another.”⁵⁸

One of the reasons that progress was made so quickly was that after submitting all of his evidence, Dickey chose to drop some of the specifications “in an effort to shorten the defence.”⁵⁹

⁵⁴ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 9.

⁵⁵ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 10.

⁵⁶ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 9-10.

⁵⁷ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 10.

⁵⁸ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 10.

⁵⁹ Dickey to Mrs. W.B. Wallace, 23 October 1946, p. 1.

Overall, Dickey chose to enter a *nolle prosequi* on four of the specifications against Kaneko and Uchida as the “instructions under which [the trials] operate...require [the prosecution] to file & press very detailed charges,” which Dickey claimed, were “in some respects less important than we want to bother with.”⁶⁰ In Dickey’s view, these long and cumbersome specifications “only tend[ed] to lengthen the trial by widening the field of facts which have to be proved and defended against and [did] not effect the sentence one way or another.”⁶¹ Dickey thus felt more than justified in not pursuing some of the specifications after closing his case.

The defence attempted to claim that no *prima facie* case had been made out, as was required in the SCAP regulation but, after deliberating, the commission disregarded the claim.⁶² From the beginning of his investigation Dickey had been convinced that there was a *prima facie* case “made out against Uchida for beating Parks, Campbellton, Innes, McLean, Cauldwell[,] Fertal, Shalala, Robinson, Tresiewick, Cox and also for general brutality.”⁶³ He also noted that Uchida was “involved with Kobayashi in MacDonald[’]s death and in theft of Red [Cross] Parcels.”⁶⁴ Dickey agreed to drop two other specifications. He had the “assurance of the Commission that it considered that in view of the seriousness of some of the other specifications that they felt a finding of guilty on the two in question would not seriously effect the eventual verdict.”⁶⁵ Dickey hoped that dropping two of the “troublesome” specifications would allow the verdict to be read within two weeks.

The evidence provided by the defence witnesses was largely focused on Captain Kaneko, and attempted to show that under his rule the camp was run tightly by the regulations that had

⁶⁰ Dickey to Mrs. W.B. Wallace, 23 October 1946, p. 1. Filing a *nolle prosequi* is when a prosecutor chooses to abandon a charge or specification, in this case in hopes of making for a shorter trial. See Bryan A. Garner, ed., *Black’s Law Dictionary*, seventh edition (St. Paul, Minn.: West Group, 1999), p. 1070.

⁶¹ Dickey to Mrs. W.B. Wallace, 23 October 1946, p. 1.

⁶² Dickey to Mrs. W.B. Wallace, 25 October 1946, p. 1 and 27 October 1946, p. 2.

⁶³ LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 - Omine, Case Analysis - Tashiharu Uchida, p. 1-2.

⁶⁴ LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 - Omine, Case Analysis - Tashiharu Uchida, p. 2.

⁶⁵ Dickey to Mrs. W.B. Wallace, 27 October 1946, p. 2.

been handed down from the Fukuoka Main Camp. Kaneko was made out to appear a largely disengaged leader who only got involved in drastic incidents requiring his attention, contrary to the specifications that claimed he had been a willing participant in several beatings. Conversely, Uchida received minor attention from the defence, which did little to clear his name during the trial.

The first defence witness was Fukami Takeo, a liaison officer between the Furakawa Mining Company and the Omine camp between 1943 and 1945.⁶⁶ Dickey had interviewed Fukami in Fukuoka in May 1946. Fukami testified mainly to the logic behind Kaneko's work-clothes regulation, which he claimed resulted from prisoners trading their clothes to Japanese and Korean workmen.⁶⁷ Fukami went on to show that the regulation had come after six or seven prisoners were caught trading clothes with a Japanese supervisor for cigarettes in December 1944. This broke regulations in both the camp (for trading away clothes) and in the mine (for having cigarettes below the surface).⁶⁸ Fukami was not particularly shaken during cross-examination, explaining that any prisoner deemed by the medical staff as sick was "permitted to wear underwear," as were those who were kept on the surface working in the garden or making baskets.⁶⁹

Fukami's testimony on the stand helped create the image of Omine as a smoothly run camp in which the prisoners were reprimanded because of their own wrong-doing. Fukami had, however, signed a statement during Dickey's investigation at Fukuoka which verified the specifications regarding W.E. Calloway being forced to stand in a pit of water, the beatings of

⁶⁶ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 11.

⁶⁷ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 11.

⁶⁸ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 11.

⁶⁹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 11.

the prisoners linked to the map incident, prisoners working in the mine wearing straw sandals, and Kaneko, as camp commander forcing sick prisoners to work and striking prisoner Goodwin with a wooden sword.⁷⁰ Fukami admitted to giving this signed statement, which quickly altered the image of how the camp operated under Kaneko.

The next defence witness, Terasaki Tadashi, a mining engineer at Omine, was brought in to discuss the temperatures of the mine during this period. Terasaki had kept thorough records of mine temperatures, and alleged that the lowest temperature the miners would have contended with was ten degrees centigrade near the entrance to the mine, and that the mine was much warmer where they were actually working.⁷¹ Terasaki explained that during the winter months, the further down the mine shaft the prisoners worked, the warmer the air became, while the converse was true for the summer.⁷²

Fukamoto Matsujiro, a former Colonel in the Imperial Japanese Army, and Fukuoka Main Camp Commander from 24 July 1944 until the end of the war, was the next defence witness brought to the stand.⁷³ Fukamoto testified that Kaneko was “a good camp commander and merited his promotion to Captain because he performed his duties strictly, but also kindly to others.”⁷⁴ Fukamoto outlined five instructions that he issued to the eighteen camp commanders under his control:

- 1) To keep military discipline and orders strictly and set such examples that the prisoners would understand what the Japanese Army’s intentions were.
- 2) Not to envy another’s duty and to do one’s best to fulfil one’s duty.

⁷⁰ LAC, RG 24, Vol. 8019, TOK – 2-2 – Fukuoka Camp No. 5 – Omine, Statement of Takeo Fukami, Fukuoka, Kyushu, Japan, 28 May 1946.

⁷¹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 11.

⁷² 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 11.

⁷³ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

⁷⁴ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

- 3) To treat prisoners strictly so no chance would be had for plots, violence or escape, but to treat them humanely.
- 4) To have no arguments, act soldierly and to do one's duty without complaining.
- 5) To cooperate with each other with the branch commander at its center.⁷⁵

Fukamoto went on to describe that Kaneko properly disciplined the prisoners at Omine, as well as the Imperial Japanese Army and civilian staff at the camp. He explained that if a member of the Imperial Army was officially punished it would affect him publicly and privately and harm any chance he would have in being promoted, so it was typical to slap them for marginal offences, even though this was against official recommendations.⁷⁶ The slapping was continued down the chain of command, and "such a custom was hard to stop."⁷⁷ Fukamoto claimed that Kaneko had every right to confine a prisoner or member of the camp staff for twenty days, and he should have, as he was responsible for their actions, and if "a prisoner escaped [Kaneko] would be turned over for court martial."⁷⁸ By camp regulations, if Kaneko discovered a prisoner planning escape, he could put him in heavy confinement for twenty days.⁷⁹ Fukamoto's final clarification was in regards to Kaneko's onerous roll calls, which he claimed were needed to train for emergencies, prevent escape, and search for stolen articles. He considered random roll calls "necessary and not a breach of the rights of the prisoners."⁸⁰

One of the doctors at the company hospital, Dr. Eto Fukashi, took the stand and asserted that he had never treated any prisoner who, "in his opinion [was] ill or disabled because of

⁷⁵ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

⁷⁶ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

⁷⁷ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

⁷⁸ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

⁷⁹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12. Heavy confinement allowed no bedding unless it was very cold, whereas light confinement, bedding was issued. Prisoners on confinement were allotted "only as much food...as is given to one who does not work."

⁸⁰ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

wearing insufficient clothing while working at the mine.”⁸¹ Eto provided little on the stand, and made one hearsay claim about prisoners trading their undershirts to Korean workers for tobacco and newspapers while he was sick and away from the camp.⁸² A company commander for Furakawa named Maruhama Otozo who worked at Omine explained that the prisoners had been working during each winter (1943-1945) in clearing a blocked shaft and constructing rail tracks inside it.⁸³ Maruhama argued that Kaneko’s clothing regulations were an absolute requirement as the prisoners had been trading their underclothes for tobacco and were increasingly being caught smoking in the mine which he deemed very dangerous as the risk of explosion was high.⁸⁴

One of the former medical sergeants, Ishida Satoru, testified that after a confrontation between himself and Eddy Hobson, a Canadian POW, Kaneko confined both parties to separate quarters for the night, giving an equivalent punishment to each party involved.⁸⁵ According to Ishida, the squabble happened while Ishida had been “working on a very difficult report,” and Hobson had put on a pair of boxing gloves and “made a few passes” at him. The two started wrestling, were broken up by another guard, and punished by Kaneko.⁸⁶ According to Hobson, he had gone to see Ishida about a medical problem, was refused attention and then when he

⁸¹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

⁸² 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

⁸³ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

⁸⁴ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 12.

⁸⁵ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13.

⁸⁶ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13.

argued he was slapped, wrestled with and eventually taken to the guard house where he was beaten with a 2' x4' and that Kaneko had been aware of the beating while it took place.⁸⁷

Dickey claimed that the case presented by the defence was essentially what he had expected, and accordingly he did not picture it having a great impact on the outcome of the trial.⁸⁸ He also noted that he had gotten quite a lot of information out of the first five defence witnesses, and noted that they failed to call the two witnesses they had planned to call on 2 November, which required an adjournment until 4 November.⁸⁹

The next defence witness to take the stand when the court reconvened was former guard commander, Matsui Satoru.⁹⁰ Dickey had interviewed Matsui while in Fukuoka the previous May, and apparently “had the satisfaction of making mince meat of [the defence’s] big witness,” on 4 November when he took the stand.⁹¹ Matsui had discovered the prisoners with the maps of Japan and the South Pacific region and reported it to Kaneko.⁹² He claimed that Kaneko ordered the prisoners to be confined and separated in the guardroom, which is why they were ordered to stand at attention and not speak to one another while guards with bamboo spears were posted to ensure that the order was followed.⁹³ Matsui made several claims about his own innocence regarding instances of abuses, and was confronted by Dickey during cross-examination for

⁸⁷ LAC, RG 24, Vol. 8019, TOK – 2-2 – Fukuoka Camp No. 5 – Omine, Takio Kaneko, p.7.

⁸⁸ Dickey to Mrs. W.B. Wallace, 1 November 1946, p. 1.

⁸⁹ Dickey to Mrs. W.B. Wallace, 1 November 1946, p. 1. With that adjournment Dickey managed to get away for the weekend, meeting up with Jack Boland at the Fuji-View hotel

⁹⁰ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13.

⁹¹ Dickey to Mrs. W.B. Wallace, 4 November 1946, p. 3.

⁹² 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13.

⁹³ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13.

making statements while on the stand that conflicted drastically with those he had previously made in a signed statement in May.⁹⁴

After the court adjourned for the evening, Dickey planned “another go at him [Matsui] in the morning,” and guessed that they would not likely need to deal with any more defence witnesses as Matsui had all but ruined the defence’s case.⁹⁵ After another hour of cross-examination from Dickey on the morning of 5 November, the defence requested that they be allowed to “to cross-examine their own witness in order to try and shake him and throw suspicion on the statement [Dickey] had taken by suggesting that it had been obtained under duress and that the answers had been suggested to him.”⁹⁶ Upon redirect examination, Matsui claimed that when he made the statement with Dickey in May “because of the proximity of the Canadian and American officers who were questioning him, he was afraid of them and afraid that he was going to be arrested as a war criminal.”⁹⁷ According to Dickey, Matsui had “stuck to his story and [the prosecution] came through with the testimony pretty well untouched.”⁹⁸

After Matsui came off the stand, the defence called Kaneko Takio, which Dickey indicated meant “that their case was coming to an end.”⁹⁹ Of the map incident, Kaneko explained that four out of the five men apprehended were group leaders, who had essentially taken the place of camp officers, so their “possession of maps worried him because his duties were to control the prisoners and to guard against espionage and escape.”¹⁰⁰ Kaneko claimed that he had Matsui take the men to the guardroom, and told him to keep them separate because

⁹⁴ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13.

⁹⁵ Dickey to Mrs. W.B. Wallace, 4 November 1946, p. 3.

⁹⁶ Dickey to Mrs. W.B. Wallace, 5 November 1946, p. 1.

⁹⁷ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13.

⁹⁸ Dickey to Mrs. W.B. Wallace, 5 November 1946, p. 1.

⁹⁹ Dickey to Mrs. W.B. Wallace, 5 November 1946, p. 1.

¹⁰⁰ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13-14.

he did not want them to discuss the matter further until he could interrogate them individually, and only found out the next day that the men had been forced to stand all night.¹⁰¹ He placed the men on heavy confinement in the guardhouse for three days.¹⁰²

Of the gambling incident, Kaneko claimed that he had been home one evening and was informed by Sergeant Uchida that the prisoners had been caught gambling. Kaneko ordered Uchida “to put them in temporary confinement but did not see them that night,” and the following day placed them into light confinement for three days.¹⁰³ Kaneko claimed not to have beaten or ordered Uchida to beat any of the prisoners.¹⁰⁴ This diverged from the affidavit of Canadian John Fertal, who claimed that they were kicked, beaten with chairs and rifle butts and put in confinement on half-rations for two weeks.¹⁰⁵

In response to Specification 3, Kaneko disclosed that he had been very offended when he found a duty roster with the words “Jap Commander” written on it. As Kaneko was the only commander on site, he took personal offence as he had been taught as a child that “when foreigners desired to insult the Japanese they used the word “Jap.””¹⁰⁶ Kaneko admitted to pointing to the offensive word and hitting Cauldwell “three or four times with all his strength.”¹⁰⁷ Kaneko “failed to remember” several of the incidents outlined in the specifications, especially those for which he was charged with command responsibility. He did recall striking prisoner

¹⁰¹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹⁰² 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹⁰³ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹⁰⁴ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13.

¹⁰⁵ LAC, RG 24, Vol. 8019, TOK – 2-2 – Fukuoka Camp No. 5 – Omine, Takio Kaneko, p.2.

¹⁰⁶ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹⁰⁷ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

Galloway with “two sharp blows and confining him in the guardhouse for ten days,”¹⁰⁸ but was unaware that Galloway had been forced to stand in the weapon-pit, and denied forcing him to stand over the charcoal brazier.¹⁰⁹ Of the “friendly scuffle” between Ishida and Hobson, Kaneko claimed that he confined the prisoner to his cell for one night, and cancelled Ishida’s leave as a result.¹¹⁰

Of the most thoroughly debated issue of the case – Kaneko’s clothing regulations – Kaneko claimed that they stemmed from a November 1944 incident where a prisoner was caught smoking in the mine, which “was dangerous because of the gas present there.”¹¹¹ Kaneko claimed that he had warned prisoners about smoking in the mine, and trading their underclothes for food and other items, and when another prisoner was caught smoking he passed regulations prohibiting the wearing of underclothes and ordering the removal of pockets.¹¹²

Kaneko’s time on the stand ended on 8 November when he claimed overall that he had been attempting to follow the camp regulations, did not give his subordinates permission or orders to abuse POWs, and frequently cautioned them at roll call not to beat prisoners.¹¹³ Dickey was pleased to see Kaneko’s cross-examination finish up as he “was only supposed to take a day and has now taken 3.”¹¹⁴ According to Dickey, the “cross-examination of Kaneko was more of an irritating than a difficult task,” but claimed that he had “succeeded in calling his

¹⁰⁸ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹⁰⁹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹¹⁰ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹¹¹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹¹² 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹¹³ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 13-14 and Dickey to Mrs. W.B. Wallace, 8 November 1946, p. 1.

¹¹⁴ Dickey to Mrs. W.B. Wallace, 8 November 1946, p. 1.

credibility into the most serious question which was really all that could be hoped for.”¹¹⁵ The re-examination of Kaneko by the defence was apparently lengthy, which according to Dickey was “some indication that the defence were trying to mend what they at least considered to be damage.”¹¹⁶ Dickey did suggest, however, that even before his cross-examination he expected a verdict early the following week, and thought “that the Court [would] not have much trouble with the facts.”¹¹⁷

The last major step in the joint trial of Kaneko and Uchida was for Sergeant Uchida to take the stand during a brief session at Yokohama on Saturday 9 November.¹¹⁸ Uchida openly admitted to striking prisoners on several occasions, including four of the alleged gamblers who had denied their involvement.¹¹⁹ He denied ever having struck G.W. Murray, or any other sick prisoner, but did recall hitting Canadian prisoner Victor Belcourt twice with “a sharp blow to the face with his right hand” for being late for roll call three times.¹²⁰ Another incident to which Uchida admitted was when, in March 1944, he walked into the prisoner mess hall at about ten o’clock and none of the thirty prisoners present saluted him, even though they “had been notified of this regulation [requirement to salute] thirteen months prior.”¹²¹ Uchida called this violation to the prisoners’ attention and all but four saluted him. When the four would not respond to him he “hit each of the four prisoners twice with a shrap [sic] blow using the fist of his hand.”¹²² Uchida denied a few of the specifications, and claimed he “did not hit any prisoner with a rifle,

¹¹⁵ Dickey to Mrs. W.B. Wallace, 8 November 1946, p. 1.

¹¹⁶ Dickey to Mrs. W.B. Wallace, 8 November 1946, p. 1-2.

¹¹⁷ Dickey to Mrs. W.B. Wallace, 5 November 1946, p. 1.

¹¹⁸ Dickey to Mrs. W.B. Wallace, 11 November 1946, p. 1.

¹¹⁹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹²⁰ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹²¹ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

¹²² 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 14.

chair[,] bamboo sword or a wooden stick,” and further showed that when Omine was a branch camp (until 1 December 1943) “the guards and soldiers carried rifles,” but when it was a dispatch camp (1 December 1943 until August 1945), “only the civilian guard commander carried a rifle.”¹²³

Uchida’s examination took all of the short Saturday session, and the first part of the day on Tuesday 12 November, when Dickey began his summing up.¹²⁴ After Dickey put in his preliminary closing arguments, the defence took the floor and tied up the court for the rest of the Tuesday session and what Dickey described as “the whole of this morning’s session which[,] it being Wednesday [*sic*] was all for to-day.”¹²⁵ Dickey hoped to complete the prosecution’s argument on Thursday morning and “get a verdict soon after lunch,” although he guessed that some of the findings were not going to be quite what he wished or thought they should be.¹²⁶

Things went according to Dickey’s plan, and the trial of Kaneko and Uchida was drawn to a close on 14 November 1946, with Dickey’s closing remarks ending in the morning, and the verdict being delivered at 1:30 in the afternoon.¹²⁷ Both of the accused were found “guilty of the charge and most of the specifications,” and although Dickey was not totally satisfied with the findings, he found a sentence of twenty-eight years imprisonments at hard labour for “the more serious offender” Captain Kaneko, and fifteen years to Sergeant Uchida to be adequate.¹²⁸ Col. Orr had attended to hear the final address and verdict, and “had not adverse comment on the former and was evidently satisfied with the latter so [Dickey] was not concerned [too] much with

¹²³ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 15.

¹²⁴ Dickey to Mrs. W.B. Wallace, 13 November 1946, p. 3. The court did not sit on Monday 11 November.

¹²⁵ Dickey to Mrs. W.B. Wallace, 13 November 1946, p. 3.

¹²⁶ Dickey to Mrs. W.B. Wallace, 13 November 1946, p. 3.

¹²⁷ Dickey to Mrs. W.B. Wallace, 14 November 1946, p. 1.

¹²⁸ Dickey to Mrs. W.B. Wallace, 14 November 1946, p. 1.

what [he considered] unsatisfactory findings on some points.”¹²⁹ The guilty verdict and sentences were reported on in an article entitled “Two Jap Soldiers Jailed for Crimes Against Canadians,” the 16 November 1946 edition of the *Ottawa Citizen*.¹³⁰

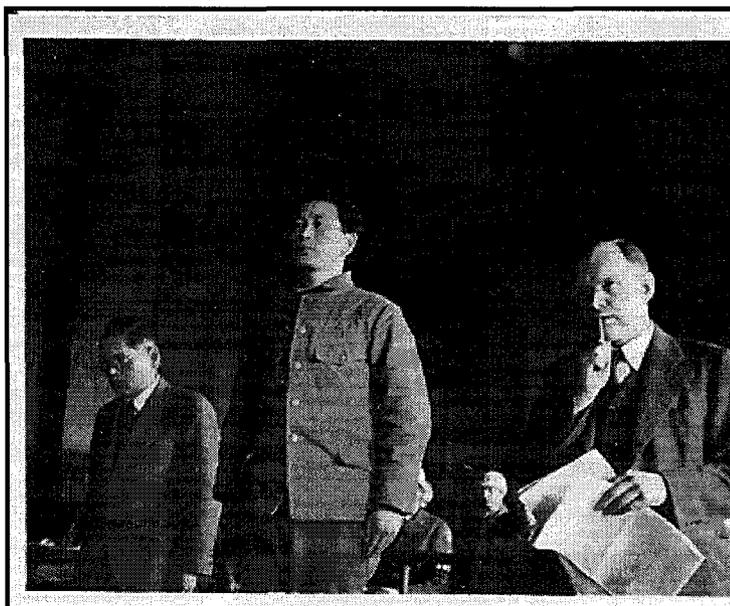


Figure 6 – “Capt. Kaneko being sentenced to 28 years.”¹³¹

The sentences were reviewed by Paul E. Spurlock, who made a request that they be remitted to twenty-two and ten years on the grounds that several of the specifications against Kaneko were minor and did not amount to war crimes.¹³² The request for Uchida was based upon the fact that there had been “sufficient confusion in the testimony between the names of accused Uchida and Ishida to raise a reasonable doubt to accused Uchida’s guilt.”¹³³ This request was denied by both American Army Judge Advocate Lieutenant Colonel Allan R.

¹²⁹ Dickey to Mrs. W.B. Wallace, 14 November 1946, p. 1-2.

¹³⁰ LAC, RG 24, Vol. 8018, TOK - 1-2-1 - Press Releases, Clipping from Ottawa Citizen dated 16 Nov. 46. (transcription), “Two Jap Soldiers Jailed for Crimes Against Canadian Soldiers.”

¹³¹ Capt. Kaneko being sentenced to 28 years, *JDP*, folder 3.0, photographs.

¹³² 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 19.

¹³³ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 19. Ishida was another Sergeant at Omine, working in the Sanitary Corps from 22 January to December 1943. During the trial, and in some affidavits there was confusion between acts committed by Uchida and Ishida based on the pronunciation of their names. Dickey arranged a case against Ishida which never went through, which linked him to the death of three Canadian POWs. LAC, RG 24, Vol. 8019, TOK - 2-2 - Fukuoka Camp No. 5 – Omine, Satoru ISHIDA.

Browne and General Eichelberger. Browne argued that the sentences were in accord with those returned in similar cases, so therefore the sentences were “just and fair.”¹³⁴ In Eichelberger’s review, the motion to change the sentences was denied, and the prisoners were to be interned at Sugamo Prison.¹³⁵ As Uchida played a relatively minor role at Omine, and was only fractionally discussed in the courtroom in comparison to Kaneko, it is curious that he received such a stern sentence.



Figure 7 – “Sgt. Uchida being sentenced to 15 yrs.”¹³⁶

Dickey’s closing comments on the case were as follows: “It is certainly nice to have a case over. It is our first Canadian case completed just one day under 7 months from the date of arrival. The Col. was delighted to send off a cable announcing the result. I will now have to see how quickly I can get my other case on. Due to conflicts with other cases it may be some time but I will be in there plugging.”¹³⁷ Two days before the Kaneko / Uchida case was completed,

¹³⁴ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 19.

¹³⁵ 8th Army Reviews, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida, p. 21.

¹³⁶ Sgt. Uchida being sentenced to 15 yrs., *JDP*, folder 3.0, photographs.

¹³⁷ Dickey to Mrs. W.B. Wallace, 14 November 1946, p. 2.

Dickey was promoted from Captain to Major, showing how promising his legal work was, and the level of respect he earned.¹³⁸

¹³⁸ Dickey to Mrs. W.B. Wallace, 13 November 1946, p. 1.

Chapter Four - Yanaru Tetsutoshi

After the Kaneko and Uchida common trial had adjourned on 11 September, Dickey had an opening until 24 September to get another one of his cases before the Military Commissions at Yokohama. An afternoon meeting on 11 September between the prosecution and defence attempted to “iron out some difficulties in the path of [the] next case to come up,” and on 13 September it was “precipitously decided that [Dickey’s] next case – that against Tetsutoshi Yanaru – would get under-way on Monday morning.”¹ Dickey was fully “prepared and in fact glad to get it started,” but knew that it would mean a “busy week-end as there are certain things which can’t be got ready till the date is set.”² Dickey spent the following weekend preparing himself for the case and working with Sergeant Major Shepherd on his testimony.³

Dickey had put a significant amount of preparation time into the case before hand, and by Sunday afternoon was “all prepared except for [his] opening address and anything [he] may be required to say in answer to perliminary [*sic*] motions.”⁴ Dickey chose to play tennis in the afternoon to clear his head, and set to work finishing up his case in the evening.⁵ Dickey was sure the case would go to adjournment before the end of the first week, but was convinced that “[n]o matter how badly things go [he] should have [both trials] wound up by the end of October at the latest.”⁶ Dickey’s presumptions were again incorrect, as the Kaneko and Uchida trial dragged on until mid-November, and the Yanaru case went on even longer.

¹ Dickey to Mrs W.B. Wallace, 11 September 1946, p. 2-3 and 13 September 1946, p. 2.

² Dickey to Mrs. W.B. Wallace, 13 September 1946, p. 3.

³ Dickey to Mrs. W.B. Wallace, 13 September 1946, p. 2, 15 September 1946, p. 1-2.

⁴ Dickey to Mrs. W.B. Wallace, 15 September 1946, p. 2

⁵ Dickey to Mrs. W.B. Wallace, 15 September 1946, p. 2

⁶ Dickey to Mrs. W.B. Wallace, 13 September 1946, p. 3.

Yanaru

Second Lieutenant Yanaru Tetsutoshi was put in command of the Omine POW camp on 22 January 1943, one day prior to the arrival of the first group of Allied prisoners from Hong Kong.⁷ Yanaru, at the time of trial, was a thirty year old resident of the Fukuoka prefecture, who, prior to joining the Imperial Japanese Army, had been a practicing Buddhist priest.⁸ During the trial, Yanaru explained that he had come from thirteen generations of Buddhist priests.⁹ Yanaru was camp commandant until 30 July 1943 and in this capacity instituted his own “reign of terror.”¹⁰ Yanaru was characterized as being “lax in running the camp,” allowing much of his authority to be passed on to Sergeant Kobayashi, who was deemed the “main perpetrator of brutalities during this period” and Corporal Uchida, who, as mentioned in the previous chapter, and in the Matsui interview, was overly aggressive and used his fists, sword scabbard and sticks to administer beatings.¹¹

Yanaru, like Kaneko and Uchida before him, was charged with violating the “Laws and Customs of War” during his time at Omine, making him an alleged Class ‘B’ war criminal.¹² Supporting this charge were nine specifications and seventeen sub-specifications. Of these specifications, two issues dominated much of the court’s time. The first and arguably most

⁷ GHQ, SCAP, Legal Section, Public Relations Summary No. 255, 13 Sept 46, U.S. vs Tetsutoshi YANARU, p. 1, *JDP*, folder 5.0.

⁸ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 1. Brian Victoria argues that although there were small pockets of resistance from individuals and groups, by the end of the 1920’s, “institutional Buddhism had firmly locked itself into ideological support for Japan’s ongoing military efforts, wherever and whenever they might occur.” He also notes that this support ranged from Zen Master’s to regularly practicing Buddhists. See Brian Daizen Victoria, *Zen at War* (Lanham, Md.: Rowman and Littlefield Publishers, 2006), p. 63, 66 and 130.

⁹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 9.

¹⁰ Public Relations Summary No. 255, U.S. vs Tetsutoshi Yanaru, p. 1. SCAP documentations vary claiming that Yanaru was Commandant at the camp until either 28 or 30 July 1943.

¹¹ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0, and Statement of Satoru Matsui, p. 1, *JDP*, folder 5.0. Uchida was tried and sentenced to fifteen years at hard labour, and Sgt. Kobayashi was killed while serving with Japanese forces in the South Pacific, Prosecution of Omine Camp Personnel, p. 2-3.

¹² 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 1. See Appendix, page 165 for a detailed breakdown of the Charges and Specifications against Yanaru.

important was that Yanaru, through neglecting and failing in his responsibilities as camp commandant, contributed to the death of Canadian POW, G.W. Murray, as was noted on the original directive given to Dickey in April 1946.¹³ The other pertained to command responsibility and to Yanaru's failure to prevent persons under his control from committing atrocities while under his command.¹⁴ Yanaru was cited for specific offences, mainly slappings, which he allegedly committed almost daily during camp inspections: "[h]is chief cause of displeasure was usually that the prisoners failed to jump up and salute him so quickly as he thought they should."¹⁵

The trial of the United States of America vs. Yanaru Tetsutoshi, in Dickey's words, "got away to a flying start" on Monday 16 September 1946.¹⁶ The day began with a "close fight" between the defence and prosecution over a defence motion to adjourn, which was denied "subject to [the defence's] right to move for some time to prepare for cross-examination."¹⁷ The rest of the first day in front of the Military Commission saw Dickey make his opening statement and bring Sergeant Major Shepherd onto the stand for direct examination.¹⁸ During the opening session of the trial, Dickey made a successful motion, convincing the commission that English testimony should not be translated in open court.¹⁹ This motion, according to Dickey was an issue of trial expediency, and he claimed as a result they made very good time, getting through the direct examination of Shepherd before adjourning for the day.²⁰ While language was a barrier in all of the trials in the Pacific theatre, from the Tokyo Trials to the courts on Guam, it is disenchanted to know that Dickey could successfully move to keep the proceedings from being

¹³ LAC RG 24, Vol. 8019, TOK - 2-2 -Fukuoka Camp No. 5 - Omine, Directive Re Omine, 24 April, 46.

¹⁴ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 1-4.

¹⁵ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 1-4.

¹⁶ Dickey to Mrs. W.B. Wallace, 16 September 1946, p. 1.

¹⁷ Dickey to Mrs. W.B. Wallace, 16 September 1946, p. 1.

¹⁸ Dickey to Mrs. W.B. Wallace, 16 September 1946, p. 1.

¹⁹ Dickey to Mrs. W.B. Wallace, 16 September 1946, p. 1.

²⁰ Dickey to Mrs. W.B. Wallace, 16 September 1946, p. 1.

translated in the court. The motion was accepted, as there was nothing explicitly stated in the SCAP procedural guidelines regulating the trials which would prevent a motion of that sort.²¹ The regulations did state in the rights of the accused that the “accused shall be entitled....[t]o have the substance of the charges and specifications, the proceedings and any documentary evidence translated when he is unable to otherwise understand them,” but this apparently did not need to be done in open court.²² Unsettlingly, this motion, while speeding up the process in the courtroom, certainly calls into question the fairness of the process for the accused.



Figure 8 – “Another candid portrait in court.”²³

The Yanaru case was heard for only one more day before prompt adjournment for “preparation of the defence.”²⁴ Dickey finished Shepherd’s evidence early in the day on

²¹ See GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, 5 December 1945, and GHQ, SCAP, Amendments to Regulations Governing the Trials of Accused War Criminals, 27 December 1946, *JDP*, folder 5.0. Amazingly, in a report on the trial of Yanaru sent from the Canadian Division to the SCAP Legal Section Prosecution Division, the Canadians complained that “the services of an interpreter was denied [to] the prosecution from the onset of this case.” A request was put forward that a provision be made that an independent interpreter be provided for the prosecution for future cases. See Report on Trial of Tetsutoshi Yanaru, From: Canadian Division, To: Prosecution Division, 24 January 47, p. 2.

²² GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, Section 5, subsection b, number 4, p. 4, *JDP*, folder 5.0.

²³ “Another candid portrait in court,” *JDP*, folder 3.0, photographs.

²⁴ Report on Trial of Tetsutoshi Yanaru, From: Canadian Division, To: Prosecution Division, 24 January 47, p. 2, *JDP*, folder 5.0.

Tuesday, and the court adjourned *sine die* on a motion from the defence.²⁵ This adjournment lasted however until 6 January 1947, when the case was finally restarted. So much for expediency. The adjournment was extended mainly as a result of “the assignment of members of the Commission to other cases,” and Dickey spent much of the interim travelling back and forth to Yokohama trying to get things moving with the case. Dickey certainly had plenty of other tasks at hand, especially with Orr and Boland both beginning their first cases – Boland in late September and Orr in December – but his main goal was certainly to get both of his cases back in front of the commission.

According to Dickey, the main problem was that there were too many cases on at once in the Yokohama District Courthouse. Shortly after the Yanaru adjournment Dickey wrote that “[t]hings are really in a mess down in Yokohama and they have more cases on the go and in adjournment than you can shake a stick at.”²⁶ At that point Dickey thought that “the Yanaru case may get on again and be completed before [they] could arrange for the first one [Kaneko and Uchida] to get attention.”²⁷ Again, Dickey’s presumptions were wrong, but on and off for the next few months – aside from finishing the prosecution of the Kaneko and Uchida case on 14 November – Dickey spent countless hours in conferences with the defence, and with Mr. Reichmann, the War Crimes Administration Officer, who, after several unfavourable meetings

²⁵ Dickey to Mrs. W.B. Wallace, 18 September 1946, p. 3. The adjournment (*sine die*) was indefinite, without a set date for the trial to resume. See Dukelow and Nuse, *The Dictionary of Canadian Law*, p. 996.

²⁶ Dickey to Mrs. W.B. Wallace, 23 September 1946, p. 4.

²⁷ Dickey to Mrs. W.B. Wallace, 23 September 1946, p. 4. One of the main reasons that Dickey felt the Yanaru case would ‘get on’ before the Kanko and Uchida case was because Jack Boland’s first case was about to begin, which had the same defence team, Kinzell and Slagle, as the Kaneko and Uchida case, which was “one of the reasons [Dickey did] not expect to get very far with that case at the moment.” See Dickey to Mrs. W.B. Wallace, 23 September 1946, p. 4.

had become Dickey's "[*bête*] noir," as he, or the position he represented, slowed Dickey's progress significantly.²⁸

Dickey's hopes of getting the Yanaru case back in front of the commission by late September were optimistic. He ultimately confided to his mother that "[he] didn't expect – [to] get the Yanaru one started before Christmas."²⁹ Dickey had at one point ardently hoped to be home by Christmas, but even his hopes for a pre-Christmas reconvening of the Yanaru case were hastily dashed. By early December it appeared that it would be January before things got going again. Dickey wrote that he "went down to dear old Yokahama bright and early to see what was doing in the way of getting my Yanaru case started again and really didn't get very far. I am now driven to the opinion that I will be lucky to get it started by January first week."³⁰

The trial reconvened on Monday 6 January 1947, with Dickey and the prosecution introducing documentary evidence over two days prior to another defence adjournment for more time to prepare. Shepherd's evidence had been given in September, and it was "considered that some of the value of the early evidence...was lost by reason of the length of time between the hearing of his testimony and the final decision."³¹ Although some of the direct effect of the Dickey's interrogation of Shepherd may have been lost, the prosecution managed to draw a damning picture of both Yanaru Tetsutoshi, and the environment that had been created under his charge at Omine through the admission of several Allied POW affidavits and the diary of a Canadian POW Lancelot Ross.³²

²⁸ Dickey to Mrs. W.B. Wallace, 11 January 1947, p. 2. Reichmann, due to his position as War Crimes Administration Officer was someone Dickey dealt with often, and someone with whom he was in frequent conflict.

²⁹ Dickey to Mrs. W.B. Wallace, 12 October 1946, p. 2.

³⁰ Dickey to Mrs. W.B. Wallace, 12 December 1946, p. 1.

³¹ Report on Trial of Tetsutoshi Yanaru, From: Canadian Division, To: Prosecution Division, 24 January 47, p. 2, *JDP*, folder 5.0.

³² 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 5.

The majority of evidence provided by the prosecution, as well as the bulk of the specifications against Yanaru, did not accuse him of personally committing traditional war crimes, but instead arose from issues of command responsibility resulting from his failure to prevent atrocities and mistreatments from being committed against the prisoners under his command. Yanaru was charged and found guilty of one specification of slapping Allied prisoners, but the rest of the specifications of which he was found guilty were for varying examples of failure in his role as camp commandant.³³

Two specifications, six and seven, deemed that Yanaru failed to provide adequate medical care, and unlawfully permitted sick and physically unfit POWs to perform arduous manual labour. The prosecution thereby sought to prove that, through inaction, Yanaru had contributed to the death of G.W. Murray.³⁴ The prosecution claimed that Murray was kept working outside during the period leading up to his death, contrary to the advise of Major Robertson, who claimed that he had “given up trying to do any medical work” at Omine because his recommendations were “always completely ignored,” by the the Japanese camp officials who “usually do the opposite.”³⁵ Robertson alleged that he tried to take over the medical situation with Murray, but was refused. Murray had reportedly complained frequently of the symptoms of dysentery, but was turned away by the Japanese Sergeant in charge of medical operations “who would tell him there was nothing wrong with him.”³⁶ Apparently Murray “received little or no medical attention at all.”³⁷ Dickey aimed to prove that “Murray’s death was caused mostly because of a lack of food and medical care,” and that “the commanding officer was responsible

³³ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 1-4.

³⁴ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 2, 5.

³⁵ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 5.

³⁶ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 5.

³⁷ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 5.

for Murray's death."³⁸ Murray had been kept working up until the day of his death, and had declined in condition to the point of staggering while walking. On 4 May 1943, G.W. Murray died of "complete exhaustion."³⁹

Further to that end, the prosecution proceeded to show that under Yanaru's command, numerous infractions had taken place against the Allied POWs, mainly the misappropriation and theft of Red Cross parcels bound for the prisoners and physical the abuse of prisoners by the camp staff. According to the prosecution, and more specifically the affidavit of Francis Cauldwell, in February 1943, two hundred British Red Cross parcels were delivered to Omine. According to Cauldwell, who had been present at the unloading of the parcels, "about five weeks later the Camp Commandant at that time offered to give out twenty-five parcels through Major Robertson."⁴⁰ Major Robertson consulted three of the senior prisoners in the camp who refused the parcels, until a week later when the camp commandant agreed to issue one hundred parcels, which was accepted, and claimed that "he did not know that the parcels were to be issued to individuals as he had never handled them before."⁴¹ Subsequently, within the few days following the distribution of the Red Cross parcels, Cauldwell claimed to have seen both Sergeant Kobayashi and Corporal Uchida carrying Red Cross parcels into the guardhouse, and snuck to the door way where he claimed to have seen Kobayashi "frying eggs and bacon," which were taken from "an open tin similar to those contained in an individual British Red Cross parcel."⁴²

³⁸ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 5.

³⁹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 5. The diary of Frank Ebdon, a fellow Canadian POW and a member of the Royal Rifles, noted on 4 May 1943 that "One of our men died today... Rfn Murray G W he was out working on top with the "Blues" He had been cuffed around lately because he has had Diarrhea." The following day, Ebdon noted that the prisoners had held a "Funeral Service in Rest Room for Murray & then he was Buried." LAC, MG 30, E328, Frank Ebdon Papers, Vol. 1, File #1, C.S.M. Ebdon F.W. Diary.

⁴⁰ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 5.

⁴¹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 5.

⁴² 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 5.

Of the rest of the specifications charging Yanaru with command responsibility, Sergeant Kobayashi was named in each of them, accompanied twice by Corporal Uchida.⁴³ The prosecution sought to prove that Yanaru had negligently created an environment in the camp where officers such as Kobayashi were allowed to run wild. It was claimed that Kobayashi had taken particular interest in G.W. Murray, beating him for not working as hard as the other prisoners even though he was sick, slapping and pushing him down for defecating in his bed as a result of his illness.⁴⁴ During his oral testimony, Sergeant Major Shepherd attested that the beatings “certainly discouraged” Murray, taking “the will to fight the disease out of him.”⁴⁵ It was shown that Murray was “beaten the night before he died for not working hard enough” and was “beaten with rifles and kicked unconscious right before he died.”⁴⁶

The list of infractions provided by the prosecution continued to draw an awful picture of Kobayashi. He was found to have beaten numerous prisoners with his fists, chairs, clubs, rifle butts and bamboo sticks “without provocation or cause.”⁴⁷ Kobayashi punched and knocked down one Canadian prisoner, J.A. Fertal, because he “accidentally knocked over a sign and broke a window,” even though he was at the time wearing a red ribbon on his chest indicating the Japanese medical staff considered him too sick to work.⁴⁸ Kobayashi beat Arley Enright, another Canadian POW who was over fifty pounds underweight “with his fist and the scabbard of his sword across the back and on the head,” because Enright’s room was “not tidy enough to satisfy Kobayashi.”⁴⁹ Another incident saw Kobayashi beating Lancelot Ross for “eating biscuits while out on parade,” and another where he caught several prisoners “lying on their beds

⁴³ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 3-4.

⁴⁴ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 6.

⁴⁵ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 6.

⁴⁶ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 6.

⁴⁷ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 7.

⁴⁸ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 6.

⁴⁹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 6.

one night at a time other than prescribed by camp rules” and proceeded to give “them all a beating and knocked them down.”⁵⁰ The documentary evidence provided by Dickey and his assistant prosecutor Jesse Deitch gave several more instances of Kobayashi and Uchida’s excesses under Yanaru’s command, including one where they beat prisoners on rest days if they caught them not working after they had finished cleaning their huts.⁵¹ One of the more disturbing accounts involved Canadian prisoner Lorne MacDonald. Apparently Kobayashi “had it in for him,” and found ways to disturb the prisoners each night, blaming and reprimanding MacDonald for the incidents.⁵² As a result of one of these incidents, Kobayashi forced MacDonald to “kneel on the floor and placed a sword on his back and asked MacDonald if it would be alright if he cut his head off.”⁵³

Following the presentation of the prosecution’s case, the defence requested another adjournment for preparation. This time, the adjournment lasted only a few days, after which the defence began calling their witnesses. Several witnesses as well as the accused were called to the stand over the next two weeks.⁵⁴ The divergence in the evidence presented by the defence was nothing short of remarkable. Dickey described Kaneko Sakae, a physician, as “a very difficult Japanese witness,” who dominated much of the day in court on 10 January.⁵⁵ Kaneko Sakae had been a lieutenant in the Medical Corps, and worked sick call at Omine typically two times a week.⁵⁶ The witness alleged that he was given the utmost of freedom to work with sick prisoners, and he, Major Robertson (a medical officer POW of the Royal Army Medical Corps)

⁵⁰ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 6.

⁵¹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 7.

⁵² 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 6.

⁵³ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 6.

⁵⁴ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 3, *JDP*, folder 5.0. The above cited document states that six witnesses plus the accused were called to the bench by the defence, but the trial record from the 8th Army shows eight witnesses plus the accused.

⁵⁵ Dickey to Mrs. W.B. Wallace, 11 January 1947, p. 4.

⁵⁶ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 7.

and another medical officer, Dr. Nogita were never interfered with by Yanaru when making classifications about whether or not a prisoner was too sick to work.⁵⁷ Dr. Kaneko alluded to the fact that the camp, under Yanaru's leadership, had sufficient medical treatment, proper and plentiful medical supplies and claimed that during his time at the camp he never treated a prisoner for injuries resulting from beatings or slappings, nor did he see or hear about any such abuses.⁵⁸

In regards to G.W. Murrery, Dr. Kaneko claimed that he and Major Robertson had treated him for a non-serious case of diarrhoea, classified him as too weak to work and discharged him. He maintained that he advised Yanaru that Murray had best not be worked "too hard" and "thought [Yanaru] carried out this advice."⁵⁹ Dr. Kaneko also claimed that Robertson's testimony had been incorrect and that Murray had not "lost thirteen kilograms and looked like a skeleton," did not have amoebic dysentery and also stated that he, "Major Robertson and Doctor Nogita agreed that [Murray's] death was caused by paralysis of the heart."⁶⁰ Further to Dr. Kaneko's claims, a second medical defence witness was brought to the stand. Ishida Satoru was a medical sergeant at Omine. Ishida claimed that Yanaru never interfered with the medical operations at the camp, and claimed that not only were no bruises found in an examination of Murray's body, no prisoner was ever treated as a result of beatings.⁶¹

After the court adjourned for the day, Dickey spent the weekend working on the trial record for the Kaneko / Uchida case, and made a "good beginning on [his] summing up in the Yanaru case."⁶² Dickey assumed that the "defence case should go in more quickly from now on

⁵⁷ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 7.

⁵⁸ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 7-8.

⁵⁹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁶⁰ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁶¹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁶² Dickey to Mrs. W.B. Wallace, 12 January 1947, p. 1.

and the only long witness [he then expected would] be the defendant.”⁶³ Dickey hoped that the case could be wrapped up on Friday 17 January.⁶⁴

The next four witnesses spoke mainly to Yanaru’s capabilities as a camp commandant. It was asserted by Takashiki Isho, a Second Lieutenant who was an adjutant at the Fukuoka Prisoner of War Camp of which Omine was a branch camp, that the “accused was a splendid camp commander and [Takashiki] especially had confidence in him because he was a religious man.”⁶⁵ Takashiki, although having only visited the camp on two occasions during Yanaru’s term, went on to claim that during that specific period Omine had the lowest death rate of the thirteen branch camps linked to the Fukuoka main camp.⁶⁶ Another witness, Kosaha Taeko the Chief Liaison Officer between the Omine Camp and the Furakawa Mining Company between January and July 1943, claimed that Yanaru’s policy “was to treat the prisoners fairly,” and that he did not “tell his guards or staff to beat prisoners.”⁶⁷ Kosaha also explained that there was no policy that required a daily quota of prisoners to be supplied to the mining company by the camp.⁶⁸

Moreover, it was shown that Yanaru took steps before the arrival of the prisoners on 23 January 1943 to prevent prisoner abuse. Witness Manubama Otobo claimed that Yanaru instructed his guards that they were to treat the newly arriving prisoners humanely, and also explained that the prisoners “worked six hours a day while the Japanese worked ten to twelve hours a day.”⁶⁹ Another witness, Ushido Teshiharu [*sic* for Uchida Techiharu], a Sergeant at the camp, claimed that Yanaru held staff meetings twice a month where “he emphasised the point

⁶³ Dickey to Mrs. W.B. Wallace, 12 January 1947, p. 1.

⁶⁴ Dickey to Mrs. W.B. Wallace, 12 January 1947, p. 1.

⁶⁵ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁶⁶ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁶⁷ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁶⁸ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁶⁹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

that the prisoners were to be handled fairly and further said that they were not to be beaten.”⁷⁰

Another witness, Ono Takaji, the chief of purchasing and distribution for the Furakawa Mining Company claimed that he was told by the administration of the mining company that the POWs from the camp were to be treated “as best as possible.”⁷¹ These witnesses provided a contradictory depiction of Yanaru to that painted by Dickey’s evidence. Dickey responded to this disparity by claiming starkly that “Japanese witnesses are most exasperating and take so much time to examine.”⁷²

On 16 January the defence proposed yet another roadblock for the Yanaru case. The defence requested that they be “permitted to search documents in possession of the prosecution favourable to the accused.”⁷³ To Dickey this motion was not a threat in terms of the case itself, as he claimed he “would be quite happy for them to see anything they want to,” but was a question of principle. Dickey wrote that “the privileged nature of any document prepared in the course of preparations of litigation is one which the Legal Section can’t afford to have abandoned,” and found himself in the middle of “a bit of an argument and in some respects will have to bear the brunt of something which is not of vital concern to me from a practical point of view.”⁷⁴ Dickey’s main concern was that an issue of this sort would unduly drag the case on, but he was pleased to report on 21 January that his fears “were unfounded as the Commission quietly refused to enforce their decision with respect to examination of documents.”⁷⁵ The defence “made a very great fuss” in response, and “were most intemperate in their remarks but got nowhere.”⁷⁶ In the final case review, Paul E. Spurlock claimed that the defence was being

⁷⁰ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 9.

⁷¹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁷² Dickey to Mrs. W.B. Wallace, 13 January 1947, p. 2.

⁷³ Dickey to Mrs. W.B. Wallace, 18 January 1947, p. 1-2.

⁷⁴ Dickey to Mrs. W.B. Wallace, 18 January 1947, p. 2.

⁷⁵ Dickey to Mrs. W.B. Wallace, 21 January 1947, p. 1-2.

⁷⁶ Dickey to Mrs. W.B. Wallace, 21 January 1947, p. 2.

tactless in the request, and that they could not expect to rely on the prosecution for evidence obtained from natural sources through “proper channels” from which they could have acquired it themselves.⁷⁷ To Dickey, the main concern had been that the issue had “not involved a loss of time,” and was pleased to get on with the case.⁷⁸

Getting Yanaru on the stand was “normally about the last act.”⁷⁹ Dickey contended that the “defence witnesses generally were doing so badly that several [they] planned to use [were] not...called which makes up for some of the time already wasted on [a] completely irrelevant matter.”⁸⁰ Yanaru took the stand of his own accord, and went on to suggest that he had done his best to create a humane environment for the prisoners. Yanaru claimed that prior to the arrival of the prisoners he had held meetings with the guards and staff at the camp as well as representatives from the mine and insisted that the prisoners be treated fairly, not be beaten and work shorter hours in the mine.⁸¹ Once the prisoners arrived, Yanaru allegedly provided the leaders of the POWs with a set of regulations that included a “paragraph that stated if the Japanese treated them illegally they could inform him about it either orally or in writing.”⁸² The prisoners were supposedly given a week before they were required to begin work “because their bodies were not used to the work,” and they were given the medical attention required by the Japanese regulations.⁸³

⁷⁷ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 12.

⁷⁸ Dickey to Mrs. W.B. Wallace, 21 January 1947, p. 2.

⁷⁹ Dickey to Mrs. W.B. Wallace, 18 January 1947, p. 2.

⁸⁰ Dickey to Mrs. W.B. Wallace, 18 January 1947, p. 2.

⁸¹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 9.

⁸² 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 9.

⁸³ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 9. In Frank Ebdon's diary, he mentions receiving several inoculations shortly after arriving at Omine, getting a “good Medical Examination,” and having outdoor physical activities and marches daily before beginning work in the mine on 3 February 1943. See LAC, MG 30, E328, Papers of Frank William Ebdon, Vol. 1, File #1, C.S.M. Ebdon F.W. Diary, entries in January and February 1943.

Yanaru's testimony followed very closely that of the other defence witnesses. It was claimed that he did not interfere with medical requests, followed recommendations, provided monthly physical checkups, did not force prisoners to work when ill, thought that all Red Cross supplies were turned over to the prisoners except for the second shipment which was held on reserve by instructions from the main camp, did not use or see anyone misappropriate Red Cross parcels, attempted to have Kobayashi transferred but was overruled, and so on.⁸⁴ Yanaru claimed that he never stuck a prisoner, but did put two individuals in the guard house, one for stealing another prisoners' lunch and the second for "throwing a hammer at a mining company employee."⁸⁵ Yanaru claimed to have only heard of the beatings whilst he was interned at Sugamo Prison, and prior to that time had no idea of such instances.⁸⁶

A Buddhist priest, Euroda Yoshimi took the stand after Yanaru as a character witness. He spoke highly of Yanaru, giving "examples of his kindness and expressed the opinion that he was not the type of person who would beat and torture another man."⁸⁷ It was decided by the defence and prosecution after this testimony was delivered that "if five other character witnesses were called they would testify in substance to the same thing."⁸⁸ Euroda proved to be the final witness called in the trial of Yanaru Tetsutoshi.

Dickey was quick to arrange his final argument, working diligently in the evenings – between dinners and cocktail parties – to prepare a summation which he planned to be "as brief as possible."⁸⁹ The contentions of the defence witnesses created a drastic gap from those of the prosecution. On one hand, there were charges and specifications claiming that Yanaru

⁸⁴ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 9-11.

⁸⁵ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 10.

⁸⁶ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 11.

⁸⁷ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁸⁸ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 8.

⁸⁹ Dickey to Mrs. W.B. Wallace, 21 January 1947, p. 2.

unlawfully mistreated numerous Allied POWs by slapping and striking them, failed to provide adequate medical care contributing to the death of a Canadian POW, permitted an ill and physically unfit prisoner to perform arduous manual labour and failed to “restrain members of his command, and other persons under his supervision and control” from committing atrocities and offences against the prisoner population at Omine. These charges and specifications were complemented with the account of Sergeant Major Shepherd, the diary of Lancelot Ross and several affidavits of Allied POWs. On the other hand, there were numerous witnesses claiming that Yanaru made it his policy to see that prisoners were treated with the utmost of care and decency, and that he willingly let medical staff do their job, the mining staff do theirs and the guards the same. At this point, the Commission was left with a very problematic issue: Which side provided the most realistic portrayal of the way in which the camp was run under Yanaru? And if one side was indeed providing a more convincing argument, how distant from the truth was the evidence being provided by the other side? It is not the goal of this study to decide if a judgment passed was indeed the correct one, but such a significant gap between the claims of the defence and those of the prosecution is something worth consideration. Dickey also showed very little hesitance to dismiss the claims of the defence, and their witnesses, which may reflect some of the preconceptions that were brought from North America with him to Japan. While Dickey clearly had motivation as a prosecutor to see that his evidence matched or bettered that of the defence, his easy dismissal of the divergent claims of the defence witnesses is perplexing, as he had been so set aback when the IMFTE bench had quickly and summarily dismissed the arguments of the defence counsel in May 1946.⁹⁰

The Commission announced the sentence on 23 January, condemning Yanaru to fifteen years hard labour to be served at Sugamo Prison, or “elsewhere as the Supreme Commander for

⁹⁰ Dickey to Mrs. W.B. Wallace, 17-18 May 1946, p. 1-2. Also see Chapter Two, p. 52.

the Allied Powers, or other proper authority, may direct.”⁹¹ Dickey was content with the verdict and sentence, which he called “satisfactory” and “adequate” in a promptly dispatched telegram.⁹² According to Dickey, the defence counsel “was very displeased and said it was the greatest travesty of justice he had ever heard and was going to resign.”⁹³ Of this Dickey noted, “I am sorry to say that he did not much worry me.”⁹⁴ Long after Dickey had returned to Canada, Paul E. Spurlock wrote the case review and grappled with a motion to modify Yanaru’s sentence which he denied. The motion, Spurlock wrote, was an “excellent document that reflect[ed] hours of diligent work and an honest enthusiasm in the belief that the sentence of the accused should be greatly reduced.”⁹⁵ This document was easily dismissed by Spurlock simply by making reference to the prosecution’s evidence, the 1929 Geneva Convention as well as several Japanese War Ministry notifications that nullified the motions’ claims. Yanaru’s sentence was approved by the reviewing authority, and passed, even though it was deemed inadequate by General Eichelberger, who approved “the sentence in order that the accused may not escape punishment.”⁹⁶ Yanaru was to serve fifteen years, less four and one-half months based on the time that he had already been interned.⁹⁷

In all, the Yanaru trial lasted from 16 September 1946 until 23 January 1947. This span included three days of prosecution presentations, eight for the defence, one day for the final argument, and one hundred and twelve days of “delays due to motions of continuance by defence.”⁹⁸ During the closing weeks of the Yanaru trial, Dickey’s letters provided much more

⁹¹ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 18.

⁹² Dickey to Mrs. W.B. Wallace, 23 January 1947, telegram.

⁹³ Dickey to Mrs. W.B. Wallace, 25 January 1947, p. 2.

⁹⁴ Dickey to Mrs. W.B. Wallace, 25 January 1947, p. 2.

⁹⁵ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 14.

⁹⁶ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 18.

⁹⁷ 8th Army Reviews, Case No. 84, United States of America VS Tetsutoshi Yanaru, p. 18.

⁹⁸ Report on Trial of Tetsutoshi Yanaru, From: Canadian Division, To: Prosecution Division, 24 January 47, p. 1, JDP, folder 5.0.

information pertaining to the cocktail parties and dinners he had been attending than to the goings-on in the courtroom. At this point his focus was almost entirely on getting things wrapped up and heading home. Dickey would, however, have one more trial to deal with before heading back to Canada.

Chapter Five - Fukami Kazuo

Dickey's third and final trial in Japan was one of the fastest on record for the Yokohama War Crimes Trials. It was an afterthought for Dickey. He had prepared the case but had no real intention of prosecuting it.¹ In a letter home during a trip to Kyoto on 6 February 1947, Dickey mentioned that he had been talking to Jack Boland on the telephone and that Boland had told him that the Fukami case was going to start in a few days.² Dickey had "no hope of it coming up for some time," but since he was still in Japan, he expected he would still have to take it on, and "might as well do so gracefully."³ Dickey expected that it would be a short case and did not expect it to "hold [him] up to any unreasonable degree."⁴ The tone of Dickey's letters, and the fact that he had already advised Col. Orr by 4 February that "unless he had some definite orders to the contrary [he] proposed to sail from Yokohama by the 15th of the month,"⁵ demonstrates that Dickey was largely disinterested in what he called his "little Fukami case," and that, by this point, he was more interested in getting home.⁶

Fukami

Fukami Kazuo, a trained member of the Imperial Japanese Army, was stationed at the Omine POW camp from 15 May 1945 until 15 August 1945.⁷ Fukami's role at Omine was as commander of the civilian guards. Although he arrived rather late in the existence of the camp, he quickly earned "the reputation among the prisoners of being one of the most brutal Japanese with whom they had come in contact, and he was known to the prisoners by the nicknames

¹ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 2. The shortest trial on record at Yokohama lasted less than one full day, see Piccigallo, *The Japanese on Trial*, p. 89.

² Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 2.

³ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 2.

⁴ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 2.

⁵ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 1-2.

⁶ Dickey to Mrs. W.B. Wallace, 13 February 1947, telegram.

⁷ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 4, *JDP*, folder 5.0, and GHQ, SCAP, Result of the Trial of Kazuo Fukami, 13 Feb 47, p. 1, *JDP*, folder 5.0.

“Brown Bomber” and “Black Bastard.”⁸ Fukami was a married, twenty-eight year old father of one from Hokkaido, but had settled with his wife’s family in Soyeda near the Omine camp.⁹ A Canadian report explains that Fukami had been changed his name while working at the Omine camp from his original family name Ando, to that of his wife’s family Fukami. Resultantly, there was some confusion surrounding his actions, but was cleared up by using photographs and affidavits which described Fukami by his nicknames.¹⁰ Fukami had only a primary school education and had been employed in farming when he was drafted by the Imperial Japanese Army on 10 April 1941. Fukami reached the position of Superior Private and held this rank until he was discharged on 28 August 1945.¹¹



Figure 9 – Fukami Kazuo.¹²

⁸ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 4, *JDP*, folder 5.0.

⁹ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 1, and GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 1. There is a discrepancy in Fukami’s age between these two sources. Although both technically coming from the same source, the 8th Army Review describes Fukami as twenty-six, and the SCAP result summary lists him as twenty-eight. In all best logic, it is likely that the review gives his age at the end of the Pacific War, and the SCAP results give his age at the time of trial. Also, although Fukami resided with his wife and in-laws, it is noted in the trial results that his biological father was missing somewhere in Manchuria.

¹⁰ Major John H. Dickey, Prosecution of Omine Camp Personnel, p. 4, *JDP*, folder 5.0.

¹¹ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 1, and GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 1.

¹² Unlabeled, *JDP*, folder 3.0 photographs. The photograph is unlabelled in *JDP*, but was confirmed by an envelope containing the same photograph at LAC in file RG 24, Vol. 8018, TOK - 1-2-12-7 – Photographs, Fukami, Kazuo, No. 866. The envelope includes two photographs which are in *JDP* as well as one which has Fukami posed behind a Sugamo Prison placard stating that the photograph was taken on 4 June 1946.

The Trial

On 7 February 1947 a special order was put forth by the Eighth Army Headquarters to appoint a military commission at the Yokohama District Court Building “on or about 11 February 1947, to try Kazuo Fukami and such persons as may be properly brought before it.”¹³ Sitting on the commission as Law Member was Col. George W. Easterday of the American 8th Army. Joining him were Col. Willem Johannes Reyds of the Royal Netherlands Indies Army, Major John P. Tracey of the American 8th Army and Captain Herman A. Kellner of the American 8th Cavalry. The prosecution, provided by the SCAP Legal Section, included Major John H. Dickey as Chief Prosecutor, and Mr. Jacob Schneider, a civilian, as Assistant Prosecutor. The defence provided on the commission appointment was Mr. John L. Murphy, a civilian, and a note that claimed that “[a]ccused are expected to provide individual defense counsel.”¹⁴ As explained by Albert Lyman in a summary article provided for *The Journal of the Bar Association of the District of Columbia* in 1950, the defence for trials at Yokohama were supposed to be Japanese lawyers, employed by the Japanese government, and facilitated by an American Advisory counsel employed by the United States government.¹⁵ Lyman, a sentence reviewer at Yokohama after 1948, argues however, that in practice, “it worked out that the American Advisory counsel handled the bulk of the actual presentation of the cases on behalf of the defense.”¹⁶

The expediency with which the Fukami trial was executed is one of the more troubling matters which arose from Dickey’s tenure in Japan. Dickey wrote on 14 February that his “little Fukami case was disposed of in two days – an all time record for the Yokohama trials. The

¹³ Headquarters Eighth Army, United States Army, Office of the Commanding General, Special Orders Number 32, 7 February 1947, 17. Appointment of a Military Commission, K. Fukami – Case #97, p. 1, *JDP*, folder 5.0.

¹⁴ HQ, Eighth Army, Appointment of a Military Commission, K. Fukami – Case #97, p. 1.

¹⁵ Lyman, “A Reviewer Reviews the Yokohama War Crimes Trials,” p. 268.

¹⁶ *Ibid.*

accused was arraigned at about 10.15 on the 11th and sentenced to 10 years at hard labor at 15.55 on the 12th.¹⁷ Whereas his two previous trials had dragged on significantly – Kaneko and Uchida almost two-and-a-half months, and Yanaru a little over four, including adjournments – this final case involved little preparation, minimal effort, and offered Fukami little in terms of an appropriate defence, when compared to other trials, which Piccigallo argues “frequently persisted beyond five months.”¹⁸

Transportation again was an issue during the Fukami trial much like it was during the Kaneko / Uchida joint trial. Even with the Fukami trial being as short as it was, the transportation arranged for Dickey by the Prosecution Division landed him forty minutes late on 11 February.¹⁹ The same day, Major Boland was left stranded and required a drive from Col. Orr to get to Yokohama.²⁰ In a memo complaining about the situation to the Prosecution Division, Col. Orr asked that he be informed if any steps were being taken to remedy the transportation situation, and claimed that the “loss of time and money involved in commissions is no concern of mine, except as it affects the expedition with which cases are tried.”²¹

The charge levied against Fukami alleged that he, while “serving with the Japanese Army, did...during the time of war between the United States of America, its Allies and Dependencies, and Japan, violate the laws and customs of war.”²² This charge, a Class ‘B’ war crime, was supplemented by four specifications which contended that Fukami had “willfully

¹⁷ Dickey to Mrs. W.B. Wallace, 14 February 1947, p. 2.

¹⁸ Piccigallo, *The Japanese on Trial*, p. 89. Although speaking in general about Allied tribunals across Asia and the Pacific, Dower states the trials, once convened, “averaged around two days each.” While the swiftness of the Fukami trial was an anomaly at Yokohama, it appears as though this type of speed was common in other postwar trials. See Dower, *Embracing Defeat*, p. 448.

¹⁹ LAC, RG 24, Vol. 8019, TOK - 5-5 - Prosecution Section - Col. Check, GHQ, SCAP, Lt. Col. Orr, Canadian Division to Prosecution Section, Subject: Transportation to Yokohama, 11 Feb 47.

²⁰ LAC, RG 24, Vol. 8019, TOK - 5-5 - Prosecution Section - Col. Check, GHQ, SCAP, Lt. Col. Orr, Canadian Division to Prosecution Section, Subject: Transportation to Yokohama, 11 Feb 47.

²¹ LAC, RG 24, Vol. 8019, TOK - 5-5 - Prosecution Section - Col. Check, GHQ, SCAP, Lt. Col. Orr, Canadian Division to Prosecution Section, Subject: Transportation to Yokohama, 11 Feb 47.

²² 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 1. For a complete listing of the charge and specifications against Fukami, please see Appendix.

[sic] and unlawfully” abused, mistreated and beaten specific Canadian and Allied POWs.²³ This charge was further supported by six additional specifications dealing with Fukami’s abuse and mistreatment of POWs. The specifications mainly outlined specific incidents where Fukami had purportedly beaten or mistreated individual POWs, as was the case in specification one, where “[i]n or about the months of June or July 1946, accused did willfully [sic] and unlawfully mistreat, abuse and torture Ralph Forsberg, a Canadian PW who had a fractured spine, by beating him and by forcing him to maintain a kneeling position for a long period of time.”²⁴ Fukami was also charged with beating an amputee POW who failed to salute properly.²⁵ This case, unlike Dickey’s two previous cases, did not deal with any issues of command responsibility, and was much more straightforward in nature. Nevertheless, the haste with which Fukami’s trial was concluded is alarming.

On the first day of the trial, 12 February, the defence called three witnesses who had worked various terms at Omine: Tomatsu Shigetoku, Shiromari Takafumi and Takamura Hirosaki.²⁶ All three attested to Fukami’s character as a leader, his good rapport with the guards, and his strict adherence to a military code of conduct. Tomatsu, a guard commander like Fukami, claimed never to have seen Fukami strike any prisoner, especially a disabled one, but had heard of one or two occasions where he had beaten prisoners. Two issues of which Tomatsu made specific note were Fukami’s strict enforcement of the smoking policy at Omine, as well as his inclination to strictly monitor and punish those who did not update the tally board at the camp which kept track of where prisoners were at all times.²⁷ Tomatsu also claimed to have never heard of any prisoner being required to kneel on a concrete floor, or on a bamboo pole and

²³ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

²⁴ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

²⁵ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 3.

²⁶ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami i, p. 4.

²⁷ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

admitted that he and Fukami worked on different days, so he “was not in a position to see what [the] accused did when on duty,” but “did not, at any time, see a prisoner of war beaten.”²⁸ The second witness, Shiromari, a civilian, had similar duties to Fukami in the camp and also claimed to have never seen Fukami beating prisoners but had heard rumours “once or twice.”²⁹ Shiromari also alluded to how strictly Fukami enforced the smoking ban at Omine.³⁰ The third defence witness, Takamura mainly acted as a character witness, and explained that Fukami’s friends had “considered him aloof at first but after being with him two or three times they became very attached to him. He was liked by many.”³¹

When prompted to provide evidence for the prosecution, Dickey produced twenty-four affidavits alluding to Fukami’s guilt.³² In response to specification one, where Fukami had been accused of forcing Canadian POW Ralph Forsberg to “maintain a kneeling position for a long period of time,” Dickey provided the context for the situation. According to Dickey, Forsberg, who had been wearing a canvas cast due to a back injury, had been outside of his hut with other prisoners getting some fresh air when Fukami happened along. The rest of the group of prisoners went back to their huts, but Forsberg could not move quickly enough and was apprehended by Fukami. Fukami, enraged, scolded Forsberg for being out of his hut and threatened him with a “heavy hardwood stick.”³³ In spite of warnings by an interjecting prisoner that Forsberg had a fractured spine, Fukami proceeded to strike him several times in the head and face with the stick.³⁴ Based on the affidavits, Dickey went on to show that after the beating, Fukami took Forsberg to the guard room and forced him to kneel on the concrete floor and sit

²⁸ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

²⁹ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

³⁰ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

³¹ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

³² GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 3, *JDP*, folder 5.0. Specific information and evidence is only being provided from specifications of which Fukami was found guilty.

³³ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 3.

³⁴ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 3.

back on his heels. Evidently, Forsberg had been suffering from beriberi and could not sit still, resulting in a further beating from Fukami with his fist.³⁵ Forsberg was kept in this position for about three hours and was beaten repeatedly.³⁶ When prompted by Dickey about the incident, Fukami simply responded “I do not recall.”³⁷



Figure 10 – Fukami Kazuo.³⁸

The bulk of the evidence Dickey provided illustrated Fukami’s abuse of Allied prisoners. The picture that had been painted by the defence of Fukami as an unassuming guard commander that only occasionally abused prisoners quickly dissipated. Dickey presented a darker side of Fukami who, whenever “he heard the Allies had taken another island...would line up four or five prisoners and beat them....with fists, tools, rifle butts, straps, or anything they had handy.”³⁹ Fukami was also alleged to have “kicked one man in the testicles without provocation,” beat an

³⁵ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 3.

³⁶ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4. Beriberi is an ailment caused by a deficiency in thiamine (vitamin B1), often caused by a diet containing too much white rice and was common among Allied POWs in the Pacific. The symptoms include, severe foot and limb pain, weight loss, swelling, a sense of apathy, and if not treated properly, heart failure or death. See Roland, *Long Night’s Journey into Day*, p. 138-143. For more information on diseases and ailments faced by POWs in the Pacific see Charles G. Roland, “Stripping Away the Veneer: P.O.W. Survival in the Far East as an Index of Cultural Atavism,” *The Journal of Military History*, Vol. 53, No. 1 (January 1989), pp. 79-94.

³⁷ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 2, *JDP*, folder 5.0.

³⁸ Unlabeled, *JDP*, folder 3.0 photographs.

³⁹ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 3, *JDP*, folder 5.0.

amputeed prisoner for not saluting properly, slapped a prisoner with a closed fist five or six times for not updating the camp tally board, forced prisoners to stand at attention for periods between fifteen minutes and two hours, and hit prisoners with a bamboo pole for “trifling irregularities in order.”⁴⁰ Fukami was also shown to regularly strike the last prisoner in a work group checking out of the camp before heading to the mine. One such incident with an Australian POW saw Fukami strike a blow with a rifle butt to the prisoner’s ankle that left the POW “lame for about a month.”⁴¹

At the beginning of the 12 February morning session, Fukami Kazuo chose to take the stand. The defence examined Fukami, and in closing asked, “How many times did you beat Prisoners of War?” He was disinclined to be direct in his answer, and replied simply, “I do not remember clearly.”⁴² Fukami attempted to make a case for himself during Dickey’s cross-examination, and offered a small insights into his role as a guard commander, and the “five or six” instances in which he had abused POWs. Fukami’s responsibilities at Omine consisted of preventing fires, caring for prisoners, thwarting escape, taking proper steps in case of air raids, and keeping in contact with the prisoners in the camp.⁴³ As shown by the defence witnesses, the issue of smoking was one of Fukami’s primary concerns, and he explained that smoking was banned within the camp confines aside from one spot in the housing complex, one in the sick ward, and one in a designated spot in the yard, so his severity in dealing with the smoking issue stemmed directly from his role in preventing fires.

Fukami contended that he had never seen a prisoner with an amputated leg, and certainly had not struck a prisoner in that condition. He had heard however, “that someone, the name of

⁴⁰ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 3, *JDP*, folder 5.0.

⁴¹ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 3, *JDP*, folder 5.0.

⁴² GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 1, *JDP*, folder 5.0.

⁴³ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

whom he did not know, had hit a prisoner who had an amputated leg.”⁴⁴ He also maintained that he had never seen a prisoner who wore a cast – Forsberg – although defence witness Takafumi had seen the cast after it had been used.⁴⁵ Fukami admitted to some beatings, claiming that “five or six times...he hit prisoners with his open hand,” administering “two or three slaps.” This was as a result of various violations of camp protocols, but he insisted that no one was ever “knocked to the ground from such slappings,” and although he hit prisoners for not updating the tally board, he did not remember how many times he hit them, but knew that no one was permanently injured from the beatings.⁴⁶ Fukami adamantly denied striking any prisoner with a rifle, any wooden objects, or kicking any prisoner, but admitted to slapping prisoners, and when asked to demonstrate how he slapped prisoners, he held up his right hand and gestured to an open handed slap, exclaiming, “I beat their cheeks.”⁴⁷

The final portion of Dickey’s cross examination comprised Dickey trying to elicit an understanding of why Fukami felt it was acceptable to abuse prisoners. It became clear that the beatings were Fukami’s own initiative. He professed that the camp commandant prohibited slapping POWs, but that he had never been warned directly against the abuse of prisoners. Fukami continued on that the camp commandant at the time [Lieutenant Okada Rajiki] was “a man of character and absolutely opposed to slapping Prisoners of War.”⁴⁸ But, in justifying his actions, Fukami alleged that, at the time, he “did not think [he] was bad.”⁴⁹ He was “educated in the manner in the Japanese Army, and further [slapping subordinates] is one of the Japanese customs.”⁵⁰ So, Fukami claimed that his abuses were “unavoidable,” as he “had to do so to

⁴⁴ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

⁴⁵ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

⁴⁶ 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 4.

⁴⁷ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 1, *JDP*, folder 5.0.

⁴⁸ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 2, *JDP*, folder 5.0.

⁴⁹ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 2, *JDP*, folder 5.0.

⁵⁰ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 2, *JDP*, folder 5.0.

prevent incidents from occurring and in carrying out [his] duty.” In closing, Fukami noted that in hindsight, he thought that he was “bad at that time.”⁵¹

The defence argued against the admission of evidence which they claimed was hearsay, but this was dually rejected. The commission found that it:

was held in the Yamashita Case that Article of War 25 limiting the reception of depositions [the process of giving sworn evidence] in a capital case to those of the defence, and the provisions of Article of War 58 providing for the prescribing of procedure for trials before military tribunals and carried out by executive mandate that in trials by court-martial hearsay and opinion evidence shall be excluded, are not applicable to the trial of an enemy combatant by a military commission for violations of the law of war.⁵²

At the trial of General Yamashita Tomoyuki trial in October 1945, the bar had been set (relatively low by North American standards) that almost anything would be accepted as evidence, and that the commission would not be hindered by “the tortuous technicalities which characterize criminal procedure in the law courts of the [United] States.”⁵³ This same procedure was set forth in the trial of Fukami. Furthermore, the prosecution argued that this admissibility was shown that the precedent had already been set for the admission of this type of evidence in GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, 5 December 1945, paragraph 5d (1) (a), which reads “[a]ny document irrespective of its classification which appears to the commission to have been signed or issued by any officer, department, agency or member of the armed forces of any government without proof of the signature or of the issuance

⁵¹ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 2, *JDP*, folder 5.0.

⁵² 8th Army Reviews, Case No. 97, United States of America VS Kazuo Fukami, p. 5.

⁵³ Lawrence Taylor, *A Trial of Generals: Homma, Yamashita, MacArthur* (South Bend, Ind.: Icarus Press, 1981), p. 156-157. For more on the trial and precedents set at the trial of General Yamashita Tomoyuki see: Tim Maga, *Judgment at Tokyo*, pp. 18-27, A. Frank Reel, *The Case of General Yamashita* (New York: Octagon Books, 1971) and Richard L. Lael, *The Yamashita Precedent: War Crimes and Command Responsibility* (Wilmington, Del.: Scholarly Resources, 1982).

of the document.”⁵⁴ The prosecution was free to use hearsay evidence to prove the guilt of Fukami Kazuo.

The defence pleaded that Fukami “caused no death, nor gave any serious and permanent injury to any Prisoner of War,” and admitted to “some slapping incidents, but [they] were done for the violation of [the] smoking regulation at the camp.”⁵⁵ They also alluded to the fact that Fukami was just a simple soldier following orders. If his mandate was to prevent fires, and smoking could cause fires, then due to his lack of education and his training in the Imperial Japanese Army, it was reasonable that he be so vigilant in policing the prisoners for such actions.⁵⁶ Dickey however, proved otherwise. In his closing statement, Dickey stated that Fukami “denied every slapping incident saying ‘I have no recollection’, but the fact [was] that he beat so many prisoners of war that he [could not] recall how many,” and that there were “so many slapping incidents by him, and now they [would not] stand out in his mind.”⁵⁷ Dickey continued on, claiming that it “was true that [Fukami] did not cause any deaths, but he committed serious brutalities against numerous Prisoners of War, and further he appeared to enjoy punching, striking, and beating Prisoners of War.”⁵⁸

The Commission decided on Wednesday, 12 February, that Fukami Kazuo was guilty of violating the laws and customs of war.⁵⁹ Fukami was found guilty of three of the four specifications directly linked to this charge. Of the additional specifications, which had been added to cover any abuses outside of the main charge, Fukami was found not guilty of four of the

⁵⁴ GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, 5 December 1945, p. 5, *JDP*, folder 5.0.

⁵⁵ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 3, *JDP*, folder 5.0.

⁵⁶ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 3, *JDP*, folder 5.0.

⁵⁷ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 3, *JDP*, folder 5.0.

⁵⁸ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 3, *JDP*, folder 5.0.

⁵⁹ Lt. Col. Orr, GHQ, SCAP, Kazuo FUKAMI (Brown Bomber), Result of Trial, 13 Feb 47, *JDP*, folder 5.0, and GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 1-2.

six specifications.⁶⁰ Fukami was “found guilty on 4 specifications relating to individual instances of beatings and slappings of prisoners of war and a general specification covering the beating and slapping of numerous prisoners of war amounting to an established course of conduct.”⁶¹ Consequently, Fukami was sentenced to ten years at hard labour, which the case reviewer, Paul E. Spurlock, deemed inadequate, but sufficient enough to ensure that the accused receive punishment.⁶² Spurlock pointed out in his review that Fukami was “a sadist of the worst type and delighted in having an excuse to slap or kick the prisoners.”⁶³ Spurlock went on to provide a polemic dealing with the mistreatment of POWs and the selection of Fukami’s sentence, claiming that Fukami’s actions were barbaric, and that the positive result of the Commission was as a result of the “elimination of evil....after a long, persistent and difficult struggle [by] righteous thinking men.”⁶⁴ Spurlock found the sentence to be extremely lenient, but passed the review as Fukami required “some punishment for his crimes,” which were “a despicable step backwards in the annals of human decency and a reversion to the brutality of earlier times.”⁶⁵

On Thursday, February 13 Dickey sent a telegram to his mother exclaiming that his “last case completed 12 February” had a “satisfactory verdict.”⁶⁶ He quickly noted that his travel orders had since been issued, and he hoped to sail by 18 February at the latest.⁶⁷

In a letter written the following day, Dickey’s main focus were the problems he was having in arranging travel and a conflict with Col. Orr regarding his accompaniment of Sergeant Major

⁶⁰ Lt. Col. Orr, GHQ, SCAP, Kazuo FUKAMI (Brown Bomber), Result of Trial, 13 Feb 47, *JDP*, folder 5.0, and GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 1-2.

⁶¹ Prosecution of Omine Camp Personnel, p. 3. See Appendix, page 169 for detailed breakdown of charges and specifications against Fukami.

⁶² GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 6, *JDP*, folder 5.0.

⁶³ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 5, *JDP*, folder 5.0.

⁶⁴ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 5-6, *JDP*, folder 5.0.

⁶⁵ GHQ, SCAP, Result of the Trial of Kazuo Fukami, p. 5-6, *JDP*, folder 5.0.

⁶⁶ Dickey to Mrs. W.B. Wallace, 13 February 1947, telegram.

⁶⁷ Dickey to Mrs. W.B. Wallace, 13 February 1947, telegram.

Hogg. The Fukami trial seemed to be the farthest thing from his mind, and he reported that there was “very little news to impart as [his] homegoing troubles loom[ed] so large.”⁶⁸ He reported that his “little Fukami case was disposed of in two days,” and that the “findings were a bit difficult to reconcile [sic] but the sentence was adequate and everyone was pleased with the speed and dispatch of the trial.”⁶⁹

There is a definite shift in interest, focus and commitment between Dickey’s earlier cases beginning in September and this final case beginning in February. Of major note is the fact that Dickey was in Kyoto up until two days before the case opened, and did not exhibit a great deal of interest in the results and process of the trial as he had before. It is evident that by this point in the trip, homesickness played a major role in Dickey’s actions both inside and outside the courtroom.

⁶⁸ Dickey to Mrs. W.B. Wallace, 14 February 1947, p. 2.

⁶⁹ Dickey to Mrs. W.B. Wallace, 14 February 1947, p. 2.

PART III – Life Outside the Courtroom

Chapter VI – Socializing in Occupied Japan

Dickey's experience as a Chief Prosecutor in Japan occurred during a tumultuous period in Japanese and American history. 2 September 1945 to 28 April 1952 marked the official dates of the Allied occupation of Japan. Historians including John Dower, Herbert Passin and Robert E. Ward have argued that the Occupation was much less of an international or Allied pursuit than its title alludes to, having had hugely American vested interests, and in practice, the Americans "exercised decisive command over all aspects of the occupation."¹ The war crimes trials which Dickey participated in at Yokohama were a part of a much larger effort to restructure Japan through "demilitarization and democratization."² A perusal thorough any of the SCAP summations of "Non-Military Activities in Japan" outlines progressive actions taken across three categories; political, economic and social, illustrating the broadly reaching, and "remarkably and unexpectedly successful" efforts behind the occupation.³ With such a concerted American/Allied effort came a massive civilian and military population, creating a significant social sphere which both facilitated, and influenced activities inside and outside the courtroom for Dickey.

Of the long list of non-trial information Dickey provided in his letters, the bulk of his writing displayed homesickness and included countless inquiries as to the well-being and activities of his mother Catherine. This reflects a sense of longing for home and all things 'normal' during a period of culture shock, exploration and loneliness. Dickey frequently

¹ Dower, *Embracing Defeat*, p. 73, Herbert Passin, "The Occupation – Some Reflections," p. 108, and Robert E. Ward and Sakamoto Yoshikazu, "Introduction," in *Democratizing Japan: The Allied Occupation*, eds., Robert E. Ward and Sakamoto Yoshikazu (Honolulu: University of Hawaii Press, 1987), p. ix-x.

² Dower, *Embracing Defeat*, p. 77.

³ GHQ, SCAP, *Summation of non-Military Activities in Japan & Korea: Summations 1-35*. Wilmington, Del.: Scholarly Resources Inc., 1983, and Ward and Sakamoto, "Introduction," p. xiii.

appeared much more interested in his mother's travels around Petite Rivière and Kejimikujik, Nova Scotia and Chambly, Quebec than he was about his own wanderings around Japan. Questions about his mother's well-being, both physically and financially, were Dickey's primary concern. This concern was typical with most wartime correspondence, allowing for what Liz Turcotte describes as helping "ground soldiers in the routine activities of their family lives and keep them connected to a life other than the one that immersed them in the horrors of war."⁴ While Dickey's situation was vastly different than that of a POW writing home from Japan or a soldier writing from France, it did connect him to a normal lifestyle, much different than one which consisted of interrogating and prosecuting war criminals, dealing with a society vastly different than what he was used to, and trying to keep himself occupied when he got ahead of a frustratingly slow work schedule. Quite often a note about fresh Nova Scotian produce was enough to keep Dickey going during a tough period.⁵

Receiving letters was a very important part of daily life for Dickey and his Canadian counterparts. Letters from home often came in bunches, and during dry spells Dickey often wrote about the lack of letters, wondering if some bureaucratic mishap, or "mail planes going down" had created the problem.⁶ Dickey and Boland often went into the office in the evening to check if the mail had arrived, and Dickey frequently put his frustration into writing:⁷

[t]he great drought still continues. No sign of any mail was seen to-day. There is not the slightest sign of any explanation and all we can do it wait in hopes that

⁴ Liz Turcotte, "Wartime Correspondence: Living, Loving, and Leaving through Letters During the Two World Wars," in *More Than Words: Readings in Transport, Communication and the History of Postal Communication*, ed., John Willis (Gatineau: Canadian Museum of Civilization Corporation, 2007), p. 261.

⁵ See Dickey to Mrs. W.B. Wallace, 18 July 1946, p. 1-2 and 31 August 1946, p. 1 for examples including strawberries and corn on the cob.

⁶ Dickey to Mrs. W.B. Wallace, 4 August 1946, p. 1. In a letter home writing in July, Dickey reported that, based on the newspaper, a "C-54 heavily loaded with mail and freight for Japan was ditched near Guam on Saturday and is a total loss so mail intended for [him] may have been lost." He also noted that if "there is any extended gap in your letters I will know why. That is the first mail plane that I know of to go down since we have been out here." See Dickey to Mrs. W.B. Wallace, 14 July 1946, p. 2.

⁷ Dickey to Mrs. W.B. Wallace, 4 August 1946, p. 1.

some time the bottleneck will be broken and that none of our mail is completely lost. By the way no letter has come telling me of your departure from Kedgie or arrival in Halifax so I am quite sure that at least one must have gone down on the mail plane which ditched off Guam early in July.⁸

This issue is also noted by Turcotte, claiming that “[c]ommunication and connection with loved ones was always on [soldiers’] minds, and, when they felt they had nothing to talk about, they could always talk about the letter that had not arrived, or might arrive, or wonder about the reason for its delay.”⁹ To Dickey, letters from home “carried a real breath of sea breeze and comfort without which [he] would have been lost.”¹⁰

Of his colleagues in the Canadian War Crimes Liaison Detachment, Dickey spent most of his spare time with Jack Boland, finding him “quite companionable and easy to work with.”¹¹ The pair travelled together numerous times, dined and went to shows together, and even co-hosted a cocktail party celebrating their dual promotion from Captain to Major.¹² Dickey and Boland worked long hours together, attended one another’s court sessions whenever possible, played tennis together, and even walked to Ueno Park to visit the Art Gallery and Zoo together.¹³ Dickey did spend working hours, and attended formal events with Col. Orr, but typically did not spend too much time with him away from work, once chatting with him at the Shiba Park Pool, but introducing and leaving “him with a rather dull but quite important Australian,” who “both seemed quite happy” with the arrangement.¹⁴

⁸ Dickey to Mrs. W.B. Wallace 7 August 1946, p. 1.

⁹ Turcotte, “Wartime Correspondence,” p. 254.

¹⁰ Dickey to Mrs. W.B. Wallace, 12 August 1946, p. 2.

¹¹ Dickey to Mrs. W.B. Wallace, 30 June 1946, p. 3.

¹² Dickey to Mrs. W.B. Wallace, 23 November 1946, p. 1-2.

¹³ Dickey to Mrs. W.B. Wallace, 27 October 1946, p. 1. Dickey wrote that the zoo was “pretty down at heel and included horses, cows, and pigs among the strange and wonderful animals preserved for the edification of the visitors.”

¹⁴ Dickey to Mrs. W.B. Wallace, 30 June 1946, p. 1-2.

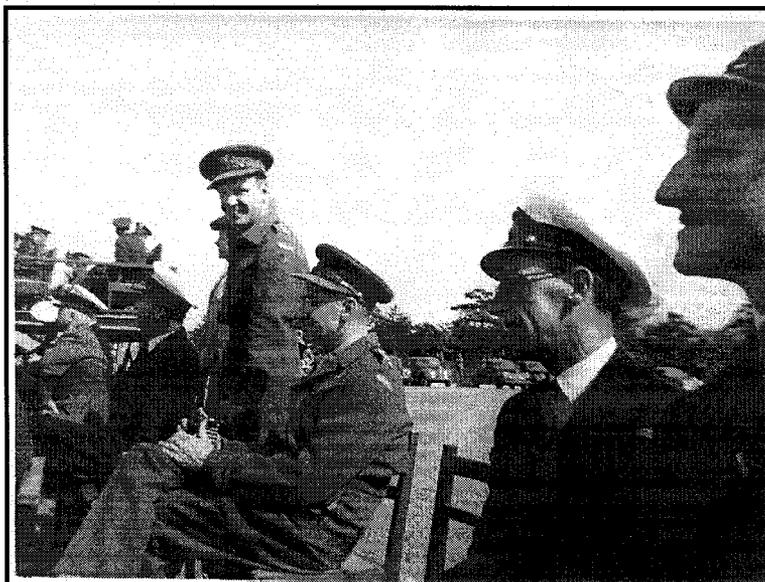


Figure 11 – Snap “was taken some time ago at one of the BCOF Guard Bn. parades - the Australian one I think which was in the month of Sept. The Canadian officer sitting between me and the camera is Jack Boland not looking particularly pleased for some reason or other. This review took place in the palace square right in front of our office.”¹⁵

The majority of Dickey’s close friends while in Japan were Americans. Almost eighty-five percent (85%) of SCAP Legal Section employees were from the United States, so options were relatively limited.¹⁶ One of Dickey’s first, and closest friends was an American named Bob Bender who he roomed with at the Yuraku Hotel in April.¹⁷ Bender was a member of the Intelligence Section of SCAP, and he and Dickey travelled and dined together frequently, as with Boland, and frequented the Tokyo Tennis club, the olympic pool at Meiji Stadium and Shiba Park pool for relief from the hot summer sun of Tokyo.¹⁸ Bender could beat Dickey at tennis “with the greatest of ease,” but the pair often managed “to have fun and a good workout.”¹⁹

¹⁵ Unlabeled, *JDP*, folder 3.0 photographs, and quote, Dickey to Mrs. W.B. Wallace, 27 November 1946, p. 2.

¹⁶ GHQ, SCAP, Legal Section, Public Relations Informational Summary No. 237, Subject: Personnel of Legal Section, 30 Aug 46, *JDP*, folder 5.0. By the end of August 1946, of the 180 SCAP Legal Section personnel, there were 152 Americans, 11 Australians, 8 British, 6 Canadians and 3 Chinese. On top of these numbers, the Legal Section also included 16 Americans posted in Manila. Obviously Dickey could and did make friends outside the Legal Section, but numbers like these represent the general dominance of Americans during the Allied Occupation of Japan. Herbert Passin also makes a similar claim, toting that despite “the term *Allied* in the title, the Occupation was an American show.” Passin, “The Occupation – Some Reflections,” p. 108.

¹⁷ Dickey to Mrs. W.B. Wallace, 24 April 1946, p. 1.

¹⁸ Dickey to Mr. W.B. Wallace, 27 April 1946, p. 3-4.

¹⁹ Dickey to Mrs. W.B. Wallace, 12 June 1946, p. 1.

Dickey typically took breaks from the heat in the afternoon for trips to the court or pool, claiming that “a swim literally saved [his] life,”²⁰ making up for lost time by working evening hours.²¹ Bender left in August, “another of [Dickey’s] American friends now on his way home,” showing that Dickey’s “small circle [was] ever changing.”²² In late January 1947, Dickey received a Christmas card from Bender, who was taking a graduate course at Princeton, which had been mailed to his home address at 2 Larch Street, Halifax, as Bender assumed Dickey would also be home by Christmas.²³

Another of Dickey’s first roommates became a long term friend throughout his tenure in Japan. Doug Campbell, a former Lieutenant in the United States Navy, was in charge of the Replacement Division of the Office of Civilian Personnel.²⁴ Campbell was married in Japan, honeymooned in Kyoto and while waiting for a requisitioned Japanese home, he and his wife Martha stayed at the Dai Ichi Building. Dickey frequently spent evenings with the Campbells, going to dinners, travelling and frequently playing bridge with the couple.²⁵ The Campbells also departed from Japan earlier than Dickey on forty-five days of leave to the United States aboard the *Marine Falcon* in late October.²⁶ The Campbells stayed in contact with Dickey while away, and sent him a card from their trip to the Grand Canyon.²⁷ Dickey also spent a lot of time with another American couple, Bob and Lois Pritchard. Bob was a Duty Officer in the Legal Section, and the pair frequently spent evenings together playing bridge, dining and relaxing.²⁸ The Pritchards also helped Dickey through what proved to be a challenging Christmas holiday away

²⁰ Dickey to Mrs. W.B. Wallace, 18 July 1946, p. 1.

²¹ Dickey to Mrs. W.B. Wallace, 12 June 1946, p. 1.

²² Dickey to Mrs. W.B. Wallace, 16 August 1946, p. 2.

²³ Dickey to Mrs. W.B. Wallace, 25 January 1947, p. 2.

²⁴ Dickey to Mrs. W.B. Wallace, 24 April 1946, p. 1-2.

²⁵ Dickey to Mrs. W.B. Wallace, 4 July 1946 (2), p. 3.

²⁶ Dickey to Mrs. W.B. Wallace, 17 October 1946, p. 2-3.

²⁷ Dickey to Mrs. W. B. Wallace, 19 November 1946, p. 2-3.

²⁸ Dickey to Mrs. W.B. Wallace, 2 August 1946, p. 3-4, and 13 September 1946, p. 1.

from home, having him over for dinner several times, including an evening meal on Christmas Day.²⁹ One of the major problems in staying motivated for Dickey throughout his time in Japan was homesickness, and this issue was magnified as the friends he had made upon arrival started to filter back to their respective homes

Dickey also acted as a tour guide of Japan in his letters. Liz Turcotte describes this common theme in Canadian wartime correspondence, where soldiers overseas wrote “as though they were seeing parts of the world their families would never see and were trying to convey as much about the lives of the people in other countries as possible.”³⁰ Turcotte proposes three prevalent themes: geographic, touristic and cultural descriptions, to which Dickey stays rather true to form.³¹

One of the issues that Dickey was most enthusiastic in writing home about was his travels within Japan. Dickey, often accompanied by several of his new friends employed in the Occupation, travelled as often as the opportunity allowed. Like his time in Ottawa, Dickey frequently grew tired of going to the office after completing all of his work, so when a weekend permitted, he jumped at the opportunity to get away. This reflects a pattern where Dickey was enthusiastic about his work, labouring night and day to complete it, only to be rewarded with large gaps of inactivity and frustration. Where in Ottawa he began attending sessions at the House of Commons and reading at the Parliamentary Library, in Japan he began taking weekends away, and playing tennis regularly during the day. Dickey regarded the trip as not only a legal and professional opportunity, but as a chance to see the world.

²⁹ Dickey to Mrs. W.B. Wallace, 26 December 1946, p. 2-3. The Christmas Day meal Dickey partook in was at the Empire House, and turned out to be “delicious” much to Dickey’s surprise.

³⁰ Turcotte, “Wartime Correspondence,” p. 260.

³¹ *Ibid.*, p. 260.

The first major 'get-away' came during his investigation in Fukuoka, when, on 30 May, he and Lloyd Graham set off to "the Riviera of Japan," Beppu, for some rest and relaxation after almost a week of travel, investigation and interrogation.³² Of the drive Dickey described "the most typical Japanese rural scenery [he had] yet seen," and the lavish accommodations, complete with "two little chamber maid[s] in pretty kimono," as the "real Japanese life."³³ Dickey did note however, that he declined an offer of one of the chambermaids to scrub his back, which was "apparently one of her duties," which he "refused with thanks."³⁴ The pair spent the night in a resort called the "Hotel on the Mountain of the White Cloud," and aside from just relaxing, toured the scenic town, of which Dickey wrote with enthusiasm about the mountain views, and numerous hot springs located in the region.³⁵ The pair would host a luncheon with some of the hotel staff, which comprised Dickey and Graham's own 'K' and 'C' rations, and then depart for the six hour drive back to Fukuoka. Dickey would describe this as a "most successful" trip, which was "easily the high light of [his] time in Japan so far."³⁶

One of Dickey's most exciting travel reports was that of a weekend where he, Doug and Martha Campbell, Major Perry Bascombe, Captain Ray Hill, Bob Bender and Lil Carrall endeavoured to climb Mount Fuji.³⁷ The plan was to "start on Friday afternoon [9 August] and...be at the summit for dawn on Saturday morning."³⁸ This did not quite pan out the way Dickey and his cohort had desired. The group was delayed by a wrong turn on the way to the

³² Dickey to Mrs. W.B. Wallace, 30-31 May 1946, p. 1.

³³ Dickey to Mrs. W.B. Wallace, 30-31 May 1946, p. 2-3.

³⁴ Dickey to Mrs. W.B. Wallace, 30-31 May 1946, p. 3.

³⁵ Dickey to Mrs. W.B. Wallace, 3 June 1946, p. 2-3. Dickey described two particular hot spring pools, the "Pool of Blood" which was reportedly over 200' deep and was 170 degrees, while the "Sea Coloured Boiling Pond," apparently a "favourite suicide spot" was 400' deep and 195 degrees. See aforementioned letter, p. 2-3.

³⁶ Dickey to Mrs. W.B. Wallace, 1 June 1946, p. 2. For details on luncheon and travel within Beppu, see Dickey to Mrs. W.B. Wallace, 3 June 1946, p. 4.

³⁷ Dickey to Mrs. W.B. Wallace, 5 August 1946, p. 2, and 14 August 1946, p. 2.

³⁸ Dickey to Mrs. W.B. Wallace, 14 August 1946, p. 2.

hotel, torrential rain, and poor timing in trying to accomplish their Friday ascent.³⁹ Dickey's account of the trek is as follows:

[c]onditions were far from good and we could only get the jeep about half as high as we should have. The climbing was very tough and Martha Campbell delayed us considerably on the lower levels where we should have made good time. The result was that I reached the lowest station on the 7th level about 8000' feet up at 11.45 p.m. and had to wait till 12.30 for the rest of the party to catch up. They all decided to stop there for the night but I pushed on another 1000' or so to the top of the 7th with the hope of getting to the top by morning. Our original plan was to get there by 11 p.m. rest for 2 or 3 hours and then make the top by dawn. Actually I got there about 1.30 A.M. and really needed a couple of hours rest. That brought it right along to sunrise which I saw from the 7th station. It was the most beautiful sunrise I have ever seen and made the whole trip worthwhile by itself.⁴⁰

Dickey contended that he "could have gone to the top," but realized that "the others would probably want to go back and...did not want to hold them up unduly."⁴¹ Upon returning to Tokyo on Sunday, Dickey marvelled at the "tough proposition" that Fuji was, and made future plans to climb it now that he knew "exactly how to go about it."⁴²

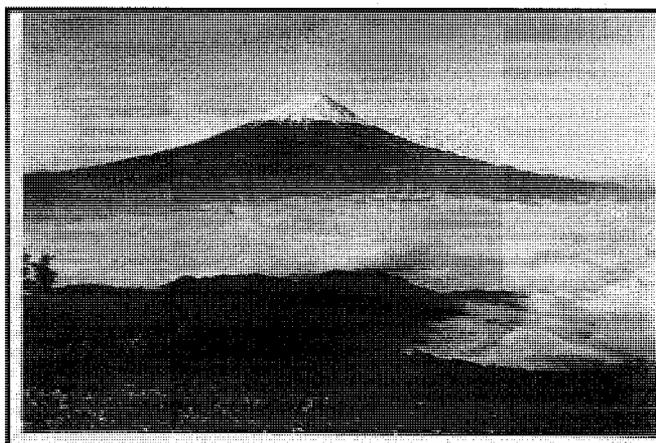


Figure 12 - "P.S. I am enclosing a good picture of Fuji which (the mountain) I will have more to say anon."⁴³

³⁹ Dickey to Mrs. W.B. Wallace, 14 August 1946, p. 2-3.

⁴⁰ Dickey to Mrs. W.B. Wallace, 14 August 1946, p. 3-4.

⁴¹ Dickey to Mrs. W.B. Wallace, 14 August 1946, p. 4.

⁴² Dickey to Mrs. W.B. Wallace, 14 August 1946, p. 4. Dickey returned to Tokyo with a "wooden stick with the brands of the various stations at which [they] stopped on it and a straw hat to show for [his] excursion." 14 August 1946, p. 4-5.

⁴³ Unlabeled, *JDP*, folder 3.0 photographs, and quote, Dickey to Mrs. W.B. Wallace, 12 August 1946, p. 4.

Dickey's last major exploration came in February 1947, when he ventured to Kyoto to see "some of the sights of Japan that must be seen if a visit is to be called complete."⁴⁴ Dickey received permission from GHQ to depart from Tokyo to Kyoto and Kure for ten days.⁴⁵ Dickey travelled to Kyoto by himself on 4 February, arriving very early in the morning the following day. One of the first experiences Dickey had in Kyoto was a Red Cross sponsored tour entitled "Temples[,] Shrines and Palaces," which included visits to Buddhist temples, Shinto shrines, and the Imperial Palace, which Dickey proclaimed "includes the coronation hall in which the Emperors are still crowned the last being Hirohito and the next perhaps MacArthur."⁴⁶

For the rest of his stay in Kyoto, Dickey travelled about with the Canadian prosecutor at the Tokyo Trial, Brigadier Henry Nolan, and New Zealand's representative, R.H. Quilliam, as they had a vehicle at their disposal, and Dickey "rode round with them giving them the benefit of [his] knowledge of the sights acquired the previous day."⁴⁷ Dickey spent the rest of his visit viewing the plentiful gardens, shops, lakes and rode a cable car to the 2600' peak of Mount Hiei, claiming that:

the city presents a completely different aspect from that of any other in Japan as it was completely untouched by bombing. It was intentionally spared because of the historical & cultural monuments which are so generously scattered round and about. The result is that one sees Japanese life as it used to be before the war, squalid dirty and full of contrasts but very interesting. This is a city of about 1,200,000 people and except for the teeming thousands on the streets as little like a metropolis as you could possibly imagine. With the exception of several large dept. stores the shops are small and dingy. Even the little they have to offer looks impressive after what one sees in Tokyo.⁴⁸

⁴⁴ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 1.

⁴⁵ Major W.L. Day, GHQ, Far East Command, to Maj John H Dickey, Order AGPO 29-12, 31 Jan 47, *JDP*, folder 5.0.

⁴⁶ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 3.

⁴⁷ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 4.

⁴⁸ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 2-4. (Quote on page 2).

Dickey also spent time with other occupation acquaintances at Kyoto, including spending an afternoon with Ron Anderson, a member of the Military Government section and “an old acquaintance from the Tokyo Kai Kan.”⁴⁹ Dickey and Anderson visited the home of a famous Japanese potter, whose home “was supposed to be a perfect example of the Japanese medieval style and is really a museum – everything in it being either an antique or the product of this man and his family’s own industry – all very quaint and attractive.”⁵⁰ A brother of one of Dickey’s Tokyo acquaintances, a Captain Sam Boone, posted in Kyoto had Dickey over for dinner and a chat at his home, which was a “guest house built by wealthy Japanese to entertain Western guests so is Western style and most comfortable.”⁵¹ These relationships illustrate how well connected one could become while working in such an environment, even though Dickey assumed that he would probably not get the opportunity to see too many of his new contacts again in civilian life.

Dickey had several other weekend getaways, typically with Doug and Martha Campbell, Bob Bender or Jack Boland. These getaways were often described as either a release from the frustration and stress that came with his position in the War Crimes Liaison Detachment, or just out of pure opportunity to see Japan. These included several weekend at the Fujia Hotel in Miyanoshita, (including one with two members of the Australian Division,) Gotemba (near Mount Fuji), and the Nikko Kanko Hotel in Nikko, Japan.

⁴⁹ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 4-5. The Tokyo Kai Kan was the billet the Canadians moved to on 17 June 1946. The Military Government implemented in Japan was much different than that of a typical postwar occupation situation. Herbert Passin described the military government set-up in occupied Japan as consisting “of small teams, largely of younger soldiers, under Eighth Army command (not directly under SCAP headquarters) in each of Japan’s forty-six prefectures (Okinawa was then under separate command).” Essentially, the military government had no major control, and were put in place to “monitor compliance” and “report to headquarters.” See Passin, “The Occupation –Some Reflections,” p. 109.

⁵⁰ Dickey to Mrs. W.B. Wallace, 6 February 1947, p. 4-5. According to Dickey, Anderson had recently married a US civilian woman while still in Japan, and was living with her in the same hotel as Dickey, the Kyoto Hotel. The marriage of Allied employees in Japan adds an interesting dynamic to the wide network of the social culture of the occupation.

⁵¹ Dickey to Mrs. W.B. Wallace, 8 February 1947, p. 2.

Dickey's note about the possibility of a back scrub from a 'little chamber maid in pretty kimono' to his mother raises an interesting question about the nature of personal relationships and sexuality during the Occupation. Given the available sources – letters home to mom – it is obvious that any sexual or romantic encounters Dickey may have experienced during his time in Japan were not reported. The issue, however, is one that can not be avoided, as socialization and sexuality go hand in hand with military occupations, whether it is between members of the occupying forces, or fraternization between the victor and the vanquished.⁵² One example that was actually reported by Dickey involved a Japanese woman working in his billet:

[w]e have a little Nip girl as a bathwoman who is very efficient and quick. She does all our laundry on a daily basis so that there is no problem about clean shirts or the like. Apart from a tendency to wander round very unconcerned when one is dressing or undressing she is completely satisfactory and that is such a common failing that it is really not worthy of mention out here. I have learned that the only thing to do is match unconcern with unconcern - anything else only attracts attention or ruins the service.⁵³

In Dickey's case there were also examples of his friends marrying other Occupation personnel,⁵⁴ he and Jack Boland taking women (always Allies, typically American or Australian) out to dinner⁵⁵ - which were always very innocently reported – and a long discussion between Dickey and his mother regarding a woman back in Canada with whom he had romantic links.⁵⁶ He had parted ways with the woman in question to pre-emptively prevent the loss of his independence and “perhaps...religion,” as he was not convinced she would convert to

⁵² See for example, John Willoughby, “The Sexual Behavior of American GIs During the Early Years of the Occupation of Germany,” *The Journal of Military History*, Vol. 62, No. 1 (January 1998), pp. 155-174 and Perry Biddiscombe, “Dangerous Liaisons: The Anti-Fraternization Movement in the U.S. Occupation Zones of Germany and Austria, 1945-1948,” *Journal of Social History*, Vol. 34, No. 3 (Spring 2001), pp. 611-647.

⁵³ Dickey to Mrs. W.B. Wallace, 19 July 1946, p. 2.

⁵⁴ Dickey to Mrs. W.B. Wallace, 9, 10 June 1946, p. 1, and 12 July (2) 1946, p. 2-3. By 12 July, Dickey was invited to the third wedding of one of his friends, about which he commented: “[t]his is number three among my small circle here which I think quite amazing. It makes for quite a round of parties to which I do not object but it also makes a fellow quite cautious and watchful.”

⁵⁵ See for example, Dickey to Mrs. W.B. Wallace, 28 April 1946, p. 2 and 25 June 1946, p. 2.

⁵⁶ Dickey to Mrs. W.B. Wallace, 2 December 1946, p. 2 and 7 November 1946, p. 1-2.

Catholicism, which clashed with his being a “fairly good Catholic and an intellectually convinced one,” who felt that he needed “a real one for a wife as well and [was] quite frankly not taking any chances on that score as in all probability other souls besides [his] own depend on it.”⁵⁷

It is reaching too far to make any conjectures about Dickey’s experience in particular, but the Allied Occupation brought together massive numbers of young military personnel, lonely and in a foreign country, which inevitably led to sexual interaction, whether it be inter-Allied or between Occupation personnel and the local population. Regarding the weddings Dickey described to his mother, he noted that they had “all been among personnel of the occupation force in some capacity or other,” and as far as he knew there had “been no case of inter-marriage and [he was] quite sure that no such union would be officially permitted or solemnized” to that point, but would make no predictions on the policy for the future.⁵⁸ John Dower argues however, that Japanese prostitutes, “women of the dark,” were a huge enticement for Allied personnel, a major insult to the defeated Japanese men, and the experience of having to cater to the massive Occupation forces was a shattering one (although with “materialist” benefits) for the Japanese women.⁵⁹ Consequentially, mixed-blood children “became one of the sad, unspoken stories of the occupation.”⁶⁰

⁵⁷ Dickey to Mrs. W.B. Wallace, 2 December 1946, p. 2 and 7 November 1946, p. 1-2.

⁵⁸ Dickey to Mrs. W.B. Wallace, 12 August 1946, p. 2-3.

⁵⁹ Dower, *Embracing Defeat*, p. 124, 135-139 and 211.

⁶⁰ *Ibid.*, p. 211.



Figure 13 – Dickey socializing in Japan.⁶¹

Another of Dickey's peripheral interests during his time in Japan included working with the Sacred Heart Convent in Shiba, Tokyo.⁶² Dickey often acted as a middleman between his mother, Catherine, his step-grandmother Mary B. Wallace, and their contact at the convent, Reverend Mother M. Meyer.⁶³ Dickey and his mother had a connection to the Sacred Heart Convent in Halifax, and Mary Wallace was a member of the Convent in Vancouver, having given Dickey contacts from "Seattle, San Francisco, Honolulu, Japan & China," and looked at his deployment to Japan as him being "on a Crusade."⁶⁴ Dickey's work with the convent typically involved delivering and mailing letters for the nuns, dropping off supplies from the International Relief Committee, acquiring goods from the "PX" (Post Exchange; essentially a store operated by the American Military) which were "very short to civilians and hence difficult

⁶¹ Unlabeled, *JDP*, folder 3.0, photographs.

⁶² Sacred Heart, Feast of Christ the King Pamphlet, 27 October 1946, *JDP*, folder 3.0 photographs. Shiba would, in 1947 merge with Akasaka and Azabu to become part of the Minato ward of Tokyo.

⁶³ See Dickey to Mrs. W.B. Wallace, 18 June 1946, p. 1 and 25 November 1946, p. 3-4.

⁶⁴ Mary B. Wallace to Mrs. W.B. Wallace, Convent of the Sacred Heart, Vancouver, Easter 1946, p. 1-2, *JDP*, folder 1.0. In this particular letter, Mary Wallace included an Easter card with the image of "Onward Christian Soldiers," by Cicely M. Barker enclosed, noting that she envisioned Dickey as a leader in the image, heading up a Crusade in Japan "in such a trying time." The letter also addressed Mrs. W.B. Wallace as 'Kitty,' being a nickname for Catherine. See Mary B. Wallace to Kitty, Easter 1946, p. 1. For Dickey's prior involvement in the Sacred Heart Convent in Halifax, see Dickey to Mrs. W.B. Wallace, 25 October 1946, p. 2-3.

for the Nuns to get,” and once serving as a canopy bearer in the procession held for the Feast of Christ the King, held in October.⁶⁵ Dickey’s last act for the Sacred Heart came when, just before departing for Canada, he “warned her [M. Meyer] that [he] was going shortly in case she wants to send any messages,” and gave “her a small offering to help out with any current expenses that may be payable in occupation currency which may be somewhat difficult for them get.”⁶⁶



Figure 14 – Procession of Feast of Christ the King at the Sacred Heart Convent in Tokyo. Dickey, and IMTFE president Webb were canopy bearers.⁶⁷

Dickey typically made a couple of trips a month to the convent, with an increased amount around the Christmas holiday which proved to be a tough period away from home. Dickey attended the convent Christmas play which he found “very interesting if not particularly diverting,” although he found the singing to be “very good but the play left much to be desired.”⁶⁸ This connection with the convent appears to have been partially motivated by Dickey’s own ardent Catholic beliefs, and partially through some coercion from both his mother

⁶⁵ See Dickey to Mrs. W.B. Wallace, 14, 18, 25 June, 4, 7, 14 July, 15 September and 25, 27, 28 October 1946. For program card and photographs of the Procession of Christ the King (27 October 1946), see *JDP*, folder 3.0, photographs.

⁶⁶ Dickey to Mrs. W.B. Wallace, 17 February 1947, p. 2.

⁶⁷ “Benediction in front of the grotto,” *JDP*, folder 3.0, photographs.

⁶⁸ Dickey to Mrs. W.B. Wallace, 15 December 1946, p. 1.

and Mary B. Wallace. Dickey often went out of his way to make trips to the convent, it seemed to give him a bit of a mission, or at least distraction from some of the frustrations at hand.

One of the major social activities, aside from travelling, in which Dickey frequently partook was attending movies and plays put on by both the American occupation forces, and the BCOF. The American forces put on plays at the Ernie Pyle Theatre and Hibiya Hall in Tokyo, and the BCOF opened the Piccadilly in the fall of 1946, providing entertainment for Occupation personnel. There were also a variety of movies for Allied participants to watch at the Tokyo Kai Kan, Dai Ichi Building and other billets. Dickey typically attended these shows with whomever he had eaten dinner, but often arranged plans for an evening out with Bob Bender, Jack Boland, Bob and Lois Pritchard and other Legal Section members. Some of the plays they attended included *Henry V*; which was sold out the first time Dickey tried to attend;⁶⁹ *Red, Hot & Blue*; “a negro variety show with a very good hot band;”⁷⁰ *My Sister Eileen*; which Dickey attended with “one of the defence counsel from the International Tribunal – a Greek from New York and quite an interesting lad;”⁷¹ *Swan Lake* at the Imperial Theatre; which “left much to be desired having the typical Japanese dumpy figures and ungraceful legs but they did extremely well despite those handicaps;”⁷² and a host of other “stage plays [which were] pretty good and certainly [provided] a welcome change from the endless succession of Grade B movies.”⁷³

The plays, and an increase in “the better English movies as they come along,” after the Piccadilly was constructed, gave Dickey, and countless other Occupation personnel both an opportunity to socialize with other people, and something to fill a void between the tasks they were brought to Japan to fill, and sleeping. Dickey had initially not gone to very many movies

⁶⁹ Dickey to Mrs. W.B. Wallace, 23 November 1946, p. 2.

⁷⁰ Dickey to Mrs. W.B. Wallace, 1 May 1946, p. 3.

⁷¹ Dickey to Mrs. W.B. Wallace, 5 July 1946, p. 2-3.

⁷² Dickey to Mrs. W.B. Wallace, 16 August 1946, p. 2.

⁷³ Dickey to Mrs. W.B. Wallace, 9 July 1946, p. 2.

as the “general run of pictures out here [had] been pretty poor...and [he had] not been indulging very much,” but as time progressed, more became available, and Dickey’s morale began to suffer, Dickey and his group of friends began heading out to shows a few nights a week.⁷⁴

The dining experiences Dickey had in Japan ranged from terrible billet cafeteria meals to exquisite dinners with groups of rather influential players in the Occupation. Upon arrival, Dickey’s meals were typically uneventful meals with roommates, but as his social circle began to expand, Dickey started attending dinners and dances almost every evening at Empire House, the Tokyo Kai Kan, the Mitsui Club, the GHQ Officers Club, the Grand Hotel, the Canadian Legation as well as bridge/dinner parties at the home of Doug and Martha Campbell and that of Bob and Lois Pritchard. He had the occasion of heading to one particular dinner with Col. Orr in June at the Canadian Legation, first playing tennis with some of the residents.⁷⁵ Dickey must have made a good impression as he was invited back to dine and have drinks at the Legation several times during his stay in Japan, spending time there with Colonel Thomas Moss, Justice E. Stuart McDougall, Brigadier Henry Nolan, Dr. Herbert Norman and other key members of the Canadian Division.

Dickey quickly proved himself to be a mover and shaker receiving dinner invitations from Colonel Blackstock, the head of the SCAP Prosecution Section, Paul van Bergon and Captain Pritchard of the Legal Section, Colonel Gossett, head of the Australian Division as well as Australian prosecutor at the Tokyo Trial, Justice Alan Mansfield.⁷⁶ Dickey was actually the only Canadian invited to Colonel Blackstock’s birthday party on 31 October, of which he wrote:

[t]o-morrow night I am going to a birthday party for Col. Blackstock the head of the Prosecution section. It is a bit difficult as I am the only member of the Cdn. Div. included. Jack [Boland] only heard of it to-day and seemed quite surprised

⁷⁴ Dickey to Mrs. W.B. Wallace, 20 June 1946, p. 2.

⁷⁵ Dickey to Mrs. W.B. Wallace, 25 June 1946, p. 3.

⁷⁶ Dickey to Mrs. W.B. Wallace, various dates.

that he had not been asked and a bit hurt - Col. Orr does not know of it yet so his reaction is not known. I will none the less enjoy the party I assure you but I hope no feelings will be badly hurt.⁷⁷

The party proved to be an enjoyable experience for Dickey, and resulted in several subsequent lunch and dinner meetings with Blackstock, including dinner at the Grand Hotel and the Dai Iiti Hotel.⁷⁸

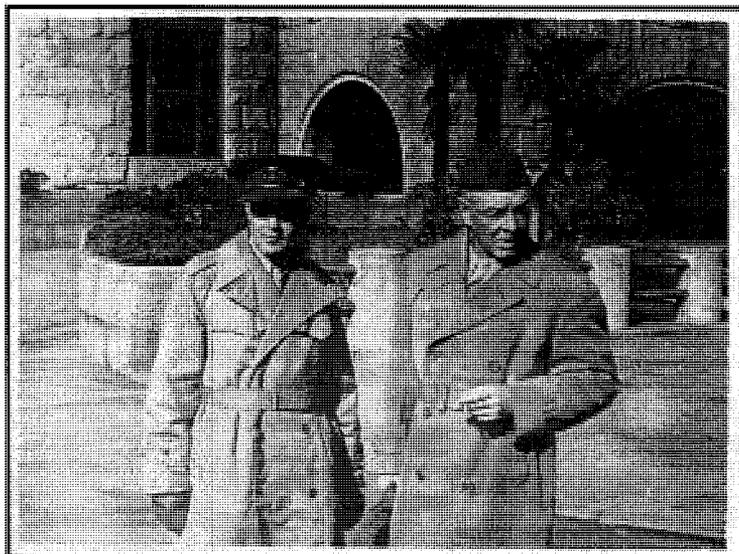


Figure 15 – Major Dickey and Col. Blackstock in front of the Yokohama District Courthouse.⁷⁹

Akin to Yuki Takatori's argument that Canadian representatives at the Tokyo Trials - McDougall, Nolan and Norman - played a more significant role based on their own personalities than the directives from Ottawa, a similar view of Dickey arises. Dickey's easy-going personality and strong legal mind appear to have made him an instant hit with some of the more prominent players in the legal side of the Allied Occupation, allowing him an inside view of operations. This sort of networking seemed to come naturally to Dickey, who came from affluence, and was the youngest in a long line of well respected Canadian lawyers.⁸⁰

⁷⁷ Dickey to Mrs. W.B. Wallace, 30 October 1946, p. 2-3.

⁷⁸ Dickey to Mrs. W.B. Wallace, 4 December 1946, p. 2, 12 January 1947, p. 1.

⁷⁹ Unlabeled, *JDP*, folder 3.0, photographs. The photo is described in Dickey to Mrs. W.B. Wallace, 15 February 1947, p. 1.

⁸⁰ Dickey was the fourth in a line of members of the Nova Scotia bar, and his prestigious family included great-grandfather and Father of Confederation, R.B. Dickey, as well as grandfather, and federal Minister of Justice and

National Defence, A.R. Dickey. See "Lawyer, Politician Dickey Dead at 81," *The Chronicle-Herald*, 29 April 1996, and "First of 'Four Generations' In Law Families," *The Mail-Star*, 11 February 1965.

Chapter VII – The Long Way Home

Almost immediately after the Commission handed down its decision regarding the future of Fukami Kazuo, Dickey was mentally and physically prepared to leave Japan. Dickey had hoped to be home by Christmas, but after that dream was dashed he simply made plans to depart from Japan at the earliest opportunity.¹ Dickey had been approached by Orr on 21 October 1946 with three options, including 1) remaining in Japan until the end of the Canadian trials or the Detachment's withdrawal (which could be late 1947), 2) returning to Japan upon completion of any trials in which he was a prosecutor, or 3) returning to Canada by the end of 1946, Dickey advised that he would like to select the third option.² This did not work out the way Dickey had hoped, and now that he was done his final trial as a Chief Prosecutor, the trip back to Canada could not come soon enough.

The only remaining hurdle standing between Dickey and his return to Halifax was that Col. Orr had assigned him the task of accompanying Sergeant Major Hogg, who had been "in delicate health," from Japan to Vancouver once he arrived in Tokyo from his posting in Hong Kong.³ Dickey was not particularly displeased with this assignment, except for the fact that Hogg was initially due to arrive in Japan by 5 February, but still had not arrived by 18 February. Dickey's departure plans had to be cancelled as a result.⁴ Dickey became very frustrated; especially as he missed "most suitable passage" on 15 February, feeling that as far as Col. Orr was concerned, he would have to "wait indefinitely."⁵

¹ Dickey first mentioned hoping to be home by Christmas in Dickey to Mrs. W.B. Wallace, 16 September 1946, p.3 but by October wrote "I am afraid I can't now reasonably hope to be home for Christmas - but quite soon thereafter I trust." Dickey to Mrs. W.B. Wallace, 12 October 1946, p. 2.

² LAC, RG 24, Vol. 8018, TOK - 1-2-10 - Administration of Detachment, Lt. Col. Oscar Orr, to Capt. B, 21 October 1946, and Capt. John H. Dickey to Lt. Col. Orr, 22 Oct '46.

³ Dickey to Mrs. W.B. Wallace, 14 February 1947, p. 1-2.

⁴ Dickey to Mrs. W.B. Wallace, 14, 17 and 18 February 1947.

⁵ Dickey to Mrs. W.B. Wallace, 14 February 1947, p.

Dickey had received permission on 11 February from GHQ to depart, "at no expense to the US Government," whenever the next surface transportation was available.⁶ Dickey, risking a "show down with Col. Orr," made a reservation on the USS *Admiral Eberle* which was to arrive at the Yokohama Port on 17 March, with a sail-date of 20 or 21 March.⁷ In making the reservation, he felt that he must "take a stand sometime or the delays may drag on for another two weeks or so."⁸ During the next few days Dickey ran around trying to tie up loose ends with the Legal Section, and had several frustrating encounters with the BCOF officials trying to find out when Hogg would arrive in Tokyo. Even after the *Admiral Eberle* had arrived, Dickey was still trying to make arrangements "to get things in line so that Hogg will not be delayed if he does show up on time," although Dickey did not "like the idea of having him along if it [could] be avoided."⁹

Orr made indication to Dickey that whether or not Hogg arrived, he and Col. Moss could leave on the *Admiral Eberle*, so, no 'show down' ensued.¹⁰ Dickey's official travel orders required that he:

- 1) proceed by surface, U.S. Army Transport "Admiral Eberle", proceeding from Yokohama Japan to San Francisco, Calif., U.S.A. on or about 20Feb 47[sic].
- 2) On arrival at San Francisco you will report to the nearest RTO and to the British Consul there for further travel instructions.
- 3) In the event that further travel instructions are not received by you there, you will proceed by rail to Vancouver, B.C. Canada and report there to Headquarters, Western Command.
- 4) You will then proceed to Ottawa, Ontario, Canada, where you will report to theCommandant [sic], AHQ, for further instructions.¹¹

⁶ LAC, RG 24, Vol. 8018, TOK - 1-3 - Transportation Arrangements, W. L. Day, GHQ, Far East Command, Individual Travel Order, 11 Feb 47.

⁷ Dickey to Mrs. W.B. Wallace, 14 February 1947, p.

⁸ Dickey to Mrs. W.B. Wallace, 14 February 1947, p.

⁹ Dickey to Mrs. W.B. Wallace, 18 February 1947, p. 1-2.

¹⁰ Lt. Col. Oscar Orr to Major JDC Boland, Re: Major Dickey and Sjt Major Hogg, Tokyo, Wednesday 19 Feb 46, JDP, folder 5.0, and Dickey to Mrs. W.B. Wallace, 18 February 1947, p. 2.

¹¹ Lt. Col. Oscar Orr, Officer in Charge, Canadian War Crimes Liaison Detachment, Japanese Theatre, GHQ, SCAP, to Major John H. Dickey, Tokyo, Japan, 20 Feb 47, JDP, folder 5.0.

On 20 February, in the early afternoon, Dickey and Moss boarded the *Admiral Eberle*, set up in their four-berth cabin, but were shortly surprised when Dickey's friend, Major John Duff, posing as his cousin, arrived and requested that the Transportation Officer on the ship allow Dickey to spend the evening at Duff's house, and Moss at the Grand Hotel.¹² Dickey was very pleased by Duff's offer, as he "had not been looking forward to spending almost 24 hrs sitting at the Yokohama pier."¹³ Furthermore, it meant one less night aboard the 22 300 ton ship, which was not particularly comfortable, the designers of the ship having conserved space "at every turn," leaving little in terms of space to relax, or enjoy the journey.¹⁴ Dickey and Duff went to Duff's Yokohama residence, had cocktails, and enjoyed the opportunity to see several of their colleagues before Dickey set sail.¹⁵

After re-boarding the ship, and being seen off by a smiling crowd of Canadians, and friends of Dickey's, the *Admiral Eberle* set sail shortly after noon. Dickey was seen off by the Canadian Division as well as "John & Beth Duff & Bob & Lois Prichard who had jeeped down from Tokyo."¹⁶ Dickey wrote that it "was a very gay farewell with many hopes for future meetings though frankly they seem somewhat remote in most cases. In any event it was nice to have some friendly faces on the dock."¹⁷ Although Dickey made no mention of Hogg in the long letter he wrote during the passage of the *Admiral Eberle*, a report from Col. Orr indicated that Hogg arrived in Tokyo on the evening of 20 February, and boarded the ship the following day.¹⁸

¹² Dickey to Mrs. W.B. Wallace, 21 February 1947, p. 1-2.

¹³ Dickey to Mrs. W.B. Wallace, 21 February 1947, p. 2.

¹⁴ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2, 3 March 1947, p. 2.

¹⁵ Dickey to Mrs. W.B. Wallace, 21 February 1947, p. 2.

¹⁶ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, March 2,3 1947, p. 1-2.

¹⁷ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, March 2,3 1947, p. 2.

¹⁸ LAC, RG 24, Vol. 8018, TOK - 1-2-10 - Administration of Detachment, GHQ, SCAP, Lt. Col. Oscar Orr to Secretary, DND, Major JH Dickey, CIC, 22 Feb 47.

Hogg was described to be “well enough to travel,” but had a “tired” heart.¹⁹ Moss similarly was labelled a concern as he had been quite sick, and had elected to pay the balance for a more comfortable rail accommodation for the trip from San Francisco to home.²⁰ Dickey had already written a telegram to be sent to his mother by Jack Boland as soon as the ship securely left port, both indicating his safe departure, and laughingly reassuring his mother that he would “be seasick [for the] entire voyage.”²¹

Dickey and Moss, through a shuffle of rooms, were moved from a shared four-berth room, and were given a rather large six-berth room one deck lower.²² This was a good move for Dickey, as his routine to avoid seasickness involved long hours laying flat on his back inside their cabin, occasionally punctuated with thirty minute trips to the galley for meals. Dickey claimed that this was “a strange and inconvenient system but it works.”²³ The system was relatively fool proof, but failed in one circumstance that Dickey described as keeping him from the only meal he missed all voyage:

I went up on time but we were kept waiting because - as we later learned a roll of the ship swept all the tables clear just as they were about to open the doors. My half hour was almost up before I got in and before I was served I realized that my number was up so off I went to bed and survived.²⁴

Moss however had a much harder time staving off sickness while travelling over the Pacific. Moss, who had been already been ill while in Japan, developed a high temperature, and was confined to his cabin by the ship doctor.²⁵ After Moss had an adverse reaction to the first

¹⁹ LAC, RG 24, Vol. 8018, TOK - 1-2-10 - Administration of Detachment, GHQ, SCAP, Lt. Col. Oscar Orr to Secretary, DND, Major JH Dickey, CIC, 22 Feb 47.

²⁰ LAC, RG 24, Vol. 8018, TOK - 1-2-10 - Administration of Detachment, GHQ, SCAP, Lt. Col. Oscar Orr to Secretary, DND, Major JH Dickey, CIC, 22 Feb 47.

²¹ Dickey to Mrs. W.B. Wallace, 21 February 1947, telegram, and Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 2.

²² Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 2-3.

²³ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 3.

²⁴ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 3-4.

²⁵ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 4.

dose of the prescribed medication, Dickey stopped the dosage and again called for the ship doctor. This time, Moss was put on penicillin and moved to the ship hospital for the remainder of the voyage.²⁶ Dickey spent the rest of the voyage – while not laying flat on his back – checking in on Moss and spending time with him in the ship hospital.

Aside from the sicknesses, and constant “food and crockery...flying off the mess tables and everything in the cabin not tied down simply [sliding] from one side to the other,”²⁷ the voyage was relatively uneventful, and on 3 March at about 8:20 am, the *Eberle* sailed under the Golden Gate Bridge at San Francisco.²⁸ Sailing under the bridge both marked the clear end of Dickey’s journey to Japan, and allowed a respite in the “continual pitching and tossing” of the ship.²⁹

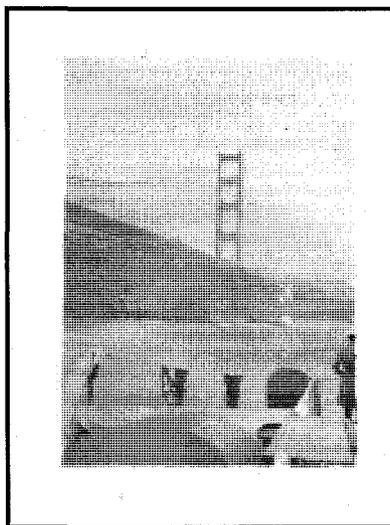


Figure 16 – The USS *Admiral Eberle* arrived in port at San Francisco on 3 March 1947, much to the pleasure of Major Dickey.³⁰

²⁶ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 4.

²⁷ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 5.

²⁸ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 6.

²⁹ Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 6.

³⁰ Unlabeled, *JDP*, folder 3.0 photographs. On sailing into San Francisco, noted that he was “entranced with the sight of land even though it is now raining quite fast. We had enough sun coming in to get a few snaps but it is closing in thickly now.” Dickey to Mrs. W.B. Wallace, 25, 26, 28 February, 2,3 March 1947, p. 6.

As soon as Dickey got his feet on dry land, he “began to feel a physical and mental improvement,” which only increased until he began to feel “almost human again.”³¹ Upon landing, Dickey dealt with the immigration authorities, and was quick to make a phone call to his mother, which had not been possible while in Japan.³² According to ship’s Captain Frank Pfeiffer, Col. Moss was required to have “at least three days rest at hotel to recuperate from slight touch of pneumonia before undertaking further travel.”³³ Dickey and Col. Moss spent three days in San Francisco, and Dickey did some sight-seeing until Moss began to feel better. Once Moss stirred from the hotel where they were staying the two toured the city by taxi-cab, and went to the famous Top of the Mark cocktail bar.³⁴

Dickey and Moss parted ways in San Francisco on 6 March, with Dickey boarding a train for Vancouver, and Moss holding out for a more direct passage home. Dickey noted that he thought “the old boy [Moss] was sorry to see [him] go,” and he “was disappointed not to be finishing up the journey with him.”³⁵ Dickey did in fact carry out his orders from Col. Orr accompanying Sergeant Major Hogg from San Francisco to Vancouver, “in the end completing Col. Orr’s assignment.”³⁶

Dickey arrived in Vancouver in the late evening of 7 March, and had a busy day on 8 March, checking in with the administrators from the Canadian Army, visiting several friends, and also checking in on Col. Orr’s wife.³⁷ In the morning on 9 March, Dickey went to the University of British Columbia Law School to visit an old friend and Dean of the Law School,

³¹ Dickey to Mrs. W.B. Wallace, 5 March 1946, p. 1.

³² Dickey to Mrs. W.B. Wallace, 5 March 1947, p. 1.

³³ F.A. Pfeiffer, Master, U.S.A.T. “Admiral E.W. Eberle,” to Commanding General, SFPE, Ft. Mason California, 28 February 1947, *JDP*, folder 5.0. Also see “Wait Orient Transport,” *JDP*, folder 2.3 Miscellaneous Newspaper Clippings.

³⁴ Dickey to Mrs. W.B. Wallace, 5 March 1947, p. 2.

³⁵ Dickey to Mrs. W.B. Wallace, 6 March 1947, p. 3-4.

³⁶ Dickey to Mrs. W.B. Wallace, 6 March 1947, p. 4.

³⁷ Dickey to Mrs. W.B. Wallace, 9 March 1947, p. 1.

George Curtis, and gave a lecture to “the student body on Far East War Crimes,” which went relatively successfully, as “no one had the nerve to leave so it could have been worse.”³⁸ After the lecture, Dickey again checked in on Orr’s wife, went to the convent for a short visit with his step-grandmother Mary B. Wallace, and went to see Sergeant Major Hogg before departing on the CP Rail.³⁹

Dickey’s next stop along the Canadian-Pacific Railway was a twenty-four hour stopover in Calgary where he had the opportunity to deliver messages to Henry Nolan’s wife, as well as Lloyd Graham’s family before visiting several family friends residing in Calgary.⁴⁰ The train departed from Calgary in the morning on 12 March, and arrived in Ottawa on 15 March.⁴¹ Dickey had several debriefing tasks to attend to at Army Headquarters before heading back to Halifax, but sent a telegram home stating that there had been “no suggestion [of] any impediment,” and expected a “quick discharge.”⁴² Dickey planned to be home to Halifax by 25 March, and reported that he was having a “busy and interesting time in Ottawa,” and spent the weekend with some friends before heading home.⁴³

The last members of the Canadian War Crimes Liaison Detachment departed Japan shortly after Dickey, in late May 1947 aboard the USAT *General Freeman*.⁴⁴ Jack Boland had

³⁸ Dickey to Mrs. W.B. Wallace, 10 March 1947, p. 2. I unsuccessfully attempted to contact the archives and Graduate Student Society at UBC to see if there were any records or notes on the lecture Dickey gave at the newly founded Law School.

³⁹ Dickey to Mrs. W.B. Wallace, 10 March 1947, p. 2.

⁴⁰ Dickey to Mrs. W.B. Wallace, 14 March 1947, p. 1.

⁴¹ Dickey to Mrs. W.B. Wallace, 14 March 1947, p. 3, Dickey to Mrs. W.B. Wallace, 17 March 1947, telegram. Dickey’s travel records can be verified with pay forms signed by M.W. McA’Nulty in March 1947 entitled “Travelling Allowance, Subsistence, Etc.,” which are included in the *JDP*, folder 5.0.

⁴² Dickey to Mrs. W.B. Wallace, 17 March 1947, telegram.

⁴³ Dickey to Mrs. W.B. Wallace, 22 March 1947, telegram.

⁴⁴ Major W.P. McClemon, War Crimes Investigation Section, “Final Report, 30 Aug 47,” p. 3, *JDP*, folder 5.0, and LAC, RG 24, Vol. 8018, TOK - 1-2-10 - Administration of Detachment, GHQ, SCAP, Lt. Col. Oscar Orr to Secretary, DND, Withdrawal of Detachment, 16 May 47.

already departed for Ottawa on much the same route as Dickey at the beginning of May.⁴⁵ The Detachment was deemed a great success by DND, and Col. Orr was hailed in a final report, claiming that his work called for the “highest commendation,” and that his services were not only “outstanding in every respect,” but were “carried out in the very highest tradition of the Canadian Army and the Canadian Bar.”⁴⁶ The Detachment departed Japan with “approximately 26 cases in which Canada is interested to a degree,” which were to be prosecuted by representatives from the other Allied nations.⁴⁷ In a memorandum to the SCAP Prosecution Section, Orr suggested that the remaining Canadian cases were problematic as their prosecutors still required further information and requested that any inquiries for evidence or affidavits be sent to him via the secretary of DND.⁴⁸

Dickey was officially ‘struck off the strength’ and returned to reserve status on 14 April 1947. He received the Canadian Volunteer Service Medal and War Medal 1939-45 for his service to the Canadian Army.⁴⁹ Dickey arrived in Halifax in late March, with the intention of returning to the service of the Nova Scotia Bar, and his pre-war law firm, known since 1946 as McInnes, MacQuarrie and Cooper.⁵⁰ During the month following his return, Dickey conducted three cases in Halifax.⁵¹ Immediately upon returning to Ottawa, Dickey was interviewed via telephone for several newspapers, including *The Halifax Herald* and *The Halifax Chronicle*. The main issue Dickey commented on was the development and progress he had witnessed in Japan, particularly the growing societal role of women in Japan, “emerging from years of

⁴⁵ LAC, RG 24, Vol. 8018, TOK - 1-2-10 - Administration of Detachment, GHQ, SCAP, Lt. Col. Oscar Orr to Major J.D.C. Boland, Travel Orders, 1 May 47.

⁴⁶ Major W.P. McClemon, War Crimes Investigation Section, “Final Report, 30 Aug 47,” p. 3-4, *JDP*, folder 5.0

⁴⁷ Major W.P. McClemon, War Crimes Investigation Section, “Final Report, 30 Aug 47,” p. 3, *JDP*, folder 5.0

⁴⁸ LAC, RG 24, Vol. 8018, TOK - 1-2-10 - Administration of Detachment, GHQ, SCAP, Lt. Col. Oscar Orr, Canadian Division, to Prosecution Section, Canadian Division Withdrawal, 12 May 47.

⁴⁹ Major John Horace Dickey, Canadian Army (Active) Certificate of Service, *JDP*, folder 4.0.

⁵⁰ “Haligonian Claims Big Changes Seen in Japan,” *The Halifax Herald*, 21 March 1947, “Says Ways Changed In Japan,” *The Halifax Chronicle*, 21 March 1947 and Flemming, *A Century Plus*, p. 69.

⁵¹ Flemming, *A Century Plus*, p. 59.

submission...taking their place in the activities of the community life and in some cases are members of the Governing Diet.”⁵² Dickey also claimed that the process of democratization under the Allied Occupation was “in full blast” economically and politically creating significant changes “at least on the surface.”⁵³ Of his experiences in Japan, and specifically at the Yokohama War Crimes Trials, it was noted that:

[t]he youthful army officer said this morning that Nova Scotia soldiers['] names were mentioned in the long involved cases which he prosecuted. The net result of the charges brought against the Japanese military heads by the Canadian Army, were an average sentence of 15 to 20 years imprisonment. The cases dealt in most part, he said, with ill treatment of war prisoners and the infringement of their rights.⁵⁴

During the months following his return to Halifax, Dickey had the opportunity to share his experiences with community groups such as the Halifax North Progressive Club, the Nova Scotia Barristers Society as well as a luncheon speech he delivered for the Halifax Commercial Club on 3 April 1947 at the Nova Scotian Hotel.⁵⁵ The pamphlet for the luncheon described Dickey’s childhood, legal training, and enlistment in the Canadian Army, before describing his experience with war crimes trials:

[i]n February, 1946, the speaker was made Assistant Prosecutor for Canada in respect to the war guilt trials in the far east. This appointment took him to Japan where, for nearly a year, he was in close touch with the MacArthur regime and assisted in the prosecution of those charged with offences committed in the pre-Pearl Harbour days. His story is the first we have heard regarding the Japanese situation since V-J day and it will be of more than usual interest.⁵⁶

⁵² “Haligonian Claims Big Changes Seen in Japan.”

⁵³ “Democracy Advancing In Japan Says Major Dickey,” *JDP*, folder 2.1 Newspaper Articles re: Dickey.

⁵⁴ “Experiences In Japan Described,” *JDP*, folder 2.1 Newspaper Articles re: Dickey.

⁵⁵ “Major J. Dickie [*sic*] Is Guest Speaker,” *The Halifax Herald*, 30 April 1947, “Praises Dal Law “Grads”,” *The Halifax Herald*, 2 April 1947, and The Commercial Club of Halifax, Luncheon, John H. Dickey, “Experiences in Japan,” April 3, 1947, *JDP*, folder 5.0, and NSARM, MG 20, No. 82, Halifax Commercial Club Scrap Book, March 1943 – November 1951.

⁵⁶ The Commercial Club of Halifax, Luncheon, John H. Dickey, “Experiences in Japan,” April 3, 1947, *JDP*, folder 5.0, and NSARM, MG 20, No. 82, Halifax Commercial Club Scrap Book, March 1943 – November 1951.



Figure 17 - Program for Luncheon with The Commercial Club of Halifax where Dickey shared his experiences in Japan.⁵⁷

Dickey quickly rose to prominence in Halifax after returning from Japan. He returned to work with McInnes, MacQuarrie and Cooper in Halifax, and shortly after returning to Nova Scotia was elected as a Member of Parliament for Halifax in a by-election on 14 July 1947.⁵⁸ Dickey won the by-election as a representative of the Liberal Party, which had a strong-hold on the Halifax seats since 1933. Dickey's platform "dealt with greater autonomy, better facilities and more business for the port of Halifax," and he won the seat by an easy majority.⁵⁹ Dickey was re-elected as MP in general elections held in 1949 and 1953.⁶⁰ Dickey had the opportunity to represent Canada at the United Nations' fifth general assembly in 1950, and continued on in federal politics until 1957.⁶¹

⁵⁷ The Commercial Club of Halifax, Luncheon, John H. Dickey, "Experiences in Japan," April 3, 1947, *JDP*, folder 5.0.

⁵⁸ NSARM, C.S. Stayner, *The Stewart Family Genealogy*, MG 100, Vol. 234, #22, MFM #9811.

⁵⁹ "Early Voting Light In Halifax By-Election," *The Halifax Mail*, 14 July 1947, and "Dickey Returned, C.C.F. Candidate In Second Place," *The Halifax Mail*, 15 July 1947. The 15 July 1947 newspaper reports indicate that Dickey had amassed 23 132 votes compared to the 14 844 and 13 058 of his competitors before sixteen polls had entered their votes.

⁶⁰ NSARM, C.S. Stayner, *The Stewart Family Genealogy*, MG 100, Vol. 234, #22, MFM #9811.

⁶¹ "Lawyer, politician Dickey dead at 81," *The Chronicle-Herald*, 29 April 1996.



Figure 18 – Dickey speaking with Ontario Chief Justice of the Supreme Court, Justice James C. McRuer, at the annual banquet of the Nova Scotia Barristers' Society, Halifax, 1 April 1947.⁶²

Dickey was heavily involved in the upper crust of social activities in Halifax, including membership – and several prominent positions including director and president – in the Halifax Commercial Club, Halifax Board of Trade, Counsel of the Nova Scotia Bar Society, Canadian Bar Association, Atlantic Trust Company, Stora Forest Industries Ltd., Dover Mill's Ltd., Atlantic Industrial Minerals Inc., the Forum for Young Canadians, Men's Canadian Club, National Liberal Federation, Waegwoltic Club, Royal Nova Scotia Yacht Club, Halifax Skating Club, Chester Golf Club, and acted as a member of the board of governors at Saint Mary's and Mount Saint Vincent Universities.⁶³

⁶² "Annual Banquet," *JDP*, folder 2.1, newspaper clippings re: Dickey.

⁶³ NSARM, MG 20, Vol. 96, Halifax Commercial Club Fonds, Membership List and Dues, Major Dickey To Head Club," *The Halifax Chronicle*, 30 April 1947, "First Of "Four Generations" In Law Families," *The Mail-Star*, 11 February 1965, and "Well-known lawyer John H. Dickey dies," *The Chronicle-Herald*, 29 April 1996.

Conclusion

If one thing can be taken from the observations and experiences of John Dickey in Japan it is that outside influences had a major impact on what went on in the courtroom. His experience as an individual has allowed an investigation into the workings of minor war crimes trials, and an opportunity to distinguish what type of preparation and evidence resulted in various prison sentences for Japanese criminals of war. What has become evident is that the outcomes of the Yokohama War Crimes Trials were shaped by myriad influences, which often had little to do with justice.

Throughout Dickey's letters home, the theme of trial expediency was prevalent. He went to great lengths to ensure that the rapid portion of the SCAP mandate of a fair and expedient trial was met. There was a clear tension between these two components, and it was typically the latter which garnered the majority of focus. Whether it involved not calling witnesses in the hopes of saving time, requesting that English evidence not be translated in open court, or trying multiple offenders at the same time, Dickey and the rest of the legal staff at Yokohama tended to err on the side of speed rather than that of fairness.

Also within Dickey's story we see clear examples of Western and North American preconceptions, administrative delays, and individual personalities and personal issues such as homesickness moulding the way justice was meted out. While the issue of speed versus fairness was a problem written into the SCAP codes of conduct, these other issues effected the trials from the outside in. Dickey's bouts with homesickness were generally tied to the issue of expediency, but go further than simply ensuring that trials were not plagued with "irrelevant issues or evidence" which would cause "unnecessary delay or interference."¹ Dickey was clearly excited for the journey from the onset, but as time passed, and progress was sometimes very meagre,

¹ GHQ, SCAP, Regulations Governing the Trials of Accused War Criminals, p. 2, *JDP*, folder 5.0.

thoughts of returning to his family in Halifax began to dominate his letters. The longer the delays lasted, the more Dickey lost his motivation to remain in Japan. This was exemplified by his preparing the case against Fukami with no real intention of prosecuting it, taking a more avid interest in his mothers' travels than his own, and making his intentions of leaving before the Liaison Detachment was complete, something known by October. Expediency and homesickness are closely linked, as at the very root of all of this, most of the Occupation personnel were simply in a rush to get back home.

Another major issue that arose was the number of Western and North American preconceptions and prejudices, and cross-cultural problems which Dickey faced. Dickey travelled to Japan, and much like the majority of other Occupation personnel, knew little of Japanese culture, climate or geography beyond what he had read. The listing of texts available for Dickey to read up on Japan was limited to mainly American published books, providing Dickey with a skewed view of the Japanese. This problem showed itself in his casual use of racial terms, his willingness to dismiss the clearly divergent defence testimony in the Yanaru Tetsutoshi case for that of the prosecution, and his stereotypical views on 'pretty little Japanese girls in kimono' and docile Japanese men were particularly telling. It is not to say that Dickey had any particular antipathy toward the Japanese, but a set of prejudices are notable, which certainly influenced the way the trials and Dickey's other work proceeded.

Administrative delays were another issue which played a major role in changing the dynamic of the Yokohama trials. Throughout, administrative mishaps, both resulting from Canadian and American miscalculations, held trials-up, seeing too many cases being heard at once, prosecutors and defence being assigned to more than one case at a time, and clashes with Dickey's *bête noir*, Mr. Reichmann, the War Crimes Administration Officer for the Eighth

Army, holding things back. This problem was well described when Dickey referred to problems between the Prosecution Section and the administrators when he wrote that “the Americans are at sixes and sevens and thanks to a complete lack of co-ordination and control from above a beautiful impasse has been reached.”² On a more practical level, transportation problems, including getting from Ottawa to Tokyo, from Tokyo to Yokohama daily, and then delays getting back to Canada were a frustration throughout. Many of these delays and frustrations could have been prevented by having stronger leadership as suggested by Dickey.

Dickey proved to be an influential personality in Japan, making recommendations as a representative of the Canadian Detachment to British and American prosecutors, playing the role of Chief Prosecutor on three cases, and quickly becoming a rather popular figure among the large personalities of both the SCAP Legal and Prosecution Sections, and some of the key players in the IMTFE. Although he was sent by DND as a part of the Canadian War Crimes Liaison Detachment to work as a lawyer, Dickey became much more on the trip, preparing himself well for a future in politics and law at home. The trip became more than just life experience, but also provided him with a bolstered résumé, made him a minor celebrity in Halifax, and was nothing but good marketing for McInnes, MacQuarrie and Cooper. While the individual contacts he made in Japan and the cases he tried may not have carved out his future, the experience on the whole created opportunities for him back in Canada.

From all available evidence, Dickey – although very concerned with the expediency of the trials – was more than just a tourist in Japan. He put in long hours preparing his investigations and prosecutions, looked forward to there being plenty of work to do, and seemed very interested in the way the trials were to proceed from the onset. In light of this, as time wore on the novelty of the whole process seemed to wear off. The original forecast for the project was

² Dickey to Mrs. W.B. Wallace, 3 October 1946 (2), p. 3.

roughly six months, but in actuality, Dickey's first case was not completed until after seven months. He took great interest in seeing a part of the world he would likely not have seen under any other circumstances, especially after spending so much stagnant time in Tokyo waiting for his cases to come in front of the Commissions.

One cannot fully extract a comprehensive chronicle from the correspondence of one participant. Although the investigation of the Canadian War Crimes Liaison Detachment's papers at LAC, and the use of several NARA published secondary sources has facilitated a better understanding of the Yokohama Trials on the whole, and understanding Dickey's experience is only the beginning of what should prove to be a flourishing body of historiography. Changes and additions to an oddly underdeveloped field of study are important especially during a time when war crimes trials are becoming increasingly important from both a historical and a contemporary viewpoint.

It is not the aim of this study to retry the war criminals that Dickey prosecuted in Yokohama, but, as Lackenbauer and Madsen noted in a recent study of war crimes trials, the onus should be on trying to discern how or why the verdicts were reached and, in this case, to understand the major a role outside influences played on what went on inside the courtroom.³

³ Lackenbauer and Madsen, *Kurt Meyer on Trial*, p. 15.

Appendix

Biographical Information – John Horace Dickey

Name: John Horace Dickey

Birth: 4 September 1914 (Edmonton, Alberta)

Death: 27 April 1996 (Sydney, Nova Scotia)

City of Residence: Halifax, Nova Scotia

Height: 5'7½"

Eyes: Blue

Hair: Brown

Post-Secondary Education: BA - Saint Mary's College

LLB – Dalhousie Law School (1940)

Occupation: Lawyer – McInnes, Cooper and Robertson (Halifax)

Politician – MP for Halifax – 1947- 1957

Canadian Army – 1942-1947

Married: Eleanor Joyce Carney, 1959

Children: (6) Tom, Michael, John-Robert, Stephen, Gregory, Mary Kate

Family Note: Dickey was a fourth generation member of the Nova Scotia bar. He was preceded by his father Horace Beaumont Arthur Dickey (died in World War I), his grandfather Arthur Rupert Dickey (federal Minister of Justice and Defence) and his great-grandfather, Robert Barry Dickey (a Father of Confederation).¹

¹ Information compiled from: Dickey, John Horace, Canadian Army Officer's Record of Service, *JDP*, folder 4.0, certificates and record books, "Well-known lawyer John H. Dickey dies." *The Chronicle-Herald*, 29 April 1996, "Lawyer, Politician Dickey Dead at 81," *The Chronicle-Herald*, 29 April 1996, "John H. Dickey," *The Chronicle-Herald*, 30 April 1996, and "First of 'Four Generations' In Law Families," *The Mail-Star*, 11 February 1965.

Partial Catalogue of Titles Available for Dickey's 'Reading Up on Japan,' pre-April 1946.

A History of Banking in all the Leading Nations: Comprising the United States, Great Britain, Germany, Austro-Hungary, France, Italy, Belgium, Spain, Switzerland, Portugal, Roumania, Russia, Holland, the Scandinavian nations, Canada, China, Japan. Compiled by thirteen authors, edited by the editor of the *Journal of Commerce and Commercial Bulliten*. 1896.

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Specifications Against Kaneko Takio

Charge: Between 14 August 1943 and 12 March 1945, accused, while Japan was at war with the United States of America and its Allies, did violate the Laws and Customs of War. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 1: In or about the month of March 1944, accused, did willfully and unlawfully mistreat, abuse and torture F.B. Cauldwell, W.R. Parkes R.W. Ebdon, M. D'Avignon, L. Ross, J.F. Burns and H.P. Lim, Allied PW's, by beating them, by ordering them to be beaten by others under his command, by confining them during cold weather in unheated cells insufficiently clothed and standing at attention for a long period of time, and by thereafter forcing them to do extra manual labour. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 2: During the summer of 1944, accused, did willfully and unlawfully mistreat and abuse J. Fertil, N. McLean, C. Robinson, A. Pequet, H.L. Militaire, J.S. Shala and D.G. Innes, Canadian PW's, by ordering guards under his command to beat them and thereafter confining them in a guardhouse on reduced rations for a period of two weeks. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 3: On or about 24 August 1944, the accused, did willfully and unlawfully mistreat, abuse and torture F.B. Cauldwell, a Canadian PW by beating him and thereafter confining him in the guardhouse for a period of three days on reduced rations. Plea: NG, Findings: G, Legally Sustained: Yes, except the words, "and torture", of the excepted words, Not Guilty.

Sp 4: In or about the month of November 1944, accused, did willfully and unlawfully mistreat, abuse and torture C. Windsor, a Canadian PW, by beating him and thereafter confining him in the guardhouse for a period of four days without food. Plea: NG, Findings: G, Legally Sustained: Yes, except the words, "and torture", of the excepted words, Not Guilty.

Sp 5: In or about the month of December 1944, accused, did willfully and unlawfully mistreat and torture W.E. Galloway, a Canadian PW, by causing him to stand in a pit containing water and mud during wet weather, by repeatedly forcing him to stand astride a lighted charcoal brazier for half hour periods, by thereafter to maintain cramped and painful positions, and by confining him for a period of four days on reduced rations in an unheated guardroom without clothing. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 6: In or about the month of November 1944, accused, did willfully and unlawfully mistreat and abuse G.L. Coutts, a Canadian PW, by striking him with a chair. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 7: On or about 20 April 1944, accused, did willfully and unlawfully mistreat, abuse and torture B. Castonguay, a Canadian PW, by forcing him to stand at attention for a long period of time and by immediately thereafter forcing him to engage in manual labor. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 8: In or about the month of January 1945, accused, did willfully and unlawfully mistreat, abuse and torture T.P. LaFlamme, a Canadian PW, by beating him and by thereafter forcing him to stand at attention for a long period of time without food or sleep. Plea: NG, Findings: G, Legally Sustained: Yes, except the words "and torture", of the excepted words, Not Guilty.

Sp 9: In or about the month of February 1945, accused, did willfully and unlawfully mistreat and abuse V.A. Calder, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 10: That between 14 August 1943, and 12 March 1945, accused, did willfully and unlawfully mistreat, abuse and torture Allied PW's by forcing to work during cold weather under arduous conditions insufficiently clothed. Plea: NG, Findings: G, Legally Sustained: Yes, except the words "and torture", of the excepted words, Not Guilty.

Sp 11: Between 14 August 1943 and 12 March 1945, accused, did willfully and unlawfully mistreat, abuse and torture Allied PW's by forcing them to stand parades and roll calls at irregular and unwarranted hours, and by keeping them standing for long periods of time in inclement weather. Plea: NG, Findings: G, Legally Sustained: No, except the works, "and torture", of the excepted words, Not Guilty.

Sp 12: Between 14 August 1942 and 12 March 1945, accused, did willfully and unlawfully misappropriate and withhold from Allied PW's, Red Cross supplies intended for the use and benefit of Allied PW's. Plea: NG, Findings: NG.

Sp 13: Between 14 August 1943 and 12 March 1945, accused, did willfully and unlawfully disregard and fail to discharge his duty as Camp Commander by failing and neglecting to provide adequate quarters, heat, food, clothing and medical care, thereby contributing to the serious illness, disability and deaths of Allied PW's. Plea: NG, Findings: Nolle prosequi (R. 220)

Sp 14: That between 14 August 1943 and 12 March 1945, accused, did willfully and unlawfully compel Allied PW's to perform arduous manual labor while ill, diseased, and physically unfit to perform such labor, thereby contributing to the serious illness, disability and deaths of Allied PW's. Plea: NG, Findings: NG

Sp 15: Between 14 August 1943 and 12 March 1945, accused, did willfully and unlawfully disregard and fail to discharge his duty as Commander of said Camp by compelling and permitting Allied PW's to work in and about a coal mine without adequate clothing and under dangerous, hazardous and unhealthy condition, and wherein the said Allied PW's were subjected to cruel and brutal beatings, tortures and other abuses by Japanese civilians employed by the said mines, thereby causing many of the sick Allied PW's to be killed, injured and to become sick and diseased. Plea: NG, Findings: Nolle prosequi (R 228)

Sp 16: Between 14 August 1943 and 12 March 1945, accused, did wrongfully and unlawfully disregard and fail to discharge his duties as Commander of the said camp to restrain members of his command and other persons under his supervision and control by permitting them to commit the following atrocities and other offences against Allied PW's.

- a. Between 14 August and 12 March 1945, the stealing, withholding and misuse by Sergeant Uchida, Corporal Oshima and other guards of Red Cross supplies of food and clothing intended for the use and benefit of Allied PW's. Plea: NG, Findings: NG
- b. In or about the month of September, the unlawful mistreatment and abuse by a Japanese Army Medical Sergeant and the Corporal of the Guard at the said camp of E.S. Hobson, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- c. In or about the month of November 1943, the unlawful mistreatment and abuse by Sergeant Uchida of D.G. Innes, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- d. In or about the month of March 1944, the unlawful mistreatment and abuse by Sergeant Uchida of W.R. Parkes, E.A. Campbellton, S.J. Maloff, C.C. Dallain, B. Brophy, K.L. Cole, M. Latulippe, E. Mossman, R. Nicol, A.R. Pollock, J.C. Royea, J. Shalala, D.L. Evans, J. Trasiewick and W.T. Cox, Canadian PW's by beating them. Plea: NG, Findings: G, Legally Sustained: Yes
- e. In or about the month of January 1944, the unlawful mistreatment and abuse by Sergeant Uchida of Victor Belcourt, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- f. In or about the month of January 1944, the unlawful mistreatment and abuse by Satoru Matsui of H.B. Shepherd, a Canadian Prisoner of War, by beating and wounding him. Plea: NG, Findings: NG.

- g. On or about 19 April 1944, the unlawful mistreatment and abuse by one "Matsui" of B. Castonguay, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- h. In or about the month of December 1944, the unlawful mistreatment and abuse by a Japanese known as "The Bayonet Kid" of an unidentified British PW by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- i. In or about the month of January 1945, the unlawful mistreatment and abuse by a Japanese known as "Shep's Pal" of L.W. Hanna, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- j. In or about the month of March 1944, the unlawful mistreatment and abuse by a Japanese guard known as "The Air Force Kid" or W.R. Parkes, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- k. Between 14 August 1943 and 12 March 1945, the unlawful mistreatment and abuse by guards and other Japanese personnel of numerous Allied PW's by beating them other than as alleded in specifications 16a to 16j inclusive. Plea: NG, Findings: Stricken (R. 15).

Sentence Imposed: Confinement at hard labor for twenty-eight (28) years.

Maximum Legal Punishment: Death.¹

¹ Taken from: NARA, Headquarters Eighth Army, United States Army, Office of the Staff Judge Advocate, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida.

Specifications Against Uchida Teshiharu

Charge: Between 23 January 1943 and 10 July 1944, accused, while Japan was a nation then at war with the United States of America and its Allies, did violate the Laws and Customs of War. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 1: Between 23 January 1943 and 4 May 1943, accused, did willfully and unlawfully mistreat and abuse G.W. Murray, a Canadian PW, by beating him, and therefore contributing to his death on 4 May 1942. Plea: NG, Findings: Guilty, Legally Sustained: No, except the words "thereby contributing to his death on 4 May 1943" of the excepted words, Not Guilty.

Sp 2: In or about the month of November 1943, accused, did willfully and unlawfully mistreat and abuse D.C. Innes, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 3: In or about the month of January 1944, accused, did willfully and unlawfully mistreat and abuse Victor Belcourt, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 4: In or about the month of March 1944, accused, did willfully and unlawfully mistreat and abuse W.R. Parkes, E.A. Campbellton, S.J. Malcof, C.C. D'Allain, B. Brophy, K.L. Cole, M. Latulippe, E. Mossman, R. Nicol, A.R. Polleck, J.G. Reyes, J. Shalala, D.L. Evans, J. Trasewick and W.T. Cox, Canadian PW's, by beating them. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 5: During the summer of 1944, accused, did willfully and unlawfully mistreat and abuse J. Fertil, N. McLean, G. Robinson, A. Poquet, H.L. Militaire, J.A. Shalala, and D.C. Innes, Canadian PW's by beating them. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 6: Between 25 January 1943 and 10 July 1944, accused, did willfully and unlawfully mistreat and abuse A.E. Bennet, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 7: Between 23 January 1943 and 10 July 1944, accused did willfully and unlawfully steal, misappropriate and withheld from Allied PW's, Red Cross supplies intended for the use and benefit of Allied PW's. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 8: That at divers times between 23 January 1943 and 10 July 1944, accused, did willfully and unlawfully mistreat and abuse numerous Allied PW's by beating them. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 9: That between 23 January 1943, and 10 July 1944, accused, did willfully and unlawfully force and compel Allied PW's to perform arduous manual labor while ill, diseased and physically unfit to perform such labor, thereby contributing to the serious illness, disability and deaths of Allied PW's. Plea: NG, Findings: Nolle Prosequi (R. 224).

Sp 10: Between the month of July 1943 and the month of July 1944, accused, did wrongfully and unlawfully disregard and fail to discharge his duty as Sergeant of the said camp to restrain members of the camp staff, by permitting them to commit the following atrocities and other offences against Allied PW's.

- a. Between the month of July 1943 and the month of July 1944, the stealing and withholding by Corporal Oshima and other guards on the staff of Red Cross supplies intended for the use of Allied PW's. Plea: NG, Findings: NG
- b. Between the month of July 1943 and the month of July 1944, the unlawful mistreatment and abuse by guards of the staff of said Camp of numerous Allied PW's, by beating them. Plea: NG, Findings: Nolle Prosequi (R. 227).

Sentence Imposed: Confinement at hard labor for fifteen (15) years.

Maximum Legal Punishment: Death.¹

¹ Taken from: NARA, Headquarters Eighth Army, United States Army, Office of the Staff Judge Advocate, Case No. 73, United States of America VS Takio Kaneko, United States of America VS Techiharu Uchida.

Specifications Against Yanaru Tetsutoshi

Charge: That between 23 January 1943 and 31 July 1943, at Fukuoka Prisoner of War Branch Camp Number Five, also referred to as Dispatch Number Eight, Omine, Fukuoka Area, Kyushu, Japan, accused, then Lieutenant in the Armed Forces of Japan, and Commander of said Camp while Japan was at war with the United States of American and its Allies, did violate the Laws and Customs of War. Plea: NG, Findings: G, Legally Sustained: Yes

Sp 1: In or about the month of March 1943, accused did wilfully and unlawfully mistreat and abuse O. Thompson, a British PW, by beating and kicking him. Plea: NG, Findings: NG

Sp 2: In or about the month of March 1943, accused did wilfully and unlawfully mistreat and strike W.D. Hawke, J.F. Burns, and C. Windsor, Canadian PW's, by beating them. Plea: NG, Findings: NG

Sp 3: Between 23 January 1943, and the month of July 1943, accused did wilfully and unlawfully steal, misappropriate, and withhold from Allied PW's, Red Cross Supplies intended for the use and benefit of Allied PW's. Plea: NG, Findings: NG

Sp 4: At divers times between 23 January 1943, and 31 July 1943, accused did wilfully and unlawfully mistreat numerous Allied PW's by beating and striking them, other than as alleged in specifications 1 and 2. Plea: NG, Findings: Guilty, except the word "beating" substituted the word "slapping," of the exempted word, Not guilty, or the substituted word, Guilty, Legally Sustained: Yes

Sp 5: Between 23 January 1943 and 31 July 1943, accused did wilfully and unlawfully mistreat and abuse Allied PW's, by ordering and inciting guards and other persons under his supervision and control to beat them. Plea: NG, Findings: NG

Sp 6: Between 23 January 1943 and 31 July 1943, accused did wilfully and unlawfully disregard and fail to discharge his duty as Camp Commander by failing and neglecting to provide adequate heat, food, and medical care, thereby contributing to the serious illness, disability and deaths of Allied PW's. Plea: NG, Findings: Guilty, except for "heat, food, and" and the words "Allied Prisoners of War", substituting thereafter the words "G.W. Murray. A Canadian Prisoner of War," of the exempted words, Not Guilty, of the substituted words, Guilty, Legally Sustained: Yes

Sp 7: Between 23 January 1943 and 31 July 1943, accused did wilfully and unlawfully compel Allied PW's to perform arduous manual labor while sick, ill. Diseased, and physically unfit to perform such labor thereby contributing to the sickness, illness, disability and death of Allied

PW's. Plea: NG, Findings: Guilty, except for the word "compel" and the words "Allied Prisoners of War", substituting thereafter the word "permit" and the words "G.W. Murray, a Canadian Prisoner of War, of the exempted words, Not Guilty. Of the substituted words, Guilty, Legally Sustained: Yes

Sp 8: Between 23 January 1943 and 31 July 1943, accused did wilfully and unlawfully disregard and fail to discharge his duty as Camp Commander by compelling and permitting Allied Prisoners of War to work in and about a coal mine under dangerous, hazardous and unhealthy conditions, in or about which mine the said Allied PW's were subjected to cruel and brutal beatings and other abuses and mistreatments by Japanese civilians employed by the said mine, thereby contributing to the serious illness, disability and death of Allied PW's. Nolle Prosequi (R. 42).

Sp 9: Between 23 January 1943 and 31 July 1943, accused did wrongfully disregard and fail to discharge his duty as Camp Commander to restrain members of his command, and other persons under his supervision and control, by permitting them to commit the following atrocities and other offences against Allied PW's,

- (a) Between 23 January 1943 and 31 July 1943, the stealing, withholding and misuse by Sergeant Kobayashi, Corporal Uchida, Corporal Oshima, and other guards, of Red Cross Supplies intended for the use and benefit of Allied PW's. Plea: NG, Findings: G, Legally Sustained: Yes
- (b) At divers times between 23 January 1943 and 4 May 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi, Sergeant Ishida (or Ashida), Corporal Uchida, one Takamia, known as "Puss-in-Boots", one Kawahara (or Kawaharada), known as "Yars", and unidentified guards, or G.W. Murray, a Canadian Prisoner of War, by beating him, thereby contributing to his death on 4 May 1943. Plea: NG, Findings: Guilty, except for the words "one Takamia" known as Puss-in-Boots, one Kawahara, known as "Yars" of the exempted words, Not Guilty, Legally Sustained: Yes
- (c) A divers times between 23 January 1943, and the month of July 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi of Lorne MacDonald, a Canadian PW, by harassing, hazing, humiliating and beating him, thereby contributing to his death on 5 August 1943. Plea: NG, Findings: Guilty, except for the word "beating", substituting therefore the word "slapping". Of the substituted word, Guilty, the words "thereby contributing to his death on 5 August 1943" stricken (R. 98), Legally Sustained: Yes
- (d) In or about the month of February 1943, the unlawful mistreatment and abuse by Corporal Kobayashi of J. Fertal, a Canadian PW, by beating him. Plea: NG, Findings: Guilty, except for the word "beating", substituting therefor the word "slapping", of the excepted word, Not Guilty, of the substituted word, Guilty, Legally Sustained: Yes

- (e) In or about the month of February 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi of L. Ross, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- (f) In or about the month of March 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi W.D. Hawke, and J.F. Burns, Canadian PW's, by beating them. Plea: NG, Findings: NG
- (g) In or about the month of March 1943, the unlawful mistreatment by Sergeant Kobayashi of L. MacDonald, W.D. Hawke, G.W. Murray, M. Latulippe, J. Mayhew, E. Lesenba, B.A. Roy and T.D. Wardell, Canadian PW's, by beating them. Plea: NG, Findings: Guilty, except for the word "beating", substituting therefor the word "slapping", of the exempted word, Not Guilty, of the substituted word, Guilty. Legally Sustained: Yes
- (h) In or about the months of March or April 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi of A. Enright, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- (i) In or about the month of May 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi of R. Nichol, a Canadian Prisoner of War, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- (j) Between 23 January 1943, and the month of July 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi of D.L. Evans, a Canadian PW by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- (k) Between 23 January 1943, and the month of July 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi of A.J. Harris, a Canadian PW by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- (l) Between 23 January 1943 and the month of July 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi of A.D. Turcotte, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- (m) In or about the month of July 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi of G.J. McIntyre, a Canadian PW, by beating him. Plea: NG, Findings: NG
- (n) Between 23 January 1943 and the month of July 1943, the unlawful mistreatment and abuse by Sergeant Kobayashi of Allied PW's, by imposing upon the said Allied PW's extra parades, drills, marches, and periods of physical training at any hour of the day or night. Plea: NG, Findings: NG

- (o) In or about the month of March 1943, the unlawful mistreatment and abuse by a Japanese Lance Corporal known as the "Bulldog" of T.R. Henry, a Canadian PW, by beating him. Plea: NG, Findings: G, Legally Sustained: Yes
- (p) In or about the month of June 1943, the unlawful mistreatment and abuse by an unidentified guard of D.W. Orr, a Canadian PW. Plea: NG, Findings: NG
- (q) Between 23 January 1943, and the month of July 1943, the unlawful mistreatment by Sergeant Kobayashi, Corporal Uchida, and other guards of numerous Allied PW's by beating and abusing them, other than as alleged in Specifications 5 to 9p inclusive. Plea: NG, Findings: G, Legally Sustained: Yes

Sentence Imposed: To be confined at hard labor for a period of fifteen (15) years.

Maximum Legal Punishment: Death.¹

¹ Taken from: NARA, Headquarters Eighth Army, United States Army, Office of the Staff Judge Advocate, Case No.84, United States of America VS Tetsutoshi Yanaru.

Specifications against Fukami Kazuo

Charge: The accused, serving with the Japanese Army, did at the times and places set forth in the specifications hereto attached, and during the time of war between the United States of America, its Allies and Dependencies, and Japan, violate the laws and customs of war. Pleas: NG, Findings: G, Legally Sustained: Yes

Sp 1: In or about the months of June or July 1946, accused did willfully and unlawfully mistreat, abuse and torture Ralph Forsberg, a Canadian PW, by beating him and by forcing him to maintain a kneeling position for a long period of time. Pleas: NG, Findings: G, Legally Sustained: Yes

Sp 2: Between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat Joseph Trasiewick, a Canadian PW, by abusing and kicking him. Pleas: NG, Findings: NG

Sp 3: Between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat J.R. Jessep and D. Abbott, Allied PW's, by abusing and beating them. Pleas: NG, Findings: Guilty, except the words "and D. Abbott" and of the word "Prisoners" and of the word "them", substituting for the word "Prisoners" the word "Prisoner", and for the word "them" the word "him", of the excepted words, Not Guilty, Legally Sustained: Yes

Sp 4: Between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat numerous Allied PW's, by beating, abusing and torturing them, other than as alleged in Specifications 1 to 3 inclusive. Pleas: NG, Findings: G, Legally Sustained: Yes

Additional Specifications:

Sp 1: Between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse J.E. Walsh and E. McBeath, Canadian PW's, by beating them. Pleas: NG, Findings: G, Legally Sustained: Yes

Sp 2: At divers times between 1 May 1945 and 15 August, accused did willfully and unlawfully mistreat and abuse M.G. Carr, a Canadian PW, by beating him. Pleas: NG, Findings: NG

Sp 3: On two occasions between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse J.F. Chard, a Canadian PW, by beating him. Pleas: NG, Findings: NG

Sp 4: On two occasions between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat Leonard J. Bell, an Australian PW, by beating him. Pleas: NG, Findings: NG

Sp 5: Between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse an unidentified British PW, by kicking him and beating him with a club. Pleas: NG, Findings: NG, Legally Sustained: Yes

Sp 6: On or about July 1945, accused did willfully and unlawfully mistreat and abuse G.J. Kisto, an Australian PW, by beating him. Pleas: NG, Findings: Guilty, except the words "beating him" substituting therefor the words "striking him with a rifle butt"; of the excepted words Not Guilty, of the substituted words, Guilty, Legally Sustained: Yes

Sentence Imposed: To be confined at hard labor for a period of ten (10) years.
Maximum Legal Punishment: Death.¹

¹ Taken from: NARA, Headquarters Eighth Army, United States Army, Office of the Staff Judge Advocate, Case No.97, United States of America VS Kazuo Fukami.

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