

## 8

# JUDGMENT DAY

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**E**VEN BEFORE World War II drew to a close, the Allies had organized war tribunals to bring Japanese military criminals to justice. Fully expecting a Japanese defeat, the American and Chinese Nationalist governments made preliminary arrangements for the trials. In March 1944, the United Nations created the Investigation of War Crimes Committee; a subcommittee for Far East and Pacific war crimes was established in Chungking, China's wartime capital, after the fall of Nanking. After the Japanese surrender, the planning of the tribunals began in earnest. The Supreme Command of the Allied Powers in Japan worked closely with the Chinese Nationalist government to gather information about Japanese atrocities in China. For the crimes committed during the Rape of Nanking, members of the Japanese establishment stood trial not only in Nanking but in Tokyo itself.

## THE NANKING WAR CRIMES TRIAL

The Rape of Nanking had been a deep, festering wound in the city's psyche, a wound that hid years of repressed fear and hatred. When the trials for class B and C war criminals started in the city in August 1946, the wound ruptured, spilling forth all the poison that had accumulated during the war.

Only a handful of Japanese war criminals were tried in Nanking, but they gave the local Chinese citizens a chance to air their grievances and participate in mass catharsis. During the trials, which lasted until February 1947, more than 1,000 people testified about some 460 cases of murder, rape, arson, and looting. The Chinese government had posted notices in the streets of Nanking, urging witnesses to come forward with evidence, while twelve district offices collected statements from people all over the city. One after another, they appeared in the courtroom, listened to the Chinese judge warn them about the five-year sentence for perjury, and then swore an oath of truth by marking printed statements with signatures, seals, fingerprints, or crosses. The witnesses included not only Chinese survivors but some of the Safety Zone leaders, such as Miner Searles Bates and Lewis Smythe.

During the trials evidence that had been painstakingly hidden for years emerged. One of the most famous exhibits was a tiny album of sixteen photographs of atrocities taken by the Japanese themselves. When the negatives were brought to a film development shop during the massacre, the employees secretly duplicated a set of images, which were placed in an album, hidden in the wall of a bathroom, and later secreted under a statue of Buddha. The album passed from hand to hand; men risked their lives to hide it even when the Japanese issued threats and conducted searches for photographic evidence of their crimes. One man even fled from Nanking and wandered from city to city for years like a fugitive because of the sixteen photographs. (The long and complex journey that these pictures made from photo shop to war crimes trial to their final resting place in archives has inspired numerous articles and even a full-length documentary in China.)

But not all of the evidence had taken such a sensational, circuitous path to the courtroom. Some came straight from old newspaper clippings. A *Japan Advertiser* article was brought forth at the trial of two lieutenants, Noda Takeshi and Mukai Toshiaki, who had participated in the famous killing contest described in chapter 2. During the trial both soldiers, of course, denied killing more than 150 people each, one of them blaming the article on the imagination of the foreign correspondents and the other insisting that he lied about the contest to better attract a wife when he returned to Japan. When the verdict was read in the courtroom on December 18, 1947, the Chinese audience whooped, cheered, and wept for joy. Both lieutenants were executed by firing squad.

The focal point of the Nanking war crimes trials was Tani Hisao. In 1937 he had served as lieutenant general of the 6th Division of the Japanese army in Nanking, a division that perpetrated many of the atrocities in the city, especially around Chunghua Gate. In August 1946, Tani was brought back to China for his trial and hauled in a prison van to a detention camp in Nanking. To prepare for his prosecution, forensic experts in white overalls dug open five burial grounds near the Chunghua Gate and exposed thousands of skeletons and skulls, many cracked from gunshot wounds and still stained with dark blood.

It must have been frightening for Tani Hisao to face the concentrated fury of an entire city. As he stood in the docks, his yellow Japanese military uniform stripped of its stars and stripes, more than eighty witnesses came to court to recite an endless litany of horrors. The indictment had been long, listing hundreds of stabbings, burnings, drownings, strangulations, rapes, thefts, and destruction committed by Tani's division. As evidence mounted, all of it damning, Chinese prosecutors even paraded in experts who heightened the drama by displaying heaps of skulls on the courtroom table. On February 6, 1947, the day his verdict was announced, the courtroom was not large enough to accommodate everyone who wanted to attend. More than two thousand spectators packed the courtroom while a loudspeaker broadcast the proceedings to tens of thousands of residents gathered outside.

No one was surprised that the verdict was guilty. On March 10, 1947, the court sentenced Tani Hisao to death after concluding that his forces had violated the Hague Convention concerning "The Customs of War on Land and the Wartime Treatment of Prisoners of War" and helped perpetrate a slaughter that claimed an estimated three hundred thousand lives in Nanking. Most of the city turned out to watch his execution. On April 26, spectators lined the streets and sidewalks as guards led Tani Hisao, his arms bound behind his back, to the execution grounds at Yuhuatai, or Rain Flower Terrace, an area just south of Nanking. There he met his death by gunfire—a fate that many survivors believed to be infinitely more humane than what had befallen most of his victims.

#### THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

The International Military Tribunal for the Far East (IMTFE), also known as the Tokyo War Crimes Trial, began in the capital of Japan on May 3, 1946. The scope of the trial was staggering. The IMTFE drew more than 200,000 spectators and 419 witnesses. The transcript of the trial spanned 49,000 pages, contained 10 million words, and included 779 affidavits and depositions and 4,336 exhibits. Dubbed "the trial of the century," it lasted for two and a half years—three times as long as the Nuremberg trials. Indeed, the IMTFE would become the longest war crimes trial in history.

The IMTFE commanded enormous media and legal attention, even though only twenty-eight Japanese military and political officials were prosecuted. On any given day more than one thousand people packed the courtroom, including judges, lawyers, foreign correspondents, newsreel camera men, legal staff, MPs, stenographers, and translators. To the left of the press section sat the justices from eleven Allied nations on an elevated platform, to the right the accused. Spectators sat perched in the balconies while lawyers, aides, and clerks stood

below in the pit. Everyone wore earphones because the proceedings were conducted in both English and Japanese.

"At the IMTFE, a thousand My Lais emerged," wrote Arnold Brackman in his book *The Other Nuremberg: The Untold Story of the Tokyo War Crimes Trials*. During the trial thousands of horrific details of Japanese behavior across Asia came together in reams of news reports, surveys, statistics, and witness testimony. The IMTFE not only created an enduring oral history record of the Nanking massacre but proved that the massacre was just a tiny fraction of the totality of atrocities committed by the Japanese during the war. The prosecution learned, among other things, of Japanese medical experiments on their captives, of marches (such as the infamous Bataan Death March) in which gravely ill and starved prisoners dropped dead from exhaustion, of the savage conditions behind the construction of the Siam-Burma Death Railway, of the Japanese "water treatment" that pumped water or kerosene into the noses and mouths of victims until their bowels ruptured, of suspension of POWs by wrists, arms, or legs until their joints were literally ripped from their sockets, of victims being forced to kneel on sharp instruments, of excruciating extractions of nails from fingers, of electric shock torture, of naked women forced to sit on charcoal stoves, of every imaginable form of beating and flogging (a favored method of torture by military police officers involved tying prisoners to trees, surrounding them, and kicking them to death in a method they euphemistically called "triple attack," or "converging from three directions"), even of vivisection and cannibalism. It was later determined that Japanese treatment of their POWs surpassed in brutality even that of the Nazis. Only one in twenty-five American POWs died under Nazi captivity, in contrast to one in three under the Japanese.

The Rape of Nanking—perhaps the highlight of the IMTFE—served as a metaphor for Japanese behavior during the entire span of the war. Brackman, who had covered the IMTFE as a young United Press reporter, pointed out that "the Rape of Nanking was not the kind of isolated incident common to *all* wars. It was deliberate. It was policy. It was known in Tokyo.

For that matter, it was front-page news in the world's press. This was what the IMTFE was all about." The evidence presented at the trial overwhelmed the Japanese defense. Several members of the International Safety Zone Committee flew to Tokyo to read from their diaries, present their own research findings, and answer questions about the Rape of Nanking. The IMTFE verdict unequivocally denounced the Japanese for their crimes in Nanking, citing one observer's claim that the Japanese soldiers were "let loose like a barbarian horde to desecrate the city." The tribunal also concluded that the Japanese government had been well aware of the atrocities in Nanking. The crimes, after all, happened in plain view of the Japanese embassy. The International Committee had made daily visits to representatives at the Japanese Foreign Office and the Japanese embassy to report on the situation, even filing two protests a day for the first six weeks. Joseph Grew, the American ambassador in Tokyo, held personal meetings with top Japanese officials, including Hirota Koki, to inform them of the atrocities. Moreover, Ito Nobufumo, Japan's minister at large in China in 1937 and 1938, had also forwarded reports of Japanese outrages in China to Hirota.

The brunt of the blame for the Nanking atrocities fell on Matsui Iwane. As the commander of Japan's Central China Expeditionary Force at the time, Matsui served as the most obvious target: one month before the Nanking invasion, Matsui had boasted that his mission was to "chastise the Nanking government and the outrageous Chinese." On December 17, 1937, he had entered the city with great pomp and ceremony, perched on top of a chestnut horse, as soldiers cheered him on. But historians have suggested that Matsui may have served as the scapegoat for the Rape of Nanking. A sickly and frail man suffering from tuberculosis, Matsui was not even in Nanking when the city fell.

Because of the lack of literature on the subject, Matsui's responsibility for the crimes at Nanking remains a subject for further research and debate. The evidence suggests, however, that the tubercular general was guilt-stricken over the entire episode, no doubt because he was unable to maintain order in the Japanese army after Asaka took command. To atone for the

sins of Nanking, Matsui erected a shrine of remorse on a hill in his hometown of Atami, a beach resort some fifty miles down the coast from Tokyo. Sacks of clay imported from the banks of the Yangtze River were mixed with native Japanese soil and then sculpted, baked, and glazed into the statue of Kanon, the Buddhist Goddess of Mercy. Before this statue a priestess was hired by the Matsui family to chant prayers and weep for the Chinese war dead.

But a public show of self-flagellation is one thing, and the willingness to seek justice for the wronged quite another. To this day Matsui's behavior at the IMTFE remains perplexing. During his testimony he failed to disclose the full story of what happened in Nanking, an account that would have implicated the imperial family. Instead, he waffled between lies and occasional self-denunciation. He tried to make excuses for the atrocities of Nanking, sometimes denied them completely, and irritated the prosecution with his circuitous, vaguely mystical discussions about Buddhism and the nature of Sino-Japanese friendship. But never once did he point accusatory fingers at the imperial throne. Rather, he blamed himself for failing to properly guide Prince Asaka and the emperor, and he told the prosecutors that it was his duty to die for them. "I am happy to end this way," he said. "I am really eager to die at any time."

He got his wish. The tribunal concluded that the Rape of Nanking was "either secretly ordered or willfully committed" and sentenced Matsui to death. He was not the only one; a total of seven Japanese class A war criminals, including Japanese Foreign Minister Hirota Koki, were judged guilty by the IMTFE and later hanged at the Sugamo Prison in Tokyo.

Unfortunately, many of the chief culprits of the Rape of Nanking—or those who might have exercised their royal authority to stop the Rape—never spent a day in court.

General Nakajima Kesago died shortly after Japan's surrender. The man whose troops had committed some of the worst Nanking outrages passed away on October 28, 1945, apparently of uremia and cirrhosis of the liver. There were rumors

that Nakajima was an alcoholic and committed suicide, but his eldest son said that his illness was caused by inhalation of gases to which he was exposed when employed in chemical weapons research and education. By coincidence, an American MP who came to question Nakajima about war crimes arrived at his door just as a physician was informing the family that Nakajima had died. His biographer Kimura Kuninori—who believes Nakajima followed a “take no prisoners” policy in Nanking—quoted Nakajima’s son as saying: “Had my father lived, he probably would not have escaped execution.”

General Yanagawa Heisuke also died in 1945. Before his death by heart attack, however, he gave several interviews to his friend Sugawara Yutaka, who used seven volumes of notes from their conversations together to publish a book. Though the book is mostly laudatory of Yanagawa’s military exploits (“He was a rare man and a great talent” Sugawara writes) it does address the subject of the Rape of Nanking. Yanagawa simply pooh-poohed the entire episode, assuring Sugawara that reports of his men’s atrocities were “groundless rumors.” Rather, he boasted that his soldiers had followed such strict military discipline in Nanking that even when quartered in Chinese homes they took care to wear slippers.

Hirohito lived long after Japan’s surrender but never faced a full moral accounting for his activities during the war. In exchange for Japan’s surrender, the American government granted him, the emperor of Japan, immunity from trial, so he was not called in as a defendant or even a witness. Because the terms of the surrender exonerated all members of the Japanese imperial family, Hirohito’s uncle Prince Asaka (under whose command the “Kill All Captives” order was forged) also escaped justice, exempting him from having to appear at the IMTFE at all.

The decision to give Hirohito immunity from war responsibility and, still worse, the decision to keep him on the throne, later impeded the Japanese people’s own historical awareness of their World War II crimes. According to Herbert Bix, a biographer of Hirohito and prominent Japan scholar: “Many would find it difficult to believe that they had been accomplices in aggression and murder on a near-genocidal scale when the em-



peror whom they had served so loyally never had to bear responsibility for his own speech and actions . . . MacArthur helped prepare the ground for future Japanese conservative interpretations of the postwar monarchy that denied the Showa emperor had ever held real power."

The details of Emperor Hirohito's role in the Rape of Nanking remain a controversial subject because of the dearth of primary source material available. Unlike the Nazi government records, which were confiscated and microfilmed by the Allies and later used as evidence in war crimes trials, the Japanese deliberately destroyed, hid or falsified most of their secret wartime documents before General MacArthur arrived. Even most of the Japanese high-level military records that the American occupation forces did manage to seize in 1945—documents which one professor called "a priceless historical treasure"—were inexplicably and irresponsibly returned to Japan by the American government little more than a decade later before they could be properly microfilmed. For these reasons it is practically impossible today to prove whether Emperor Hirohito planned, approved of, or even knew of the atrocities in Nanking.

Perhaps the only English-language book that has attempted to explain Hirohito's involvement in the Nanking massacre is *Japan's Imperial Conspiracy* by David Bergamini. In his book, Bergamini claims that the Japanese laid out an intricate blueprint for world conquest, and that the person who made the decision to invade Nanking was Hirohito himself. Bergamini offers a riveting narrative (complete, apparently, with quotes from Japanese top-secret messages) to explain the chain of events leading to the tragedy at Nanking. Unfortunately, Bergamini's book was seriously criticized by reputable historians who claimed that he cited sources that simply did not exist or quoted mysterious unnamed informants who said amazing but unverifiable things.

Adding to the confusion is the debate among scholars on whether a Japanese imperial conspiracy to conquer the world had ever existed. For years it was believed that Prime Minister Tanaka Gi-ichi had submitted a secret report to the throne

during the Far Eastern Conference of 1927, a report known as the "Tanaka Memorial" that purportedly encapsulated Japanese ambitions at the time. "In order to conquer the world, we must first conquer China," the report allegedly dictated. "But in order to conquer China, we must first conquer Manchuria and Mongolia . . . If we succeed in conquering China the rest of the Asiatic countries and South Sea countries will fear us and surrender to us. Then the world will realize that Eastern Asia is ours and will not dare to violate our rights. This is the plan left to us by Emperor Meiji, the success of which is essential to our national existence."

Today, this report is generally considered by scholars to be a forgery, one with possible Russian origins. But when the Memorial first emerged in Peking in September 1929, it led many to believe that Japanese aggression against China was part of a well-coordinated Japanese plot to conquer the globe. The English text of the Tanaka Memorial later appeared in English in a Shanghai newspaper and even inspired the classic Hollywood movie *Blood on the Sun*, in which James Cagney attempts to steal Japan's master plan in order to save the world. Today the Tanaka Memorial still has a considerable grasp on the world imagination: many Chinese historians believe that the Tanaka Memorial is authentic, and Chinese encyclopedias and dictionaries as well as English-language newspaper and wire service articles continue to cite the Memorial as historical fact.

Currently, no reputable historian of Japan believes that there was a preplanned conspiracy by Japan to conquer the world. An examination of the chaos in the Japanese state administration in the 1920s and 1930s suggests that such a conspiracy was unlikely: the Japanese Army hated the Navy, the High Command in Tokyo didn't know what the Kwantung Army in Manchuria was doing until it was too late, and relations between the Foreign Ministry and the armed services were often chilly to the point of silence.

However, many scholars believe that Hirohito must have known about the Rape of Nanking. (Herbert Bix personally thinks it is "inconceivable" that Hirohito could not have known.) First, it was front-page news in the world press. Sec-

only, his own brother could have told him the gory details. Back in 1943, Prince Mikasa Takahito, the youngest brother of Emperor Hirohito, spent a year as a staff officer at the Nanking headquarters of the Japanese Imperial Army's expeditionary force in China, where he heard a young officer speak of using Chinese prisoners for live bayonet practice in order to train new recruits. "It helps them acquire guts," the officer told the prince. The appalled Mikasa described the practice as "truly a horrible scene that can only be termed a massacre." Out of a "desperate desire to bring the war to a close," the prince distributed a questionnaire to young staff officers to seek their opinions about the war, prepared a lecture that denounced Japanese aggression in China, and wrote the report "Reflections as a Japanese on the Sino-Japanese War." The paper was deemed controversial and dangerous, but Mikasa got away with writing it because of his royal blood. The Japanese military later confiscated and destroyed most of the copies, but a single copy survived, and it was later discovered in the microfilm collections of the national parliamentary archives.

If this story had come out during the Japanese war tribunals, it might have implicated the royal family and military command alike for their failure to crack down on war criminals when news of misdeeds reached them. (Mikasa admitted that he reported on the China situation in "bits and pieces" to his brother the emperor and even watched with him a newsreel about Japanese atrocities in China.) But Mikasa's confession did not emerge until 1994—almost half a century after the IMTFE.

We will probably never know exactly what news Hirohito received about Nanking as the massacre was happening, but the record suggests that he was exceptionally pleased by it. The day after the fall of the Chinese capital, the emperor expressed his "extreme satisfaction" to Prince Kanin, the grand-uncle of the empress and chief of the army general staff, and the prince, in turn, sent a telegram of congratulations to Matsui Iwane: "Not since history began has there been such an extraordinary military exploit." Hirohito even invited Matsui, Asaka, and Yanagawa to his summer villa to present them with silver vases embossed with the imperial chrysanthemum.

In the end, the royal family not only escaped scrutiny at the tribunal but went on to enjoy lives of leisure and national adoration. Prince Asaka, for one, retired to watch weekly newsreels with Hirohito, to sit with him on the Council of Princes of the Blood, and to play golf with him until the end of his days. (Asaka not only excelled at the sport but took an active interest in golf course development, becoming the architect of the Plateau Golf Course at the Dai-Hakone Country Club, in the resort town of Hakone on the east coast of Japan.) Hirohito himself lived peacefully and in dignity until his death in 1989.