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Interview With

DAVIS PORTER NEWTON

October 12, 1996

Tape #222

Place of Interview:	**Fredericksburg, Texas**
Interviewer:	**William J. Alexander**
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Admiral Nimitz Museum

and

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Davis Porter Newton

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Mr. Alexander: This is Bill Alexander interviewing Davis Porter Newton for the Admiral Nimitz Foundation's Oral History Collection of the Pacific Theater in World War II. This interview is taking place on October 12, 1996, in Fredericksburg, Texas. I'm interviewing Mr. Newton in order to obtain his recollections of his participation in this event.

With that, we start off by asking you when you were born, and where.

Mr. Newton: I was born in Birmingham, Alabama, on December 2, 1915.

Mr. Alexander: Were you raised in Birmingham?

Newton: Yes. I lived there for twenty-seven years.

Alexander: Were your parents Birmingham residents for a long time?

Newton: Yes, they were.

Alexander: How about your grandparents? Were your grandparents Alabamians? Did you know them or anything?

Newton: They weren't Alabamians. My grandfather was a Methodist minister, and they lived in a lot of different states. He lost his voice, so he started in the real estate business, and he ended up down in Mobile, Alabama. Across Mobile Bay was where Fort Morgan was, and he thought that would be a great place to have a recreation area. They homesteaded for five years. In those days, to get to Mobile they had to sail to get to it. Sometimes they would get stopped by a lack of wind. Anyway, they made the five years of homesteading it. He died, and as the years went by, there were a lot of squatters who came in and so forth, so we finally sold it. He was about fifty years ahead of his time because that area is valuable today.

Alexander: It is quite an area today. Did you go through your high school years in Birmingham?

Newton: I spent my whole first twenty-seven years there. Yes, I went through the public schools.

Alexander: What did you do after high school?

Newton: I looked for a job, basically.

Alexander: This was during the Great Depression.

Newton: Yes, it was during the Great Depression. It was in 1932 or 1933.

Alexander: That was during the worst part of it. Being a lawyer, you had to get a law degree someway. In this country they do that now. They didn't used to do that.

Newton: Then, as now, many individuals today must work during the day and go to a professional or technical school at night to become qualified to practice law or to get the skills they desire. During the Depression, to practice law, first, you had to get a law degree in order to be qualified to take the state bar exam, just as it is today. However, for a number of years up until 1930, you could study the law under the supervision of a practicing attorney, and upon his recommendation, the individual could take the bar exam. I believe that Supreme Court Justice [Robert] Jackson was admitted to the bar in this manner.

After a number of jobs--bill collecting, unloading freight cars, and clerical work--for several years, I obtained a permanent job with U.S. Steel. I noticed after a period of time that local employees did not get promoted to top executive positions; instead, they went to executives sent down from Pittsburgh, Pennsylvania. For this reason, I looked for a school I could go to that would open up broader opportunities to me. I decided that a law school would do this.

In 1937 I enrolled in the Birmingham School of Law. This was a night law school whose faculty was made up of judges and practicing attorneys. Classes were held in the YMCA at night. At that time, a graduate of a night law school, without first getting an undergraduate degree, could take the state bar exam, and if he or she passed, they would be admitted to the bar. I attended this school for five years. Because of financial reasons, I could only take two subjects in the first year.

Upon graduation in July, 1942, with the permission of the Mississippi Bar Association, I took the state's bar exam. I was admitted in November, 1942. I passed, and I was admitted into practice. I did not take the Alabama bar exam because it was given in the spring, and I did not graduate until July. I had to take the first bar exam after July because I was a Volunteer Officer Candidate in the Army, and I was told that my induction was imminent. I was inducted in March, 1943.

Alexander: What service did you go into?

Newton: I went into the Army.

Alexander: In the OCS [Officer Candidate School]?

Newton: No, I had a little different career.

Alexander: Oh, I thought that you had indicated OCS.

Newton: No. Well, they had a saying back in those days in the Army about putting square pegs in round holes. I made some good grades and so forth as a candidate, so they sent me to a school for both the Army and the Merchant Marine in Saint Petersburg, Florida. That school was about eight months, and I ended up in New Orleans

[Louisiana].

Alexander: When did you actually go into the service?

Newton: I went into the service on March 23, 1943. I took basic training at Camp Wolters, Texas, near Mineral Wells. I ended up getting my commission in April, 1944. I was assigned to the 346th Harbor Craft Company.

In any event, I was assigned to the 346th and reported for duty at Seattle, Washington. They were getting ready to go overseas, so I got a little leave time. I don't remember the exact date, but it was in the latter part of May that we went overseas. We went to New Guinea, to Milne Bay, and they decided that they didn't need us there. So, we sat on a ship out in the harbor in the tropics for a couple of weeks. So, they moved us again. I had a good laugh a couple of times about these boys arguing about the Yankees and the Rebels and all about the Civil War.

Alexander: Oh, absolutely.

Newton: Here we are, getting to Finschhafen [New Guinea] to disembark. We got in trucks and went bouncing through the jungles around in there, and these guys were arguing about the Civil War. They went on and on, and finally the ol' boy from Memphis, Tennessee, said, "If you hadn't stolen our vittles, we'd have won the war!" (chuckle)

Alexander: Where were you now? Where did you offload?

Newton: We offloaded at Finschhafen, New Guinea. It was in British New Guinea at that time. We got there, and our equipment wasn't there.

So, they assigned me to a port battalion, and that's where I got my first legal experience. A lieutenant colonel was the commander of the battalion, and he said, "Ah! We've got two lawyers here." The other fellow was Earl Koontz, from Wichita Falls, Texas. Texas keeps entering my life. He was a well-known lawyer in Wichita Falls. He had never lost a client to the electric chair or to hanging or whatever. The lieutenant colonel said, "Ah! Two lawyers! Koontz, you're the trial judge advocate. Newton, you're the defense counsel." You talk about loading it (chuckle)!

I remembered some of my training, and the first thing you do is to check the jurisdiction and who has the authority. I read the regulations, and they didn't have general court martial jurisdiction at the battalion level. I went in and told the lieutenant colonel that, and he said, "Ah, that doesn't make any difference."

Alexander: What was your rank at this time?

Newton: I was a second lieutenant. I went to see the accused, an enlisted man. He was in one of the very large tents that served as quarters for a large group of enlisted men. On my entry, by the expression on their faces I sensed that they were thinking: "There's one of those damned officers!" In fact, I had difficulty in getting them to point out the accused, who was confined to quarters pending his trial. I finally convinced them that I was the appointed defense counsel for the accused, and they directed me to him. It still took me some time to get the GIs convinced that I was really sincere about trying to help him. The problem I encountered here demonstrated the poor morale of the battalion. This was not surprising, in view of the lieutenant colonel's attitude toward them: "Bring me some courts-martial!"

Alexander: What was his crime?

Newton: He was charged with refusing to obey an order given him by a commissioned officer. The Army Regulations stated that this was a general court martial offense to be tried at the commanding officer level, which is higher than at the battalion level. The facts of alleged offense were as follows: the enlisted man was a member of a stevedoring detail, consisting of fifteen to seventeen enlisted men, that had completed their shift and were departing the ship. The sergeant said: "I want everybody to fall out to clean up our bivouac area." The accused and three or four other GIs reported, and after about forty-five minutes, the accused said: "I am thirsty, and I'm going to the day room and get a drink." The day room had water and some recreational items. Well, the sergeant--in Army lingo, which I can't use here--said: "You get your [so-and-so] over here!" Well, the accused went over to the day room, saying to the sergeant: "Blow it out your barracks bag!" The sergeant followed the accused into the day room and said, "You are on KP [kitchen police]!" The accused said, "No, I am not." The sergeant then brought a lieutenant over. The lieutenant said, "You are on kitchen police!" The GI said, "I won't do it."

This was an illegal command, as the Army Regulations stated that KP could not be given as punishment. At the hearing, I made two motions for dismissal: lack of jurisdiction and lack of authority to order KP. The lieutenant colonel had appointed himself the law officer, and after a conference with the captains, they denied my motions for dismissal. The judge advocate overruled the dismissal, so the accused did not have to spend six months in the brig or forfeit six months' pay. Thus ended my first trial experience.

I tried several more courts-martial in New Guinea and Leyte before I was transferred to the Legal Section, Supreme Command Headquarters [SCAP] in Tokyo in November, 1945.

On arrival at Finschhafen I as appointed as deck officer in the Port Battalion. I had never seen a dock or the ocean before I sailed from the States. I was not instructed as to what my duties were. As a result, I joined in a number of "bull sessions" [idle conversations]. The old-timers in New Guinea were talking about R-and-R [rest and recreation]. I had never heard of this. I asked what R-and-R was. I was told it meant "rest and recreation." I asked, "Where do you go for R-and-R?" I was told by one of the group: "Australia. That's where the girls are!" I asked if any of the group had been there, and they said, "Hell, no!" I asked, "How long do you have to be overseas?" The answer was: "See that fellow over there? He's been overseas thirty months, and he's not on the list." The group then discussed rotation back to the States. After [X-number] of overseas duty years, as was used in Europe, the conclusion was that it would never be used in the Far East Theater. The common refrain was: "Go with 'Mac' [General Douglas A. MacArthur], and never get back!" I then said something to the effect of: "I've got to get off of this island some way."

So, a ship blew up while I was there, and I had to investigate. Some GI [soldier] had gone in the hold of the ship, and there was a lot of coal dust in there. He was looking for candy bars. Candy bars were a great luxury over there then. There was a craps game going on just a little bit before he went down there. It was a good thing that they moved it because it was getting dark, you know.

The skipper's license was taken away by the maritime authorities because, when the ship started going down, the captain jumped and said, "Abandon ship!" The engineer stayed aboard and closed the bulkhead doors. As a result, the ship only partially sank.

Alexander: But the captain was off of the ship.

Newton: Yes. He jumped and broke his leg, too. Then he lost his license (chuckle).

Alexander: Was he a civilian?

Newton: He was a merchant marine. In any event, I messed around and finished the autumn there. Then we went to Hollandia, New Guinea, which is in Dutch New Guinea. That's where MacArthur made a great maneuver. He faked where they were going to hit, and they hit in another place, and it was at Hollandia. You know, I could see those Japs were really caught by surprise. There were engines still on the blocks with chains...

Alexander: Aircraft engines?

Newton: It was just engines. You could see the little rice pans. They just dropped them. You could imagine them saying: "Oh, my God! Here they come!" And they would run. But, anyway, it was a great surprise.

There I was assigned to a ship. I had been trained on diesel engines, but the assigned ship had twin Sterling-Viking gasoline engines that burned 100-octane gasoline. It also had twin screws [propellers] and a quadruple ignition system.

Alexander: What was it used for?

Newton: It was about 120 feet in length and had a seventeen-foot beam. It had a thin wooden hull covered with copper sheathing--very fragile. It also had a very steep roll. It would roll sharply when another vessel passed it, even when it was tied up at the dock. It could do thirty-plus knots. The ship had a small sickbay. We heard that it was designated to pick up a limited number of wounded from remote points where the roads were very primitive and transport them to a hospital ship or to a base ashore when one was established. However, we were not assigned medical personnel.

Well, it came to go to the invasion of the Philippines. We learned while we were in the convoy that the destination was Tacloban, Leyte. The convoy that I was with towed what we called refrigeration barges, which were tremendous things, really. The next was a machine shop, a complete machine shop, in there. Here's this little "splinter" that we were on. We were, like, playing "pop-the-whip." We'd just go around like this [gesture].

Then we hit a storm not too far along. We were cussing the Army. We said, "My God! Who'd send us to sea in this?" That ship was actually taking water in both gunnels. We had to lay athwart the ship; otherwise, it would throw you overboard. That went on for two or three days. We'd crawl around and get some juice or something.

To top that off, after we got through all of that, our tug broke down, the one that was towing us. We were wallowing around there for a long time. Finally, the convoy said, "The convoy can no longer wait. Good luck. You are off the island of Mindanao [Philippine Islands], and it is still held by the Japanese. Mindanao is approximately [X miles] from here." I had a good friend who was a good mechanic. He knew what he was doing. He happened to be on that tug, and he fixed that cotton-pickin' thing.

Alexander: Did he, really?

Newton: Yes. So, we got there a little late (chuckle). We had this fast boat that had a forty-five- to fifty-mile range, and we got ashore. We got to Tagolo and got in those air raids and so forth. That wasn't very smart, either, even in those days. On a ship you always had a tarp so you could get out of the sun. We had a 20-millimeter gun sitting about five or six feet from the tarp, and I had to settle an argument about who was going to be the gunner. That's how well-trained we were [facetious comment]. A trained 20-millimeter gunner was not stationed aboard. One was assigned in about two or three days. We had never fired it, really. The only thing I did with it was that when we were still being towed, I'd get the instruction manual out, and we'd practice loading, but we didn't realize that those shells would explode on contact. So, "Here come the bandits [enemy planes]!," they said over the radio. We were right next to the gun, but we had never fired the damned thing before. Before you knew it, it went BOOM! BOOM! BOOM! It startled us, as we had been trained on .50-caliber machine guns that went "rat-a-tat." I turned around, and everybody on the deck except for the gun crew was crawling down on the deck (laughter). Anyway, we fired away.

One of the amusing things to me happened on one of those air raids. Every ship that was our size--it didn't matter what size it was--they claimed that they were knocking planes down rapidly. There were a bunch of guys that would paint a plane on the smokestack to indicate a shot-down plane. We wiped out the whole Japanese Air Force in one night [facetious comment]. The next morning this canvas tarp looked like a sieve. You know, what goes up has got to come down. Hell, we were out there in the middle of the scene, and many people aboard ships in the water off Leyte were killed or injured by all of that shrapnel. I think of that everytime I see the Arabs in Palestine shooting in the air.

Alexander: Yes, it really is dangerous.

Newton: So, I said, "This is no place for us," so I did have some sense. I wasn't scared about it, but I said, "Hey! Let's get out of here and move in closer to the shore!" There was one thing that I could see about the Japanese at that time--they had no initiative that I could see. Allied guns lined the strait between Leyte and Samar. You know, those Japs would come down that strait everytime, and they would fly the same course all the time, and many of them were shot down. Whatever Japanese planes got through...

Alexander: It was just by the grace of God.

Newton: Yes. Those that made it through the strait were shot down by Allied fighter planes, the Navy ships' guns, and the guns of many other ships anchored off of Tacloban, Leyte. That was the invasion point of the Philippines. Major [Richard] Bong shot down many of them.

Alexander: He was out there, wasn't he?

Newton: He was knocking them down right and left. So, from there on, we got the air raids stopped. One time I was on the deck relieving myself. You could tell the Jap planes. [They would make a noise like] "ZOONGA! ZOONGA!" Hell, he was gone by the time I realized it. He went down and dive-bombed something there and hit a bunch of our planes on the ground. I could have been a hero.

So, from there on that's when we started the evacuations, as long as it was light enough. For how long, I couldn't tell you.

Alexander: When you were evacuating the wounded, where did you take them?

Newton: There was a place called Dulag, which is approximately twenty miles down the coast from Tacloban. We'd pick them up and bring them back to Tacloban. At the end of the dock, they had ambulances there, and they would take them to the base hospital.

Alexander: How many personnel could you take at a time?

Newton: Oh, we could take about ten. It wasn't very many.

Alexander: You must have had some medical men aboard. Was this being run by the Army?

Newton: This was the Army. To answer your question, no. Maybe some of them knew some first aid, but, really, most of them were people who had combat fatigue. They really didn't need [medical attention]. We had one guy who was shot in his "family jewels" [testicles]. He was looking through his binoculars and sitting like this [gesture]. He was pretty mad about it, too.

Alexander: Probably so.

Newton: We got these guys who had been in combat. We didn't have many troops over there. When they got in combat, they stayed there and stayed there and stayed there. There was one guy who had been in combat who went "bananas" [insane] due to exhaustion. He took his watch and threw it overboard. And we had to grab him--I didn't--to keep him from jumping off the ship. Well, that went on for a while, and then things calmed down, and we took him back.

Well, in any event I got this guy Koontz, who had been my opponent, as the skipper (chuckle).

Alexander: He was your skipper?

Newton: Yes. I was the engineman, and he was the skipper. We made a trip and picked up the base surgeon from the hospital ship *Benevolence* anchored approximately five or six miles off shore, and we were on our way back to the Tacloban dock. I was in the engine room holding on to a stanchion or something, and, BAM! He hit a reef. I was dumb in those days. I could swim pretty good, so I thought I'd go down below and see what the damage looked like. So, I went down, and those props looked like buttercups (chuckle). We weren't going anywhere. I forgot to say that he gave me the order to "reverse engine," and the clutch was just smoking.

I got back up there, and he asked me, "What do I do?" I said, "Well, you send up pennants to show that you ran aground and need help or [whatever]." He said, "You do it." I said, "Why?" He said, "I'm colorblind."

There was a Polish boy standing there, and he said, "Hey! I could see that thing!", you know, the light color of the water. He said, "I just thought he was whooping around, as usual. He hit right into that thing." Jablonski was the Polish boy's name. I don't know why I remember that name, but I do. We ran up the right colors to show that we ran aground and to send help or whatever.

Now, we were in the middle of the 5th Fleet, and sailors were going by, and they were looking at our flags, and they were saying, "Oh, what pretty flags!" Nobody could read them (chuckle). I forgot to say that our radioman had been left ashore because it was a short trip, so we didn't have [radio communications], either.

So, we discussed it, and I got the signal book, and I got with ol' Jablonski, and we flashed: "We are aground! Please send help!" We got this signal of three dots, which means that they understand you. Well, we got through with that, and then we started to say, "Send..." They sent us a return message. Hell, we couldn't read those things. We struggled and struggled, and finally a fellow from the merchant marine came on, and he was laughing.

Alexander: I bet.

Newton: He said, "I've been watching that. I saw the sailors go by." (chuckle)

Anyway, he got the surgeon because he was mad. He was mad, mad, because he was the chief surgeon, and he had many wounded in the base hospital who needed his attention. The merchant skipper got him ashore.

We sat there and were pulled off the next morning. Koontz was no longer the skipper (chuckle). Of course, the ship had to be repaired. That's where, I think, I got the best break because then I was put on a tug with a diesel engine. With our diesel engine we had four cylinders, and if you have a problem with one of them, you just cut it off and keep going. You can't do that with a gasoline engine.

What we did for the rest of the time was to...well, we had what we called "pontoon barges" where we had ammunition, food, and all kinds of supplies. What we would do was to go to these different islands where they were still cleaning up Japanese holdouts or whatever, and we had munitions with us. So, we went to quite a few islands.

Alexander: There are a lot of them there.

Newton: We ended up with a guy who had another tug, a guy I knew in the States. He was just overseas, and he had a tug. We got this order to go take these barges up to an island called Masbate. It was the only island in the Philippines that had a gold mine. So, we started out, and we dropped the "hook" [anchor] in a little bay. He had a fifth of whiskey, which was very rare (chuckle), so we had a few drinks.

Here came some Filipinos in dugout canoes. They said that they were very proud to have such great American ships in their harbor. I told you that they were about seventy-five feet long with a great, big ol' barge on the end (chuckle). So, they invited us into the town. We went in, and it was just a typical scene that you would see in a movie, with a big communal hut and fire going. We had dinner, and they said that they wanted us to dance with the girls. You didn't actually make contact. You just kicked a hat. The idea then was for us to throw money into a hat. Well, we did that for a while, and we went back. It was interesting.

Alexander: How long did you...

Newton: Well, I left New Guinea in June, and I was told to report to the War Crimes Commission in Tokyo in October. I arrived in Yokohama in 1945. So, I was there around New Guinea and the Philippines for about eighteen months.

Alexander: Was your duty during that eighteen months pretty much on that same ship?

Newton: Well, yes, the last part of it. I didn't really get going until I got on the tugs, so I can't tell you how long. We made a lot of trips and hauls.

Alexander: I'm sure you did.

Newton: I just want to mention one thing. On one of those trips, we went to this little island, which was all of twelve miles long and four miles wide. Our barge was loaded with Jeeps for the Filipino Army. This island was twelve miles long. I said, "What the hell are they going to do with those Jeeps?" So, we went there, and they had the Filipinos unloading the barge. They were slow and lazy. They were just messing around. I was worrying about freshwater and stuff like that.

These ships were sailing around the Philippine Islands with Japanese officers speaking over loudspeakers, saying: "Give up! The Emperor has surrendered!" A sergeant with five or maybe ten Japanese came out of the hills and surrendered to an American corporal who was standing on a village street corner. They were put to work to unload the barge. The Japanese did not fool around. If they slacked off at all, their sergeant kicked them in the rear and cussed at them. They got the Jeeps off the barge "pronto."

Alexander: These are Japanese?

Newton: Yes. It was his squad or whatever he had. I mean, you could just see the difference between their sergeants and ours in enforcing discipline. Ours did not use force, but did it by assigning extra work details.

Another thing I noticed when I went through Manila on the way up to Tokyo...that's where there had been all of that shelling, and there was a lot of debris. The Filipinos had made a little path through this. I got to Yokohama, and I will just say that that was one of the most desolate scenes you will ever see because of those firebombs. It was just ashes. It looked like a desert. Yokohama and Tokyo were a megalopolis. All you could see was little chimneys. We rode that bus, and the Japanese were out carefully cleaning and stacking what they could save. They had already started that. I thought, "They are going to be the number one nation out here for a long time."

We went to something that they called the "old ladies' home," which was made into a temporary barracks--a BOQ [Bachelor Officers

Quarters] in Tokyo. The next day we got a permanent assignment to the BOQ at a place called the Yuraku Yura Hotel. That's where I lived up until 1947, when my wife came over.

I reported to the Legal Section, SCAP, in Tokyo in early November, 1945. I was appointed as investigator of a number of prisoner-of-war [POW] camps, including the Civilian Internment Camp, which held detained civilians who could not leave Japan after the war started. I completed these assignments easily; they were not complicated.

I was assigned to investigate the Ofuna Secret Interrogation Station. Ofuna was established by the Japanese navy minister with the purpose of obtaining military intelligence information from Allied prisoners-of-war captured by the Japanese Navy. The camp was located in the town of Ofuna, ten or fifteen miles from the Yokasuka Naval Base. Ofuna was not registered with the International Red Cross, which, as a result, did not know of its existence, so it was not inspected during the war. That also resulted in the captured Allied prisoners not being reported to our government; thus, the prisoners were recorded as "missing in action," and their fate was unknown until the end of the war. Major [Gregory] "Pappy" Boyington, a Marine "ace," was an Ofuna prisoner. He was awarded the Medal of Honor posthumously, and the Japanese Navy had a ceremony in his honor. They picked up the news via radio. I asked the Japanese naval representative why Ofuna had not been registered with the International Red Cross. He replied: "It was not a POW camp because the prisoners were considered to be still in the zone of combat, and would remain so until they were turned over to the Army." I replied that that was ridiculous. Those prisoners had been captured as much as a thousand miles from Ofuna.

I also wanted a roster of the POWs who had been there. Well, they came back and said, "So sorry," and that our B-29s had burned those two things up. But they did give me ten names of the Japanese who were assigned to the camp. What was interesting, they couldn't have had more than two there at one time.

My Nisei [second-generation Japanese American] interpreter told me that the Japanese always had special friends in any group that they were a part of, and they usually exchanged pictures and addresses. With this information, I called each of the ten names given to me and learned the names and home addresses of their fellow Ofuna guards. I continued this process with each one I called in. I also took sworn statements from those who told me of torture by a fellow guard or of an officer who ordered mistreatment, such as beatings with clubs of denial of food.

The Allied prisoners, when they were released, weighed ninety-three or ninety-four pounds. Many were taken directly to a hospital ship. Only one prisoner, Jean Balch, walked out of Ofuna, even though he weighed about ninety-six pounds. His normal weight was about 160 pounds. [Editor's note: Mr. Balch was a Navy dive-bomber pilot who was shot down and subsequently captured by the Japanese. His experiences are recorded in the University of

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We also took pictures of those Japanese that I interrogated. That was to secure the identification of guards' names in *ex parte* statements from Ofuna prisoners. They only knew the guards by nicknames, like, "Metal-Mouth Monkey" and the like. The pictures were numbered--with no names--and circulated in the States among former Ofuna prisoners. This procedure resulted in tying the nickname with a Japanese name and additional atrocities. It also gave the names of former Ofuna prisoners not known before. Starting with the original ten, the procedure generated over 150 statements between 1947 and 1948. A number of those statements were used in the trial.

Also, I interrogated the ones who were already at Sugamo [Prison, a Tokyo prison used to house Japanese accused of war crimes]. That was when I found out or had an indication...I thought that the Japanese police had been taking the Japanese war criminals who were ordered arrested by the Legal Section, SCAP, to the 2^{nd} Demobilization Bureau before I talked to them. The 2^{nd} Demobilization Bureau was charged with the demobilization of the Japanese Navy and to furnish us with information. Well, I told you what kind of information we had. But I got an indication or feeling after I talked to these fellows at Sugamo that not only were they definitely taken...the police had taken them, and they were taken to the 2^{nd} Demobilization Bureau to be questioned by retired Japanese naval officers--one of whom had responsibility ties to Ofuna--and they were taken to Sugamo.

A couple of them told me about orders that had been given by "higher-ups." So, I had noticed...I went back to the 2^{nd} Demobilization Bureau, and I noticed that this captain, who was my contact, when I'd ask him something, he'd reach for a bunch of papers behind him. We took them all and had them translated, and there was pretty good information. There were orders for beatings and a lot of things like that. We hit the jackpot on that, and it was just a hunch.

I continued to be investigating basically the whole time that those trials went on. I know the last one was in the latter part of November, 1948. I had other leads, and I was trying...I was assistant prosecutor, and I sat there with a fellow by the name of Bob Brunckhurst, from Wisconsin, who was a well-experienced attorney. He ran the show. I cross-examined a few people here and there, and I actually tried two of them, and they got six to ten years imprisonment. So, that was my prosecution. That's what I kept trying to tell them. I said, "Hey! I don't want you to think that I'm an expert prosecutor or something." Anyway, that's where I got the title of investigator-prosecutor.

Well, I did all of that until about 1948 or maybe 1949. Actually, I was trying what would be the last case. I forgot to say that after that time of the Ofuna case, they had decided to discontinue the war crimes trials; but there was one left that was still going to be tried, and I got the job of trying him. His name was Lieutenant Kato. What he had done was to kill a prisoner. He had an army camp. They had a prisoner who had lost his mind, and I believe he had been in the Bataan Death March and all that, so he'd been a prisoner for a long time. The Japanese Imperial Staff ordered all records destroyed and all prisoners killed when the invasion of Japan drew near. Fortunately, the ordered action was not taken by all, particularly the death order. However, a Lieutenant Kato, camp commander of a POW camp in northern Japan, ordered the killing of this POW by the name of Spears or Spiers. This POW had been a POW since the fall of the Philippines. He was mentally deficient. The gate to the camp was left unguarded at times, and he would walk out. Guards would be dispatched by Lieutenant Kato, and Spears would be brought back to camp. Spears said he was going to a seaport, as the Lord had sent a ship to take him home. This routine became a regular occurrence. However, after the order to kill all prisoners came in, Lieutenant Kato ordered his troops not to bring him back, but to tie him up and use him for bayonet practice.

Lieutenant Kato said he wanted his troops to be used to taking American blood, so the POW was killed.

A major and I jointly prosecuted the case, and Lieutenant Kato was sentenced to be executed. One of the documents in English was classified as "Secret." The document did not pertain to the case, so we did not have it translated. We did give the document to the defense. This case was tried in 1949, by the time that all war crimes trials were stopped. The policy was to become friends with the Japanese as a protection to the occupation troops. The death penalty was reduced to life imprisonment. In regard to the declassification of documents, it became routine.

Alexander: What was your rank at this time?

Newton: I was a first lieutenant.

Alexander: You went up in a hurry.

Newton: Oh, yes. My associate during the investigations was promoted to captain.

Alexander: Having just interviewed this other gentleman [Jean Balch], who was at that prison camp, I understand that you found him, or knew who he was.

Newton: Yes. Jean Balch was one of my best witnesses in those two cases that I tried. He was good in the Ofuna cases numbering 5 or 6.

Alexander: You just tried those two. Did you get involved in any of the...one of the prisoners told me that they had a major and a minor figure...if you were a high-ranking general or high military rank versus the "coolies," the guys who were running it...did they have two levels of trials?

Newton: Not really. There were the Class A trials, which included [General Hideki] Tojo and the big ones. I was never too clear on Class B, and I didn't try anybody from that class. Class B covered civilians who supposedly had great influence in setting war aims and the like. One, a Foreign Service secretary, was investigated, but was never tried. Class C was, of course, the people that I dealt with--the guys who did the dirty work and the actual atrocities.

I did not investigate or assist in the

trials of army generals or majors, or a major in the air force. My investigation of Ofuna was confined to Japanese naval personnel. I investigated Admiral Takeuchi, the Chief of the 3rd Division [Intelligence] Naval General Staff. After about two years of trying to get evidence of his activities in the Ofuna affair, I found evidence of his interrogating prisoners, and I got a witness to so testify. Unfortunately, he became a fugitive and stayed so until the war crimes trials were stopped. Captain Akita, the chief surgeon of the Yokosuka Guard Unit, was sentenced to death for refusing to provide medical treatment, which resulted in the deaths of a number of prisoners. A number of them were our severely burned wounded, and some of them, according to the evidence on hand, could have been saved.

Admiral Toyodama, the commander of the Yokosuka Naval Base, was being tried when the trials were stopped. In short, there was no policy of whom to try. It was certainly not based on rank. Twenty-nine Japanese were tried and convicted and were given sentences ranging from death to terms of five to forty years.

Commander [Richard H.] O'Kane was the commander of the submarine *Tang*. He learned early in the war that the Japanese had very poor radar. So, he would get in position to attack the largest ships and surface at about midnight to fire his torpedoes. This resulted in O'Kane sinking the most tonnage in the Pacific. Unfortunately, the next-to-last torpedo that he fired circled and sank the *Tang*. O'Kane, his bosun's mate, Leibold, and two officers were blown into the water. They, along with three other sailors who made their way to the surface, were picked up by the Japanese Navy and ended up in Ofuna. Commander O'Kane was awarded the Medal of Honor for taking his submarine into a bay under fire, firing his guns from the surface and rescuing a number of downed fliers. Major "Pappy" Boyington also received the Medal of Honor for shooting down twenty-eight planes before he was shot down. Although he was alive, the award was announced over the radio as "posthumous." The Japanese picked up the announcement by radio and had a ceremony for having such a great warrior in Ofuna.

Another officer at Ofuna, Major William Walker, was in a B-29. He was on a trip to evaluate the bombing techniques used and to make recommendations on how they could be improved. This was in the early stages of the B-29 bombing runs, and they were not effective. He was instructed: "hold out as long as you can" before talking. Some at Ofuna speculated that he was just trying to get flying time, but that's not true. He was suffering severe mistreatment and would not talk.

Those were just two of the officers there. I know there are more of them, but I couldn't get but two. We were dependent on these statements of information that the POWs made when they were released. We called them the *ex parte* statements. That means that they didn't have any cross-examination. They had a lot of information, but they only had nicknames for the Japanese, and some of them you can't repeat in public. That's the reason that asked for the roster.

When I interrogated I took pictures in to Commander Fitzgerald. He was a survivor, and he was a good witness, too. He sat there with me when I interrogated a lot of these people. He would say, "[This] is a good one." Sometimes he'd say, "[That] is a bad one." He knew their nicknames. He was a big help. For guys like that, we numbered their pictures, and then they were circulated through the States. That's where we got confirmation for whoever's nickname that he had, which made it better because all we had was these guys saying...well, we couldn't have identified them otherwise. We got enough identifications that way.

I think we tried over thirty-some cases. We had them on three deaths. If you want to count suicides, it was thirty-two that we caught.

Alexander: This is kind of grim work, when you are talking about these guys who were in those prison camps. As a prosecutor with these people, did you have any feeling of "scum-hate" type of thing?

Newton: No, I tried not to be. As a matter of fact, I was going to tell you about a fellow by the name of Sato, who was an interpreter for that camp. I got some good information from him. He was a Presbyterian, and he had taught at Harvard. He was a professor at Harvard before the war. Of course, he spoke beautiful English. That was one of the questions that he asked me. He was trying to figure me out, to see if I was prejudiced or if I had my mind made up. I always thought, "Hell, we've got a lot of human beings, some good and some bad. We are just looking for the bad ones." So, he opened up, and he was quite cooperative.

Alexander: Apparently, he was one of the good guys.

Newton: Yes, we had some good ones. I know that we had one case with a Japanese guard. See, these interrogators would tell the guards to beat the POWs, and if they didn't they would be punished. He actually went around and asked: "Should I do [this]? Should I? Should I?" He had been ordered to beat these American POWs. Finally, I think he said that he gave one of the POWs two blows. He got to be quite active. I think the navy had started something like this when they were taking "dope" or something.

Alexander: I heard that. Once you start killing, it's easier to do it the second time.

Newton: The thing is the way that they killed them. I said at the beginning that the *ex parte* statements was what we went on. We had to go find information, and there were only two that we could really identify. That was Major William Walker and Lieutenant Imel. They were just literally beaten to death. The judges said, "Killed by inches."

Alexander: Well, that's a lot of what you hear from Jean Balch. He took a lot of beatings. Well, those were tough times. Is there anything else that you'd like to talk about?

Newton: Well, that's enough about the war crimes. From there I was selected by the Judge Advocate of the United States Army--SCAFFE [Supreme Command, Allied Forces Far East]. He selected me to be a legal advisor to the engineer of the Far East Command. So, I went on that assignment, and I got the first call and I had no experience in procurement.

Alexander: With that, I will end this tape.