

RE-START

Box - No.

3820

86

questions in particular with reference to each statement that is incorporated in the statement of the policeman. The opposing counsel has asked the witness whether he made this statement and again if it were true and it's been answered in each case, either he did make the statement or he did not make the statement, or it was true or it was not true and, therefore, the defense objects to any further questioning along this line.

LAW MEMBER: The objection is overruled.

A At that time I did not know who this person was and he did not even introduce himself and I did not answer because I did not have to.

Q You deny making any statements to Sergeant Morita, is that correct?

A It is not that I did not say anything to him; however, when he came he did not even introduce himself so I did not answer anything that he did not ask. I answered all his questions and nothing more.

Q Please answer the question.

PROSECUTION: Let the record show there was a conference between the monitor for the defense and the court interpreters.

PRESIDENT: Following that conference, are there any changes to be made in the previous answer?

INTERPRETER: No, there is no change, sir.

PROSECUTION: Will you repeat that last answer?

The last answer was read by the reporter.

Q What questions did he ask?

A "Tell me your registered address."

Q What did he ask next?

A "Your present address and your name."

Q What did he ask next?

A My occupation.

Q What answer did you give him to that question?

A I told him I was a student.

Q What did he ask you next?

A He asked me, "What was your purpose of going to the Showa School?"

Q What answer did you give him to that?

A I told him I went to the school in order to get my ration items.

87

Q Did you elaborate on that statement any?

A I did not.

Q What did he ask you next?

A The next question was something like this: "Why did you go to the Chinese Mission?"

Q What answer did you give him to that?

INTERPRETER: Instead of "why" it was "how".

Q Well, what was the answer to that?

A I went on a truck to the Chinese Mission.

Q Did you elaborate on that?

A I did not.

Q What did he ask you next?

A I do not know all the questions that he asked at that time.

Q Can't you remember any of the other questions?

A Yes.

Q All right, tell us all the questions he asked you that you remember.

A "Where were you wounded?"

Q What answer did you give him to that?

A I told him I was wounded on the head, back and hand.

Q What else did he ask you?

A "When were you discharged from the hospital?"

Q What answer did you give him to that?

A "I was discharged on August 4th."

Q What else did he ask you?

A Besides these I think that I did not answer his questions.

Q All that you have told us just now is all that you can remember of your interview with Sergeant Morita, is that correct?

A Since I did not answer his questions he was writing down something on a piece of paper and when I tried to see that he did not allow me to see the paper.

Q How many of his questions didn't you answer, or how many of his questions did you refuse to answer?

A I do not recall.

Q Then why did you tell us less than five minutes ago that you answered all of his questions?

DEFENSE: If the court please, he has said also that he didn't answer all the questions. He may have said it in a former place but he said another place he didn't answer that question.

88

LAW MEMBER: Is there objection to the prosecution asking this question?

DEFENSE: Sir?

LAW MEMBER: Are you objecting to the last question?

DEFENSE: Yes, sir, as being incorrect.

LAW MEMBER: The objection is overruled.

DEFENSE: If the court please, may I call the attention of the court to the fact in my notes here -- I took it down rather carefully -- the question was asked: "What did he ask you then?" The answer was: "I do not know all the questions that he asked at that time." The next question: "Can't you remember any of the other questions?" "Yes." "Tell us all the questions that he asked you that you remember?" Then the answer to that was: "We were wounded." Then there are some more questions and answers, and then the prosecuting attorney says, "Then why did you tell us not less than five minutes ago that you answered all his questions?"

PRESIDENT: Is this in the form of an objection?

DEFENSE: Yes, sir.

PROSECUTION: If the court please, I would like to call ---

DEFENSE: It's obviously confusing the witness and I think it's improper for that reason.

PROSECUTION: I would like to call my adversary's attention to the fact that the witness stated that when he was interviewed by Sergeant Morita that he answered all of his questions, but that was all, and now at this point he states that he refused to answer his questions. I am trying to find out which is correct.

(A brief discussion was had off the record.)

DEFENSE: The objection is renewed on the ground that the question is misleading and confusing to the witness.

PROSECUTION: Very well, I will rephrase it.

Q Do you remember my asking you what statements you made to Sergeant Morita?

(A brief discussion was had off the record)

Q. Do you remember in answer to one of my questions stating that you answered all of Sergeant Morita's questions but added nothing else?

A Yes, I remember.

Q And do you remember later on in an answer to one of my questions stating that you refused to answer Sergeant Morita's questions, but he continued to write something down on a piece of paper and wouldn't let you see it?

89

PRESIDENT: There appears to be a need for a conference by the monitors.

There was a brief conference among the monitors and court interpreters.

A Yes, I recall.

Q Since you made both statements under oath, and liable to punishment for perjury, how do you reconcile those two statements?

DEFENSE: It's objected to, if the court please. I don't know, if the court please, but it seems to me the question -- the admonition is entirely out of order. The fact of the matter is, the question as put to the witness isn't clear. It only incorporates a part of the questions and a part of the answers given to those questions, and now to admonish the witness that he will be punished on the grounds of perjury if he doesn't answer impossible questions seems to be quite unreasonable and quite improper and it is objected to for that reason.

PROSECUTION: I don't know whether Mr. Faison's hearing is impaired or not, but will you read that question back?

DEFENSE: I understood perfectly. His answers were qualified and now they are given back to him in unqualified form which creates confusion in the mind of the witness, and now he is threatened with perjury if he doesn't answer an impossible question.

The last question was read by the reporter.

PROSECUTION: If the court please, I merely reminded him that he said both statements under oath and asked him if he can reconcile them. There is no threat or admonition there at all.

LAW MEMBER: The objection is overruled.

INTERPRETER: Could we have a recess and ask him what he means by that. I believe there is a misunderstanding of some question.

PRESIDENT: Can you talk with the witness?

INTERPRETER: Yes.

PRESIDENT: That will be done during open court, not in recess. The monitors can confer with you all they want, as long as you are not conferring with the witness.

LAW MEMBER: Perhaps the prosecution can shorten that question.

INTERPRETER: No, if the Commission please, he doesn't seem to understand Japanese well enough to understand the question, like we asked the last question he answered.

90

PRESIDENT: Perhaps the prosecution can change the question and ask him the difference in the statements.

There was a brief conference between the monitors and court interpreters and the defense and prosecution.

PROSECUTION: If the court please, I will strike that question and rephrase it.

PRESIDENT: Since that question is going to be rephrased, there appears to be no need for further discussion on the part of the monitors.

Q Can you tell us why you made these two contradictory statements?

INTERPRETER: That's the point we want to clear up, what he means by his first statement and his second statement. There seems to be some misunderstanding on my part or on the witness's part.

PROSECUTION: Strike that.

DEFENSE: One of those statements was qualified and of necessity causes -- the question as it is put now causes great confusion in the witness's mind. He didn't make just two statements and leave them at that. He qualified one of his statements -- many other answers to questions.

LAW MEMBER: Which of the two statements did the witness qualify?

PRESIDENT: At this time the Commission will take a recess for fifteen minutes.

The Commission then took a recess until 1045 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

The witness resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

Q When you made the two statements which were referred to shortly before we recessed which time were you telling the truth?

A When I made the statement I meant that I answered those questions which I knew but did not answer the questions I did not know.

Q What did you mean when you told us that you answered all of the questions?

A I answered what I know.

91

Q Then when you made the statement that you answered all of the questions you were not telling the truth, is that correct?

DEFENSE: That's objected to, if the court please, as being an improper observation. It involves a language problem.

PROSECUTION: If the court please, he has told us again that he refused or failed to answer some of the questions and I am asking him if when he told us that he answered all of the questions if he was telling the truth. I hardly think that defense counsel is qualified to state what is a language difficulty unless he can qualify he is familiar with the Japanese language.

LAW MEMBER: Well, we do know that there have been language difficulties, therefore the objection is sustained.

Q What did you mean when you stated that you answered all of Sergeant Morita's questions and nothing else -- but made no other statements?

A I did not answer anything that I did not know.

Q Then why did you state that you answered all the questions?

A I did not say that I answered all the questions.

DEFENSE: It was a language difficulty about it, if the court please, and if I may say so we think the witness said that he answered only the questions, not all the questions. He answered only when questions were asked him and gave no voluntary information in addition to that.

PROSECUTION: If the court please, I believe that counsel is attempting to confuse the court because the answer was that he did answer all of the questions and the defense counsel during the recess has verified that with the record and the record states that he said that he answered all of the questions.

DEFENSE: "And nothing else" is what he said.

PROSECUTION: "And nothing else."

DEFENSE: Yes, and the interpretation we put on it is as I have just stated to the court.

PROSECUTION: I submit that the counsel didn't put that qualification, the way he interpreted it.

LAW MEMBER: There's no objection -- Is there an objection?

DEFENSE: Yes, sir.

LAW MEMBER: The objection is overruled.

Q Your answer is in the record several times that you answered: "I answered all of the questions he asked me, but added nothing else." I repeat, if you didn't mean that, why did you say that?

92

DEFENSE: If the court please, that question repeats the witness only substantially correct. It seems the words "but added nothing else" hasn't been used before and concerning the fact that we do have language difficulties here, then the question will be reinterpreted into the mind of the witness again with variations and will cause more confusion. I wish that opposing counsel when referring to testimony would quote the testimony exactly as it's in the record.

PROSECUTION: Very well, strike that word "added". Ask him the question without using the word "added" and substitute "and".

A I answered questions that I knew but did not answer those that I did not know.

Q Please don't be evasive and answer the question.

A I made a statement that I answered those questions I knew but did not answer those questions that I did not know.

Q Exactly. Therefore you were not telling the truth when you said you answered all of the questions, were you?

DEFENSE: Object to the form of that question, if the court please. It's unnecessary to put it in that form.

LAW MEMBER: The objection is overruled.

A I do not know what you mean.

Q If you said you answered all of his questions you didn't mean it, did you?

DEFENSE: If the court please, defense objects to that question on the ground it's very confusing. The question is: "If you answered that question you didn't mean it, did you?" "If you answered all his questions, you didn't mean it, did you?" Well, now, if he did not he couldn't have meant it. That's one alternative. And then I don't think the witness has said anywhere without qualification that he did answer all of Sergeant Morita's questions. He's tried time and time again to make that plain to the court.

PROSECUTION: May I submit it's in the record that he made the statement: "I answered all of Sergeant Morita's questions and added -- and nothing else."

DEFENSE: I think we are dealing with just words, if the court please.

LAW MEMBER: The objection is sustained. It is also the opinion of one member of the Commission that nothing can be gained by pursuing this matter any further.

PROSECUTION: Very well, I will withdraw it.

93

Q To which of Sergeant Morita's questions that you refused to answer did he start writing something and refuse to let you see it?

A I can not remember all the details.

Q Can you tell us why you didn't answer then, why you refused to answer them?

A Because he put a question to me which I did not know.

Q A question to which you did not know the answer?

A Yes.

Q But you can't remember any of those questions now, is that what you mean to tell us?

A I answered the questions that I knew but to those questions that I did not know I answered, "I do not know."

Q Please answer the question. Do you remember any of the questions to which you did not know the answer?

A I do not remember.

Q How many times when you refused to answer did Sergeant Morita continue to write in his notebook?

DEFENSE: If the court please, I don't understand the question myself and I submit to the court the question is not intelligible. He says: "How many times when you refused to answer did Sergeant Morita continue to write in his notebook?" Now if that question has been interpreted to the witness naturally he is confused, and it's objected to for that reason. It doesn't make sense.

PROSECUTION: Very well, I will rephrase the question and I won't go into the issue with my adversary as to whether or not it makes sense.

Q How many questions did Sergeant Morita ask you the answers to which you did not know?

A I do not remember how many questions there were.

Q Can you approximate? Was it few or many?

A Almost all the questions that he asked were questions that I did not know the answers to.

Q After he asked you the first question that you did not know the answer to, did he ask you any questions that you did know the answer to and answered him?

A I do not know what you mean.

Q After you failed to answer the first question, when you did fail to answer, did you after that answer any of the questions that Sergeant Morita put to you?

A I answered the questions which I knew but to those questions I did not know I answered I did not know.

94

PRESIDENT: The Commission is desirous of knowing the purpose of this questioning in view of the fact that in the detailed questioning of this witness, with reference to Prosecution's Exhibit No. 30 for identification, purported to be a report of an interview of the defendant by Sergeant Morita, in 24 of the 29 answers or paragraphs this witness denied having made such statements. I don't understand the purpose of continuing to clutter up the record questioning on exactly this same point.

PROSECUTION: If the Commission please, the purpose again is to the credibility of this witness. He's stated he answered some of the questions and did not answer other questions, and the questions which he did not answer that Sergeant Morita made notations in his notebook. Now I am trying to find out after he started doing this, if there were other questions which this witness did answer and gave the answers, the theory being that if this witness suspected Sergeant Morita of making a fake report he would refuse to answer all questions.

PRESIDENT: You have laid the groundwork for the introduction of Prosecution's Exhibit No. 30 and in detailed questioning of the witness you have a denial of having made approximately 24 of the 29 statement. I think in rebuttal you will have the opportunity to attack that part of the testimony of the witness, if questions were asked at that time and do not appear in the official report. It doesn't make any difference whether the witness answered or didn't answer those questions, for the purpose of attacking the credibility of the witness. I am merely trying to expedite it. I see no point in my mind and would like to have it clarified, if I fail to comprehend.

PROSECUTION: I will abandon that line and ---

Q Did Sergeant Morita ask you the route you took and who you saw on your way from the school to the Mission?

A Yes.

Q Did you answer that question?

A I answered that I went to the Mission on a truck.

Q Did he ask you if you met any one on the way to the Mission?

A I do not recall that he put such a question to me.

Q Do you recall answering such a question?

A No.

Q Did he ask you such a question?

A I do not recall that such a question was put to me.

DEFENSE: If the court please, may the defense object to any further questioning along this line? I think the court has indicated that the court doesn't see any purpose to it and we object to it as apparently having no purpose or any compensatory purpose.

95

PROSECUTION: If the court please, he stated that he did answer certain questions and did not answer other questions. I maintain that if there are certain statements which he did not make that it's very strange that Sergeant Morita had this particular intelligence in this document.

LAW MEMBER: I think the Commission has in mind very well what happened. The objection is sustained.

Q If you did not make such a statement to Sergeant Morita doesn't it occur to you strange that he knew you were riding on the second truck in the area of Shinbashi and met this Chinese representative in a jeep?

A I do not know.

PRESIDENT: There is a ruling made by the Law Member of the Commission a little while ago about this questioning. It appears prosecution is now endeavoring to impeach the witness by questioning the witness himself. I understood the questions and answers have been sufficient before to establish or attack the veracity of this witness if Sergeant Morita did establish the correctness of his statement. I don't see any point of asking him this question as to the logic pertaining to anything that might be in that report.

PROSECUTION: Very well, I will abandon -- I was under the impression that the ruling was to the particular question in question.

PRESIDENT: The Commission feels that asking questions of this witness as to the logic of any remarks there are in the purported report are entirely improper as to the purpose, the purpose as I understand the prosecution, to impeach the testimony of this witness.

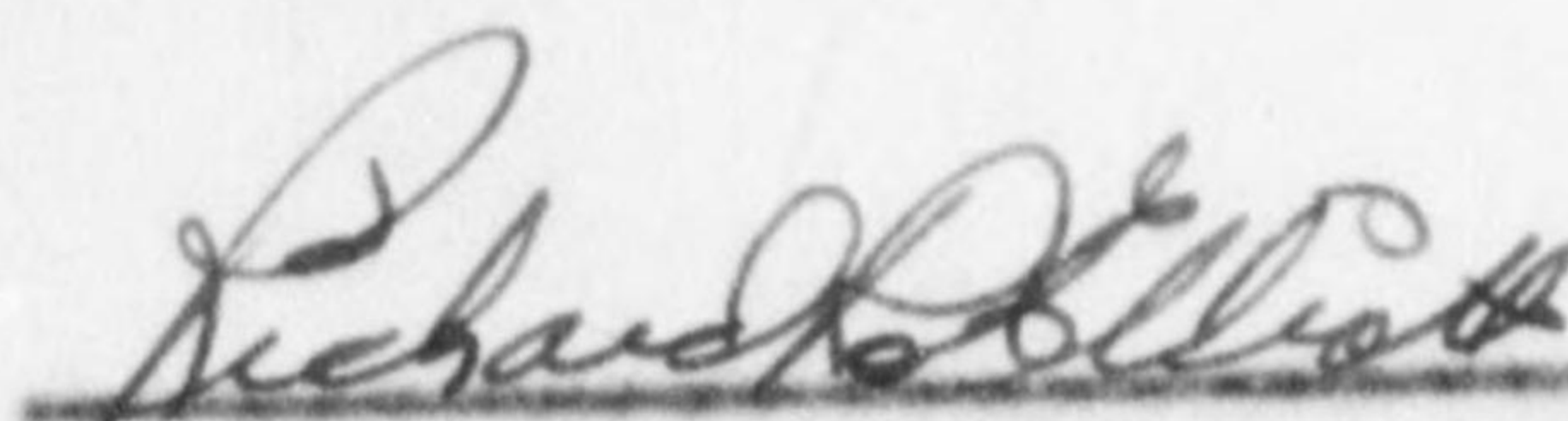
PROSECUTION: That's correct, sir.

PRESIDENT: Then I see no purpose in asking him for any logic or reasons for anything appearing in Sergeant Morita's report.

PROSECUTION: Very well, sir. On entering into a new phase of this cross examination I find it's past time for adjournment for Wednesday now and I move that we adjourn until tomorrow morning before we get started into something and have to break it off.

PRESIDENT: At this time the Commission will adjourn to meet tomorrow morning at 0900.

The Commission then adjourned at 1135 hours on 20 November 1946.



MR. RICHARD R. ELLIOTT
Chief Prosecutor

96

Metropolitan Police Station
Tokyo, Japan
21 November 1946

The Commission met, pursuant to adjournment, at 0900 hours, all the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter who were present at the close of the previous session in this case being present.

PRESIDENT: The Commission is in session. We will proceed with the hearing.

The witness Weng Tien-Lang resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

CROSS EXAMINATION
Cont'd

Questions by prosecution:
Answers through interpreter:

- Q Have you ever heard of a person by the name of Yoshio Ogino?
A No.
- Q Don't you know that that is your assumed Japanese name?
A No, that is not my Japanese name.
- Q You deny that?
A Yes.
- Q Do you deny ever using that name?
A I did not use that name.
- Q At the school you went to were you a day student or a night student?
A At night.
- Q When is the last time you paid your tuition?
A Last year.
- Q When last year? To refresh your memory, April and May 1946 was the last tuition you ever paid?
A I think it was May.
- Q Of 1946 wasn't it?
A Yes.
- Q Before the end of the war, isn't that right?
A Yes.

97

Q As a matter of fact, that's the last time you ever attended school, isn't it?

A No.

Q When was the last time you ever attended school?

A End of June.

Q June of what year?

A This year.

Q How could you attend school without paying tuition?

A I attended school every once in a while.

Q What do you mean by "every once in a while"?

A Not every day.

Q What do you mean by "every once in a while"? How often did you go?

A About two or three times a week.

Q How could you keep up with your classes going to school two or three times a week?

A At that time I was not sure whether study of Japanese would be of any use for me after I go back.

Q Didn't you say that you were putting off your repatriation until December so you could graduate from school?

A I thought of going back after graduation so I registered to go back in December.

Q How did you expect to graduate just going to school now and then?

A I was not very much concerned with whether I graduated or not.

Q Then why did you tell us you were putting off your repatriation to Formosa until December because you wanted to graduate from school?

A I was expecting to go back together with my uncle.

Q Then why did you tell us that you were waiting until December to go back because you wanted to graduate from school in December?

A I did not say it was for the purpose of graduating from school.

Q It is in the record that you said you applied for repatriation in December. I asked you why you were waiting until December. You said because you wanted to graduate from school before you went back. Do you remember that?

A Yes, I recall.

Q Well, did you mean that or did you mean you were waiting until December so you could go back with your uncle as you have told us just now?

A My uncle said, "Let's go back together." So I thought of going back together with him and, if I could graduate before I go back, so I applied for repatriation in December.

98

Q You just now said you weren't concerned very much about graduating.

A I did not make such a statement.

Q Less than five minutes ago you said you didn't care whether you graduates or not, you were not much concerned about it, do you remember that?

A Yes, I do recall.

Q Well, which is correct? Did you want to graduate or didn't you want to graduate?

DEFENSE: If the court please, the defense must object to any further cross examination along this line. It seems to us that the learned counsel on the other side has gotten all the answers possible for him to extract from the witness and now he's simply entering into an argument with him. We hope that this line can be discontinued. The subject of the present cross examination seems to be very far removed from any of the issues in this case.

PROSECUTION: If the court please, it was brought out on direct examination that this witness was a student and a student at the time he was arrested. It was also brought out that he was putting off being repatriated until December for the purpose of graduating from school. Now we don't know whether he went to school or not and for that reason I am trying to find out. He's made several contradictory statements and I am trying to find out if we can believe anything the witness says.

LAW MEMBER: The objection is sustained.

PROSECUTION: If the court please, I maintain that and submit that the question of this witness's veracity goes to the credibility of his whole testimony.

LAW MEMBER: Are you merely inviting the attention of the Commission to that or are you continuing further argument on the ruling?

PROSECUTION: This is further argument on the ruling.

LAW MEMBER: You can not argue on the ruling. The ruling was made. I thought the argument was finished otherwise I wouldn't have made the ruling.

PROSECUTION: This is further argument on the ruling.

LAW MEMBER: You can not argue on the ruling. I will withdraw the ruling if you have not finished your argument.

PROSECUTION: Will the court hear me further?

LAW MEMBER: The ruling is withdrawn.

99

PROSECUTION: As I said, the question of this witness's veracity goes to the credibility of his whole testimony. It appears that the witness has made several contradictory statements and I am trying to find out which is the truth and giving him a chance to explain any apparent falsehoods, to find out whether he can explain them or whether he is testifying falsely.

LAW MEMBER: Now are you finished?

DEFENSE: If the court please ---

LAW MEMBER: The Commission is fully satisfied, fully aware of what the prosecution has said. The objection is sustained.

DEFENSE: I would just like to put in the record that we can't admit and do not admit that this witness has given any contradictory statements at all and any contradiction that the opposing counsel sees in answers he's gotten is due to his interpretation of the questions -- I mean of the answers to his questions.

PRESIDENT: How do you come to that conclusion, that the contradictory statements as made are based on translation and misunderstanding? How can you answer that question? Are you aware of what is passing through the witness's mind or what the translations were?

DEFENSE: I am simply aware of the many confusions which have arisen.

PRESIDENT: We will agree on that, but you are making a statement the witness is making a contradictory statement because either of translation or misunderstanding of questions ---

DEFENSE: That is ---

PRESIDENT: I am asking you how you arrive at such conclusion? Before we accept your statement we must know how you arrive at that conclusion.

DEFENSE: I think, if the court please, it's been very obvious that there have been many misunderstandings and confusions as to the answers of this witness.

PRESIDENT: We will agree on that ---

DEFENSE: Yes, sir.

PRESIDENT: (continuing) but your statement can not be accepted as a fact until you explain to the court how you arrive at such conclusion. We on the court must act on the questions as submitted for the record. Any time that a translation appears to be in error, or the question put wrongly to the witness, the answer given translated wrong, your monitor's duty is to have it corrected at the time, otherwise the court must accept the translation as given to us.

100

PROSECUTION: May I inquire just what that ruling covered?
Was it that particular question?

LAW MEMBER: This particular line of questioning.

PROSECUTION: Am I to understand that I am unable to pursue
any line of questioning concerned this witness's schooling?

LAW MEMBER: The line of questioning pertaining to whether he
intended to remain in Japan until he had graduated or whether
he intended to go back to Formosa with his uncle.

PROSECUTION: Very well, sir.

Q How is it that you stayed in school all this time without
paying tuition?

A There is no such thing as not being able to attend school
because I did not pay my tuition.

Q When was the last examination you took in that school?

A Third-quarter in my second year at school.

Q When was that?

A In March of '44.

Q How did you remain in school without taking examinations?

A In my third year students were mobilized.

Q What do you mean by that?

A The students were mobilized for work in the factories.

Q Please answer my question. How was it that you stayed in
school without taking any examinations?

A There were no exams from my third year because all the
students were mobilized.

Q When were they demobilized?

A With the end of the war.

Q You had no examination since the end of the war?

A After the end of the war I attended school once in a while
and I did not study very hard.

Q What do you mean by "once in a while" now?

A I mean that I attended school twice or three times a week.

DEFENSE: If it please the court, the defense wishes to object
again to this line of cross examination and we submit that
even should opposing counsel involve the witness in some
contradiction about these immaterial points it wouldn't
even tend to discredit his credibility or testimony in respect
to the vital issues of this case, which take us out to
Shibuya Police Station.

PROSECUTION: If the court please, I say again it was brought
out on direct examination and I maintain and submit that the

101

veracity of this or any other statement he makes under oath on the witness stand goes to the credibility of his testimony in toto.

LAW MEMBER: How much further do you intend to pursue the line of questioning relative to his attendance at school?

PROSECUTION: Well, just -- if the witness will answer the questions without being evasive, just a short while longer.

LAW MEMBER: Objection overruled.

Q Isn't it a rule in the Ministry of Education that all members in the school must take an examination six times a year, or twice each quarter, and that the results of the examination in case of a foreign national will be mailed to that person's local guardian in Japan, Japanese guardian?

DEFENSE: That question is objected to as multifarious, if the court please, and not in accord to the SCAP directive to make questions plain and simple to the witness. It can not be answered by a simple "yes" or "no".

PROSECUTION: Withdraw that question.

Q Who is your school guardian?

A I am the only one in Tokyo.

PROSECUTION: There is a question about the translation of the question.

A I believe that I wrote as my school guardian my father.

Q Is your father in Japan?

A No.

Q Isn't it a fact that to attend school in Japan you have to have a local guardian in Japan?

DEFENSE: Objected to as improper cross examination, if the court please. These matters are much too far removed from any issue in this case. It seems to me to permit this prolonged examination is merely to impeach the witness's credibility as a witness? I submit, if the court please, that even if the witness were to be mistaken about some of these minor and very irrelevant questions it wouldn't impeach his credibility as a witness at all. I think if we wish to get through with this case by Christmas that some effort ought to be made to shorten up the cross examination, if I may say that.

LAW MEMBER: The prosecution stated he only has a few questions along this line. The objection is overruled.

A I do not know but I wrote as my guardian my father.

Q What was the name used in that school in 1946, the name you used in that school in 1946?

102

PROSECUTION: Strike that.

Q What name were you registered under in that school in 1946?

A O Ten Re.

Q What is your means of livelihood?

A I receive money from my uncle.

Q You mean in addition to the stipend you receive selling soap?

DEFENSE: I am informed by my colleagues that the witness never made any such statement as that and object to the question on the ground that opposing counsel has inadvertently misquoted the witness.

PROSECUTION: If the court please, I didn't inadvertently misquote the witness. I didn't intend to quote the witness. I am asking him a question.

LAW MEMBER: Well, the question is based upon an assumed fact. The objection is sustained.

Q Did you add to the income you received from your uncle by selling soap?

A I did not.

Q Did you add to it by selling cuttlefish?

A I did not.

Q Isn't it a fact that in July and August 1945 you dealt in cuttlefish and made several trips to Hokkaido to procure a supply?

A I did not.

Q What months were they?

A I did not go.

Q Did you go to Osaka?

A No.

Q As a matter of fact isn't that the reason that you wore a Chinese button on your jacket so you could ride the Allied trains free?

DEFENSE: It's objected to, if the court please. I can't see any relevancy in this question. Objected to on the grounds it's irrelevant, it doesn't intend to impeach the witness's credibility and even if he ---

PROSECUTION: Even if he what?

DEFENSE: That is all I have to say.

PROSECUTION: If the court please, the defense put in issue the question of this witness's nationality and he himself has not stated that he's registered with the Chinese Consulate as a Chinese national, although it does appear that he

103

registered with some Chinese association so he could draw rations, extra rations, but he wasn't registered with this organization until June of this year, which is less than a month before he was arrested.

LAW MEMBER: What time are you referring to, when he rode on the trains?

PROSECUTION: These trips to Hokkaido or Osaka.

LAW MEMBER: Was it before June of this year or after; before the war or after the end of the war?

PROSECUTION: After the end of the war. I will rephrase the question.

Q How long have you worn the button with the Chinese emblem?

A I wore this emblem from November of last year but I did not wear this all the time.

Q You used to ride on the Allied trains, didn't you?

A Yes.

Q Or the Japanese trains?

A Will you specify which train you mean by "Allied train"?

Q I mean the trains operated by the Allied Forces for Allied personnel, and also Japanese trains.

A I did not ride the Allied trains but rode the Japanese trains.

Q Without paying passage?

A No.

Q Weren't you entitled to ride free with your Chinese emblem button?

A I have not ridden a train free.

Q Why did you pay if you could ride free?

A I always bought a ticket and rode on the train.

Q Why did you buy a ticket when you could ride free with your Chinese button?

A I do not know whether I can ride free even if I had the Chinese button.

Q How is it you have been wearing the Chinese emblem since November 1945 and you weren't registered with any Chinese association until June of '46?

A There are several kinds of registering.

Q Please answer the question.

A The register in June was to change my identification card.

Q You mean to change it from Japanese to Chinese?

A No.

104

Q What identification card?

A The identification card for the Federation of Chinese Associations.

Q What changes were required to be made in your identification card?

A To change the Formosan Labor Association card to the Federation of Chinese Associations identification card.

Q When did you receive this identification card originally?

A In October.

Q Where did you get it?

A At the Formosan Labor Association.

Q Well, you said you got on this truck at the Showa School uninvited because you wanted to see the Chinese Mission. Why did you want to see -- what purpose did you have in wanting to see the Chinese Mission?

A Because I have not yet seen the Chinese Mission.

DEFENSE: If it please the court, I believe there was a question of translation in the question and answer just before the last one on the Formosan Labor Association. The monitor misunderstood the English word.

A brief conference was had among the court interpreters and the monitors.

INTERPRETER: When I referred to the "Formosan Labor Association" it was "Formosan Residence Association". It was a matter of pronunciation that I mistook the word.

Q I will ask you again just why did you want to see the Chinese Mission?

A I wanted to see the Chinese Mission because I did not know where the Mission was and I have not as yet seen the members of the Chinese Mission.

Q Is the Chinese Mission supposed to be a showplace? Is that the reason that you wanted to see it?

A No.

Q Well, were you just on a sight-seeing tour that day?

A Because I heard there was to be an appeal I followed them.

Q Oh, because you heard there was going to be an appeal. What kind of an appeal?

A I do not know what the appeal was.

Q You had no idea what it was about, is that correct?

A Yes.

Q Why did you want to go to hear the appeal of what you knew nothing about?

A Because I have not gone to the Chinese Mission before.

105

Q Well, now, you have given us two reasons. One is because you heard they were going to make an appeal and the other is because you had never seen the Chinese Mission before. Now for which one of these reasons did you go?

DEFENSE: The defense will object to that question, if the court please, because it's perfectly apparent that the witness might have had both of these reasons to go and not necessarily contradictory or conflictive as opposing learned counsel would imply by his question.

PROSECUTION: If the court please, he said at least ten times that the reason he wanted to go to the Chinese Mission on this day is because he had never seen the Chinese Mission before and didn't know where it was, and I pressed him further as to why he wanted to see it and he finally says because he wanted to hear the appeal, an appeal which he claims he knows nothing about. He just heard there was to be an appeal made. Now I am asking him just what was the reason, because he wanted to hear the appeal or because he had never seen the Mission before.

LAW MEMBER: The objection is sustained. However, you may ask him which was the more important reason.

Q What were you more interested in, hearing this appeal or seeing the Chinese Mission?

A To go and see the Chinese Mission.

Q When was it that you learned what was the nature of the appeal?

A After hearing the talk by General Li at the Chinese Mission.

Q When was it that you learned the nature of Mr. Ling's address at the school?

A On my way back from the school.

Q How soon after you climbed into the truck was it?

A It was not after I got on the truck.

Q When was it?

A After the meeting ended.

Q How soon after the meeting ended?

A After the meeting when I was leaving the school.

PRESIDENT: At this time the Commission will take a ten minute recess.

The Commission then took a recess until 1035 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

The witness resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

106

Q You say you learned just of Mr. Ling's speech as you left the school, is that correct?

A Yes.

Q Was that after you listened to the piano music?

A Yes.

Q Was it before you went to the confectionery?

A Yes.

Q In other words you heard it between the times you left the school and went into the confectionery shop, is that correct?

A Yes.

Q Who was it that told you what the speech was about?

DEFENSE: If it please the court, I think his testimony -- I mean this line of cross examination has been conducted once before. It seems to me I have heard it two or three times now. I object to this line on the ground that the questions have been answered before and it's immaterial when the witness heard about Mr. Ling's speech, whether it was before or after he went to the sweetshop.

PROSECUTION: If the Commission please, to refresh counsel's memory, this is the first time on cross examination the subject has ever been mentioned. If he's heard it two or three times before it was on direct examination and it was put in issue on direct examination and, therefore, it is not immaterial. Furthermore he never testified who told him the gist of Mr. Ling's speech. I am trying to find out under what circumstances he was told, whether it was by some one in charge or a friend of his, and how it was mentioned or whether he asked what the gist of the speech was.

LAW MEMBER: The objection is overruled.

A My friend.

Q What was your friend's name?

A I do not know his name exactly but as I recall his name is O San.

Q Why do you say he is referred to if you don't know his name?

A I know only his last name.

Q Is he an officer of the association?

A No.

Q Under what circumstances did he tell you?

A I asked him.

Q Is the friend who told you this one of the defendants?

A No.

Q Then if you asked him and he told you what the meeting was about,

107

why is it you say you still had no interest in the meeting?
A I have no connection with what my friend explained to me.

Q You then went to the confectionery, is that correct?
A Yes.

Q Didn't you testify on coming out of the confectionery shop this person passed you and told you that they were going to the Chinese Mission and you jumped on the truck but you didn't know what the meeting at the Chinese Mission was about and, furthermore, you didn't know at that time what the meeting at the Showa School had been about?

A What I testified was I did not know what the appeal was about and that I had no connection with the things that were said at the Showa School.

Q Didn't you say you didn't know what the appeal was about because you had not known what the meeting at the school was about?

A I just heard that there was going to be an appeal and I did not ask what the appeal was about.

Q Didn't you say the reason you had no way of knowing what the appeal was about was because you had not yet learned what the meeting at the school was about?

A The contents of the talk at the Showa School was explained to me by my friend but I did not know what the appeal was going to be about.

Q Didn't you have some idea what the appeal was going to be about?

DEFENSE: If the court please, defense must object to this line of cross examination and put it simply on the ground that as far as we can see it's not putting the trial forward in any respect whatsoever. Of course, the defense doesn't know what's in the mind of learned opposing counsel in cross examining so long on this particular subject but we submit that it's taking entirely too much time and is not getting the case on.

PROSECUTION: If the court please, it seems that counsel is trying to get into the record that it's the prosecution who is dragging this trial out, and I think that the court will agree with me that such is not the entire reason. However, my point is that this witness says that he hadn't learned of the nature of the meeting at the Showa School, that he maintains that he had no idea, or the thought never occurred to him what the meeting might be, the appeal might be at the Chinese Mission, and it is certainly reasonable to assume that he might have some idea of what the nature of the appeal was at the Chinese Mission after knowing what this meeting was about and also that if he was interested enough in going he was interested in the appeal and that he would also ask what the appeal was about.

108

DEFENSE: If it pleases the court, if that were the case, what difference would it make as far as this case is concerned?

LAW MEMBER: It is not necessary to pursue any matter to the Nth degree. The objection is sustained.

PROSECUTION: Very well, sir.

Q Didn't you testify on direct examination that you learned the nature of the meeting on your way home, that is, learned the nature of the meeting which had been held at Showa School?

A Yes, I testified that I learned about the contents of the meeting on my way home.

Q What time was it when you climbed on this truck at Showa School?

A I do not know the time.

Q Did you have any idea at the time?

A I can not as I do not have a watch.

Q How do you know you arrived at the school at three-thirty?

A There's a clock at the office.

Q How do you know you stayed there two hours?

A I did not say I was there for two hours. I said I was at the school for two hours.

Q That's what I mean. How do you know that?

A I asked my friend the time.

Q Why is it that you can't approximate the time that you climbed on this truck at the Showa School to go to the Chinese Mission?

A Because I did not ask the time.

Q How long after you left the building was it before you climbed on this truck?

A What building?

Q The schoolbuilding.

A It was from twenty to thirty minutes after I went out of the building that I got on the truck.

Q Then you would say it was about six o'clock?

A I do not know whether it was six o'clock or not.

Q If you arrived at the school at three-thirty, stayed there two hours, that would be five-thirty when you left, and you got on the truck thirty minutes later, which would be six o'clock, wouldn't it?

A Yes, I believe so.

Q How long after you started was it when you met the representatives of the Chinese Mission in the jeep in the Shinbashi area?

109

DEFENSE: We believe the testimony of the witness was that he met a jeep but he didn't know who was in it and I am objecting to the question on the grounds it's a misquotation of the evidence of the witness, of the testimony of the witness.

PROSECUTION: If the court please, I'm not quoting or misquoting or attempting to quote or misquote the witness at all. It is in the record. It is true the witness said he met a jeep. He said that he didn't know in which area it was, but it's in the record it was in the Shinbashi area. However, I'll rephrase my question if counsel so desires. Strike that question.

Q How long after you got on the truck and started out was it before you were stopped by this jeep and the driver carried on a conversation with the driver of your truck?

A After some time after we left the school.

Q That's true. It must have been some time after you left the school. I said approximately how long, how many minutes.

A About fourteen or fifteen minutes afterwards, after the truck left the school.

Q Did you recognize any one in the jeep?

A I could not.

Q Could you recognize any distinctive uniform?

A I saw some one wearing what seemed to be like an officer's cap.

Q A Chinese officer's cap?

A Yes.

Q This is the vehicle that you followed to the Chinese Mission, is that correct?

A Yes, the one who seemed to be wearing the officer's cap got in the jeep and led the way to the Chinese Mission.

Q Did you see any distinctive markings on the jeep?

A As I was facing the rear of the jeep I did not see.

Q When you first saw the jeep was it going in the same direction as the trucks were or a different direction, the opposite direction?

A Yes, when I saw the jeep it was facing the same direction as the trucks.

Q When the jeep started off to lead you to the Chinese Mission did you turn around or did you keep going in the same direction?

A We proceeded toward the same direction that we were facing.

Q How many trucks were there in the convoy at this time?

A There was another truck in front of mine.

Q What became of the other three trucks?

A The other three trucks were still at the school when we left the school.

110

Q Was there a sedan also with you?

A No, I did not see.

Q You say it was about fourteen or fifteen minutes after you started when you were stopped by this jeep, is that correct?

A Yes, that is the time that I thought had elapsed.

Q Very well. How long were you stopped?

A Just for a short while.

Q Can you estimate the time in minutes?

A I believe it was one or two minutes.

Q Then when you started up again, when you left, how much time had elapsed before you reached the Chinese Mission?

A After the jeep led the way it took some while before we reached the Mission.

Q Can you estimate the time in minutes?

A This is just my guess. It took about from ten to fifteen minutes.

Q That would be approximately six-thirty would it not, or some time between six-fifteen and six-forty five?

A As I did not know what time it was I can not tell you when I reached there.

Q Well, I am giving you thirty minutes leeway. You say you left the school two hours after you arrived and you say by your friend's watch it was five-thirty. Thirty minutes later you boarded a truck, making it six o'clock, about fourteen or fifteen minutes to the place where you were stopped would be approximately six-fifteen, counting the minute or two minutes that you were stopped, and then ten or fifteen minutes from the time you left that spot until the time you arrived at the Mission. That would make it approximately six-thirty, wouldn't it, or approximately somewhere between 6:15 and 6:45?

DEFENSE: If it please the court, it would appear that this is mere computation of time, that the court is quite competent to make, and the question is objected to because it's involved and merely involves a computation of time, to which the court is perfectly competent itself to compute, and takes up too much time.

PROSECUTION: I have no remarks to make on that objection, except the fact that it may be a computation of time and it's the witness's own computation.

LAW MEMBER: What is the reason for ascertaining the exact time when he arrived at the Mission?

PROSECUTION: Well, if the court will bear with me, there is a reason for establishing the time that they arrived.

LAW MEMBER: Can not that be stipulated as to when he arrived there?

111

PROSECUTION: Strike that question.

Q On your way to the Chinese Mission after you were stopped by this jeep and had proceeded again, did you hear any shots while you were enroute to the Mission?

A No.

Q You heard no shots, you are sure of that?

A Yes, I am sure I did not hear any shots.

Q If there had been any shots fired in the vicinity of where your truck was passing at the time you would have heard it, wouldn't you?

A Yes, I would have heard the shooting if shooting was directed at the truck.

Q I didn't say anything about shooting being directed at the truck. I said if there had been any firing in the near vicinity of the trucks you would have heard it, is that correct?

A Yes, I would have heard.

Q Well, when you got to the Mission, I believe you said there were no trucks there at that time, is that correct? There were no trucks other than the two trucks in your convey at the time.

A There were no trucks other than those trucks that we rode.

Q And you got off the truck and went directly to the auditorium, is that correct?

A No.

Q Well, what did you do?

A I was watching the buildings.

Q How long did you look at buildings?

A I was in front of the auditorium and the door of the auditorium was not open. I was watching the buildings for a short time.

Q That's right. That was your purpose of going there to see the Chinese Mission, wasn't it?

A It was not for the purpose of seeing the Mission, since I have not gone there at that time I just felt like going there.

Q You went just to be going, is that what you mean?

A Yes.

Q Didn't you state before that you wanted to see the Chinese Mission?

DEFENSE: If the court please, we object to that question.

PROSECUTION: I will rephrase that question.

Q Did you state before that you went to see the Chinese Mission?

112

DEFENSE: We object to the question, if the court please, as being simply repetitious. The ground has been thoroughly covered before.

LAW MEMBER: He stated that that was his primary reason for going. The objection is overruled.

A Yes.

Q Well, when you got there did you look around?

A I saw only the buildings.

Q How many buildings did you see?

A Two buildings.

Q Is that all the buildings there are at the Chinese Mission?

A What I saw were only two buildings.

Q While you were looking around did you see the motor pool?

A No.

Q Did you see the park behind the buildings?

A Since after I reached there I looked around just for a very short time so I can not give you all the details.

Q How long a time, how many minutes did you look around?

A It was just for a short time. It may have been more or less one minute.

Q So you went to the Chinese Mission to see the Chinese Mission and when you got there you looked about one minute in sight-seeing, is that correct?

A After I got down from the truck everybody went into the auditorium so I followed them.

Q Didn't you just tell me a while ago that you did not get off the truck and go directly into the auditorium?

A We got off the truck but the doors to the auditorium was not open so we were standing in front of the auditorium.

Q Then you did no sight-seeing at the Chinese Mission at all then, is that correct?

A Yes.

Q How long was it before the doors of the auditorium were opened?

A Soon after I got down from the truck.

Q How long did you wait in the auditorium before the meeting started?

A As I recall, the meeting started about thirty or forty minutes after I got into the auditorium.

Q What did you do during that thirty or forty minutes?

A I was conversing with the persons beside me.

113

Q Were there any other speakers at that meeting beside Mr. Ling and General Li?

A Yes, the interpreter.

Q To what language was the speech interpreted?

A Fukien dialect.

Q And that's the dialect you speak?

A Yes.

Q And what was the gist of the speech General Li gave?

A In general, General Li said: "I have already heard the reason that you came here to make the appeal from President Chen and regarding this the Chinese Mission will take the necessary measures so leave it up to the Chinese Mission. When you travel in large groups there will not be a danger of attack by Japanese hoodlums, but be careful when you are in a small group. Regarding compensation for loss of property and goods, I have received a report from Chief Ling. You elect representative among yourself and confer with Chief Ling and let the Consular Affairs Section take charge of this."

There was a brief conference among the court interpreters and monitors.

INTERPRETER: Regarding the second point I left out: "Under the Occupational Forces there would not be a danger of an attack by a large group of Japanese hoodlums, but be careful when you are in a small group."

Q Did you ever hear that General Li warned against gathering in large groups because it might cause some misunderstanding as far as the Japanese police and Allied officials were concerned?

A No.

Q Did General Li tell the gathering not to do anything for two days but try to have it settled through the Chinese Mission?

A I did not hear.

Q Did General Li say, "Leave matters in the hands of the Chinese Mission and matters will be settled legally."?

DEFENSE: If the court please, I wish to call the attention of the court to the fact that when this witness was present at that meeting he only had a part of what was said interpreted to him, and if the purpose of this cross examination is to impeach the credibility of General Li it seems to me that in view of the fact that this witness has said he only heard a part of what was said, and that was interpreted to him at that meeting, that there is no point in carrying on this line of cross examination.

114

PROSECUTION: If the court please, I don't know of any place where it's in the record where this witness has said that he just heard a part of the interpretation. I submit if Mr. Faison wants to take the stand, it is proper for him to be sworn first.

LAW MEMBER: According to my notes, he understood the interpreter, the Fukien dialect, therefore he must have understood everything that was interpreted. The objection is overruled.

A I did not hear such thing from the interpreter.

Q What happened as General Li was finishing up his talk?

A Everybody raised his hand.

Q Did you raise your hand?

A Yes.

Q Why did you raise your hand?

A I agreed with what General Li said and raised my hand.

Q Did General Li ask for questions before everybody raised their hands?

A I did not hear.

Q Why did you raise your hand?

A Because every one raised his hand, I agreed and I also raised my hand.

Q If General Li didn't call for a show of hands, how do you know why everybody else was raising their hands?

DEFENSE: If the court please, I wish to object to that question for the reason that the witness testified he didn't hear General Li say anything about that before he raised his hand. He merely didn't hear it. Now the question Major Elliott asked is -- it implies that General Li did not ask those present to raise their hands. The witness has said he didn't hear General Li ask any one to raise their hands. The difference is quite important, I think.

PROSECUTION: If the court please, I am trying to find out why he raised his hand. I am trying to find out if there was a call for a show of hands.

LAW MEMBER: The objection is sustained. However, the prosecution may ask a leading question, in order to refresh his memory.

Q Did General Li call for a show of hands?

A No, he did not say in that way.

Q What was said just before everybody raised their hands?

DEFENSE: If the court please, I object to that question because this witness has testified that he only heard the interpreter. He didn't understand General Li. He was merely listening to the interpreter, so I object to it.

115

PROSECUTION: I will rephrase that question. It's in the record that the witness does not understand the Mandarin dialect and that he was speaking through an interpreter.

LAW MEMBER: What was that question?

The last question was read by the reporter.

LAW MEMBER: The objection is overruled.

A I did not hear.

Q You looked around and raised your hand because you saw everybody else raising their hands, is that correct?

A I saw everybody raising their hands so I agreed and raised my hand.

Q Agreed to what?

A I thought that it was agreeing with his speech so I raised my hand.

Q How did you know everybody was raising their hands because they agreed with the speech?

A I just thought that it was agreeing with General Li's speech so I raised my hand.

Q Up until this time had you heard anything about the armed police being in the vicinity of Shibuya Police Station?

A No.

Q When was the first time you heard that there were armed police in the vicinity of Shibuya Police Station?

A I did not hear of such a thing.

Q What did you do when the meeting was over?

A I went outside.

Q Where did you go when you went outside?

A I rode on the truck.

Q Did you leave the auditorium as soon as General Li finished his speech?

A Yes.

Q And when you came outside did you walk directly to the truck?

A Yes.

Q Where were the trucks parked? Were they parked in the inside of the enclosure of the Chinese Mission or on the outside?

A It was in the yard of the Chinese Mission.

Q Which truck did you get on?

A I rode on the truck which was on the right side as I came out of the auditorium.

116

Q Was it the one nearest to the auditorium?

A No.

PRESIDENT: The Commission will adjourn to meet at 1315.

The Commission then took a recess until 1315 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

PRESIDENT: The Commission is in session. Proceed with the hearing.

The witness resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

Q You stated, I believe, that you came out of the auditorium and went directly and climbed on this truck, is that correct?

A Yes.

Q Do you have any idea what time it was when you climbed on the truck?

A I do not know.

Q Was it before or after sundown?

A When I came out of the auditorium it was after sundown.

Q Was it light, dark or twilight?

A It was already dark.

Q After you climbed on the truck how much time elapsed before the truck moved out?

A Just for a while.

Q I say how long. Can you estimate the time in minutes?

A About two or three minutes after I got on the truck.

Q After you left the auditorium you got on this truck and moved out in about two or three minutes, is that correct?

A The truck moved out after about two or three minutes after I got on the truck.

Q Then you state that you walked directly to the truck from the auditorium, is that correct?

A Yes.

Q And you left the auditorium immediately after General Li finished with his speech, is that correct?

A Yes.

Q In other words, the truck on which you were riding left the Chinese Mission within five minutes after General Li had finished his speech, is that correct?

A I said that I was on the truck two or three minutes before it moved out.

117

Q That's right, and you left the auditorium immediately after General Li's speech and walked directly to the truck, isn't that right?

DEFENSE: If the court please, the question has been answered before and we object to it on that ground.

LAW MEMBER: The objection is overruled.

A Yes.

Q How long did it take you to walk from the door of the auditorium to the truck?

A It was just for a short while. I believe it was about one or two minutes.

Q Therefore, one or two minutes from the door of the auditorium to the truck, which you climbed on immediately, the truck pulled out two or three minutes after you climbed on it, you would have left the Mission approximately five minutes after General Li finished his speech, isn't that correct?

A No.

Q Well, how long after General Li finished his speech did you leave?

A About six or seven minutes.

Q You left the Chinese Mission in the truck six or seven minutes after General Li finished his speech, is that what you mean to say?

A As far as my guess is that it took about six or seven minutes past after General Li's speech.

Q You are sure of that, are you?

DEFENSE: If the court please, he just said it was his guess and now counsel asks him if he is sure of that. We are just non-plussed.

PROSECUTION: Strike that. I asked him if he was sure of his last statement.

LAW MEMBER: He's estimated the time and you have asked him the question twice and he's given the answer twice.

PROSECUTION: Very well, strike it.

Q How many trucks left in your convoy?

A When we left the yard of the Mission three trucks had already left before my truck.

Q How many vehicles were in your convoy?

A We all left the yard of the Mission with a jeep which was to go to Shinagawa in the lead. After we went outside those that left for the Shinagawa area left and we waited outside.

118

Q How long did you wait outside?

A For a while.

Q How many minutes?

A I think it was about ten to fifteen minutes.

Q Why did you get on this particular truck?

A When I asked some one in the truck said the truck was going toward Shibuya Railroad Station so I got on the truck.

Q Where did you plan to go from the Shibuya Railroad Station?

A Transfer at Meguro.

Q And then go where?

A And transfer to a private line and go to my home.

Q Your home is in Ebara-Ku?

A Yes.

Q How long does it take to go by rail, the way you intended to go this particular night, from the Shibuya Station to the Ebisu Station?

A About twenty minutes from Shibuya.

Q How long does it take to go from Shibuya to Meguro?

A About ten minutes.

Q Don't you know that a quicker way would have been to have got on the truck that was going to Shinagawa Station and get on the train at Shinagawa and go to Ebara-Ku?

A No.

Q How did you know this truck was going to Shibuya?

A I knew because I asked.

Q When did you ask?

A When I got on the truck.

Q You mean before you got on the truck or after you got on the truck?

A When I was about to get on the truck I asked.

Q Did you ask where the other trucks were going?

A I did not.

Q How did you know it was going to Shinagawa?

A When I was about to ride the truck which was leaving for Shinagawa I asked the driver.

Q What did you ask the driver?

PRESIDENT: I call the prosecution's attention to the fact that the last five or six questions have been answered by the witness and the answers are so identical with previous questions and unless you are laying a foundation for a more pertinent question use the facts of previous answers in your questions without too much repetition.

119

PROSECUTION: If the court please, I don't recall ever having asked this witness or him saying how he knew which truck was going to Shinagawa.

PRESIDENT: The Commission and I, as a member thereof, could have answered every question of the last five or six questions and have it written down in front of me. Please do not prolong the trial. If you have a point to put across, ask a leading question.

Q On this rail line are there any transfers after Meguro to get to your home?

A Yes, you can but since I am accustomed to transferring at Meguro I thought of going to Meguro and transferring.

Q You misunderstood the question. You said you transferred at Meguro to a private line. I mean are there any other transfers from this private line to any other line before you reached your home?

PROSECUTION: Strike that. I will ask it this way.

Q How many transfers are there, or how many times do you have to transfer to go from the Shibuya Station to your home?

A Once.

Q To what line do you transfer?

A To the Nekama line.

Q What stop is nearest your home?

A The Nishi Koyama Station.

Q When you finally did leave the Chinese Mission in this truck did you at that time know that there were armed police in the area in front of the Shibuya Police Station?

A No.

Q When was the first indication you had that there were armed police at the Shibuya Police Station?

A When I stopped near the Shibuya Police Station.

Q How long did it take you to go from the Chinese Mission, after you got started, to the point where you say you were stopped by the Japanese police? How many minutes?

A I can not say the exact time but my guess is about twenty to twenty-five minutes.

Q You are familiar with the area in Shibuya are you not?

A I am not too familiar.

Q How many times have you been there in Shibuya?

A I have gone there several times to see the movies.

Q Just where were you stopped by these policemen?

A I do not know where I was stopped.

Q How far from the police station were you stopped?

A I do not know.

Q You have no idea, is that right?

A Yes.

Q How do you know you were in the area of the Shibuya Police Station then?

A I was brought to the Shibuya Police Station later.

Q Well, do you know whether you were 500 meters or five kilometers from the station?

A At that time I did not know where the Shibuya Police Station was.

Q Why did you say you were stopped near the Shibuya Police Station then? Did you find out later it was close to the Shibuya Police Station?

A Yes.

Q Can't you estimate how far from the police station you were stopped then?

A At the time I was stopped I did not know where the police station was located.

Q Please answer the question.

A I can not.

Q Was it as much as two kilometers?

A I do not know.

Q Then it could have been five kilometers, is that correct, and you wouldn't know?

A At that time I did not know how far from the police station I was.

Q Please answer the question.

DEFENSE: May the defense interpose an objection here, if the court please. The witness has repeatedly said he didn't know where he was. If that's the answer, so if he doesn't know where it was, how does he know it was 500 meters or 500 kilometers. He said time and time again he didn't know where he was.

PROSECUTION: I believe that the court sees my purpose of this examination, because of the hostile attitude that the witness is taking, and evasive attitude. He refuses to answer questions. You ask him one question; he answers something else. I asked him if he knows whether it was -- he stated he didn't know how far it was. I asked him if it could have been five kilometers ---

LAW MEMBER: The Commission is cognizant of the witness's attitude. However, the objection is sustained.

121

Q If you don't know where you were and you can't estimate where you were, or how far you were from the police station, how do you know that you were in the area of the police station at all?

DEFENSE: That question has been asked and answered before, if the court pleases. Objected to for that reason.

PROSECUTION: I have no comment on that.

LAW MEMBER: Objection sustained.

Q You said you later found out where the police station was. That being the case, why is it that you can not estimate from your later knowledge where the police station was, how far from the police station you were when you were stopped?

A I did not say that I knew where the police station was located. I said that I was taken to the police station, which I later knew as the Shibuya Police Station.

PROSECUTION: I maintain the answer is not responsive to the question.

Q Please answer the question.

A I said that I did not know where I was stopped previously because it was dark.

PROSECUTION: May the record show that the witness has repeatedly refused to answer this question.

DEFENSE: We object to that.

LAW MEMBER: The record already shows that.

Q What happened when the police stopped the convoy?

A I saw policemen approach the truck.

Q Did you hear a shot at this time?

A I did not hear at that time but I heard a shot the moment before the truck stopped.

Q In other words, you heard the shot before you stopped, is that correct?

A Yes, before I stopped because it was just a moment before I stopped.

Q From what direction did the sound of this shot come?

A It seems as if the report came from the front, way in front of me.

Q Who fired this shot?

A It was way in front of the vehicles so I do not know who fired it.

Q About how far in front of the vehicle?

A I do not know.

122

PRESIDENT: Again I advise the prosecution that the last six or seven questions have been answered on direct testimony and any purpose for using those facts in another question, he may do so by direct leading questions. I have it all written down.

PROSECUTION: Well, if the court please, my previous experience with this witness's veracity, previous veracity, you might say, he said a while ago when he testified ---

DEFENSE: We protest against the accusations against the witness. We, on the other hand, entertain a contrary opinion, that he has in every way he possibly could given the opposing learned counsel information that he, the opposing counsel, asked for, sometimes under the most difficult and trying conditions.

PRESIDENT: The Commission cautions the prosecution for the purpose of expediting the trial and for no other purpose. If the facts as you know them, previous testimony not, you may incorporate them in your questions without extracting the same answers again thereby prolonging the record.

PROSECUTION: Very well.

Q You stated that after you stopped this first time and had moved a short distance, firing was coming from both sides of the road, is that correct?

A I testified a little while after the truck started moving I heard reports from both sides of the road.

Q How did you know that reports were coming from both sides of the road?

A I saw flashes on the right side of the road and at that moment I ducked and I heard reports coming from both sides of the road.

Q How many flashes did you see on the right side of the road?

A I can not say how many. There were many and at that moment I ducked.

Q Will you demonstrate just the position to which you ducked?

A (Indicating) I was sitting on the truck and facing the right side and the moment I saw the flashes I ducked.

Q Were you looking down when you ducked?

A Yes.

Q Was your body beneath the top of the side rail of the truck?

A I ducked and I do not know.

Q How long did you stay in this position?

A The firing was continuing and I can not say how long I was in this position.

Q Were the other occupants in the same ducked position?

A I ducked momentarily so I did not see the others duck.

123

Q Did you remain in that position until the truck stopped?
A Yes.

Q Where did the truck stop?
A I do not know where the truck stopped.

Q Had you passed the police station when the truck stopped or hadn't you come to it yet?
A I learned that I had passed the police station later.

Q Do you know how far past the police station you were?
A At that time I did not know.

Q Did you later learn?
A Yes.

Q How far then?
A My guess is about 100 to 150 meters away.

Q How long did this vehicle stop, remain stopped?
A The moment the truck stopped I jumped off so I do not know.

Q Had the firing ceased at this time?
A I did not notice because I was so excited.

Q You didn't know whether the firing had stopped or not, is that correct?

DEFENSE: It's objected to, if the court please. The witness has just answered the question.

PROSECUTION: If the court please, I just wanted to make sure.

LAW MEMBER: A direct question, a direct answer. The objection is sustained.

PROSECUTION: I don't want defense to later say that the witness was confused or didn't know what he was saying, as he has done so many times.

DEFENSE: We object to this being put in the record, if the court please. We don't think that we are entitled to have that complaint made, either against the witness or ourselves.

Q Weren't you excited when the truck first stopped?
A No, I was not.

Q And weren't you scared or excited when the firing first started?
A Yes.

Q Yet you state you saw many flashes, isn't that correct?
A Yes.

Q If somebody is shooting at you how long does it take you to duck?
A The moment I saw the flashes I ducked.

124

Q Up until the time you saw these flashes had you heard any firing whatsoever other than that first single shot you heard before the truck stopped the first time?

A No, I did not hear any shooting.

Q When you jumped off what part of the truck did you go over?

A The corner of the bed.

Q How long or how soon after the truck stopped did you jump off?

A Immediately after the truck stopped.

Q Can you estimate the number of seconds?

A At that time I was very much excited and I did not think of the time.

Q How many of the other occupants jumped off the truck at this time?

A I do not know.

Q Where did you go immediately after jumping off this truck?

A I ran on the right side of the road towards Shibuya.

PRESIDENT: Again we are going over exactly the same line ---

PROSECUTION: How far ---

PRESIDENT: I want you to listen to me.

PROSECUTION: I beg your pardon.

PRESIDENT: Again we are going over exactly the same ground as before, exactly identical questions are answered before me in my notes. Is there any purpose for repeating the same questions and the same questions?

PROSECUTION: Yes, I am trying to find out if he's on the right side or the left side of the road. I know he jumped off the truck and ran toward the Shibuya Station but it's not in the record as to whether he was on the right side of the road or left side of the road, or whether he was in the center of the road.

PRESIDENT: The court asks you to ask the question that way then.

PROSECUTION: Very well, sir.

Q How close to the edge of the right side of the road were you when you were running toward the Shibuya Police Station -- the Shibuya Railroad Station, I mean?

A On the sidewalk.

Q Oh, is there a sidewalk out there?

A The sidewalk and the road is the same.

125

Q How close to the edge of the road were you running?

A It was dark and I could not tell.

Q Are you certain you couldn't have been running on the left side of the road?

A Yes, I am sure I did not.

Q But you are not sure whether they were still firing or not?

A At that time I was so excited I could not tell.

Q But you weren't too excited to remember you were running on the right edge of the road, is that correct?

A I was riding on the right side of the truck and jumped off the truck and ran along that side of the road.

Q Did you readily go along with the policeman who stopped you?

A Yes.

Q Isn't it a fact that you stopped several times and you said to the policeman, "I'm a Formosan. I am on my way home. I don't have to go with you."?

A I did not.

Q Were you running along with these two other people that the policeman was bringing back to the station?

A I noticed them for the first time when I was stopped. They were running after me.

Q Were there two others or were there three others?

A Two others.

Q Did they stop at the same time that you did?

A Yes.

Q And while this policeman was taking you down to the police station did he strike or beat you then?

A You mean that policeman?

Q Yes.

A The policeman that beat me was not that policeman.

Q He slapped you from the rear on the head as you were going to the police station, is that correct?

A It was not on the way. I had already reached the police station.

Q Just outside the door, is that correct?

A Yes.

Q What had you said immediately prior to being slapped?

A I did not say anything.

Q Were the others slapped?

A I think they were also hit when they were standing beside me.

Q You say you think. Do you know?
A When I regained consciousness and stood up I heard some one crying in the rear of me or on the side.

Q Who was this person you heard?
A I do not know.

Q Do you know if it was a Formosan?
A I do not know.

Q It might have been a policeman, mightn't it?
A I do not know.

PRESIDENT: At this time the Commission will take a ten minute recess.

The Commission then took a recess until 1450 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

The witness resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

Q Were you in the courtroom when the driver of the truck on which you were riding testified?
A Yes.

Q And do you remember him testifying that after he passed the Shibuya Police Station he didn't stop until he got to the department store behind the Shibuya Railroad Station?
A Yes.

Q Now you still say that that truck stopped 150 meters beyond the police station?
A The truck stopped at about that place and I got off so I am saying that.

Q Are you sure the truck was stopped or whether it was moving slowly?
A The truck stopped.

Q How can you be positive of the fact that the truck was stopped when you were too excited to notice anything else, especially too excited to notice whether the firing was still going on?
A I am sure because I jumped down from the truck.

Q Was the truck in front of you stopped?
A I do not know.

Q Were you too excited to know?
A At that time I did not see.

Q You stated you jumped off the truck and ran in the direction

127

of the Shibuya Railroad Station. Couldn't you have known if the truck in front of you was stopped also, wouldn't you have known if you had passed it?

DEFENSE: If the court please, the witness has said that he didn't know. I object to this question, merely repetitious. I don't want to say anything else, sir.

PROSECUTION: If the court please, I'm trying to find out what did happen. He stated that he was positive that the truck on which he was riding had come to a dead stop. He was certain it wasn't moving slowly, although he did state he was too excited to notice anything else and too excited to notice whether there was a truck in front of him. I am trying to refresh his memory. He ran in the direction where that truck would be had it been stopped. Certainly he would have noticed whether or not the truck was there when he ran past it.

LAW MEMBER: You merely want to find out about the truck ahead?

PROSECUTION: Yes, sir.

LAW MEMBER: Well, just ask him that.

Q Do you remember passing another truck in your wild dash toward the Shibuya Railroad Station?

A I did not see.

Q Did you see the people who were brought into the police station with you?

A You mean at that time?

Q Yes.

A We were brought together to the Shibuya Police Station.

Q Do you know Chin Sei Mei from Kobe?

A I do not.

Q To further refresh your memory, the Formosan pronunciation of his name is "Chen Sung Ming".

A At that time I did not know.

Q Do you know him now?

A I became acquainted when I went to the hospital.

PROSECUTION: Will the defense have defendant Chin Sei Mei stand, No. 2?

Q The defendant who is standing now was he one of the ones who was brought into the police station with you on this particular evening?

A When I became acquainted with him at the hospital I heard that he was taken together with me.

Q Who told you that?

A From him.

128

Q Do you know where his home is?

A I do not.

Q Do you know Ryo Kin Ei, known by the pronunciation Lieu Jin Yung, No. 18?

A I do not.

PROSECUTION: Will the defense have defendant No. 18, Ryo Kin Ei, rise?

Q Do you know the defendant who is standing?

A I became acquainted after I went to the Nakano Prison Stockade.

Q Was he one of the ones who was brought into the police station with you on this evening?

A I do not know.

Q Did you know this person before July the 19th?

A No.

Q Do you know that he lives in the same machi, in the same ku as you and also is in the soap business?

DEFENSE: If the court please, we object to that question because it's not in evidence that this defendant is in the soap business and the question implies that he is as a fact.

LAW MEMBER: The word "also" will be stricken.

DEFENSE: I think the question bears that interpretation, if the court please.

LAW MEMBER: Strike out the word "also".

PROSECUTION: "Also" is intended. I would like to state that "also" is intended. I mentioned the fact that he lived in the same ward and machi as the witness and that also he was in the soap business. Strike the word "also" out.

A No, I do not know.

Q Do you know who it was that slapped you?

A I believe it was a Japanese policeman.

Q How do you know that?

A I passed in front of the policeman who was standing on the side of the road.

Q Weren't you slapped from behind?

A Yes.

Q Then you didn't see him?

A I did not.

Q It could have been anybody could it not?

A No.

129

Q Who was it that called you a "goddamn chankoro"?

A I do not know who. I heard this said in the rear of me and at that moment I was hit from the rear.

Q Don't you know that "goddamn" is not a Japanese expression?

INTERPRETER: That's a matter of interpretation.

A brief discussion was then had off the record.

Q You stated that you are familiar with the railroad line between Meguro and Shibuya, having visited there a number of times to go to the movies, isn't that correct?

A Yes, I did.

Q Then you know to go from Shibuya to Meguro you pass through the Ebisu Station which is about three blocks from the Shibuya Station, isn't that right?

DEFENSE: If the court please, it is the opinion of defense counsel that the distance is a great deal more than three blocks, around the police station to Ebisu, the railway station to Ebisu.

PROSECUTION: Very well, I am willing to let the record show that.

Q The question is and the point I am driving at is the fact that to go from Shibuya to the Meguro Station you pass through the Ebisu Station some distance down the line toward Meguro, isn't that correct?

A Yes, we have to pass through the Ebisu Station.

Q Then if you were going directly home why didn't you get off the truck as it passed near the Ebisu Station?

A That night I did not know where the truck was passing.

Q When you were first stopped, when you were stopped by the policemen, you were within a short distance from the Ebisu Station, weren't you?

A I do not know.

Q Didn't you state you were familiar with the area having been out there a number of times to go to movies?

DEFENSE: If the court please, we object to that question. We believe that the witness has answered this question two or three times before and it's objected to on that ground. The answer was he didn't know where he was stopped, was the answer that he gave to a question at least twice before.

PROSECUTION: If the court please, he says that he knows the Ebisu Station. He said he knows he has to pass through there, that it is some distance in the direction in which he was going if he were going home and he states that he is familiar with the Shibuya area, having been out there a number

130

of times to go to the movies, and the truck passed right by the Ebisu Station.

LAW MEMBER: That is true, however, the truck convoy followed a different route and he has been accustomed to traveling on the rail line. The objection is sustained.

PROSECUTION: If the court please, the route which is in the record that this convoy took that evening went parallel for some distance from Ebisu to the Shibuya Station and he certainly should have known where Ebisu was when he passed it. He passed right in front of it.

DEFENSE: If it please the court, I believe the witness answered about three questions back, "That night I did not know where the truck was passing." He has previously testified several times he didn't know where the truck had stopped. "I didn't know that it was in the area of the Shibuya Police Station until later on when I got off the truck and ran away." I believe that counsel for the prosecution has just said that the route parallels the railway station for quite some distance alongside of Ebisu. I believe the fact is that the truck route doesn't parallel the elevated line until after you have passed Ebisu as the truck route, the street comes along parallel with the elevated line and Ebisu is back to your left rear. It's some distance back.

PROSECUTION: I have no further comment. Was the court ruled on that?

LAW MEMBER: Yes, the ruling was made.

Q Who took you to the hospital?

A You mean at first?

Q Yes.

A I was taken to the Hiroo Hospital in a policeman's first-aid car where I received treatment, medical treatment.

Q How long did you remain in this hospital?

A After I was treated for my wounds I was taken back to the police station.

Q Did you spend the night in the police station?

A No.

Q What time were you taken to the St. Luke's Hospital, or the 42nd General Hospital?

A I was taken to the 42nd General Hospital by MP's that night.

Q On direct examination you said you had wounds on your head and on your back and on your finger. On cross examination you stated that you had three fingers wounded. Just which is it now? Do you have one finger wounded or three fingers wounded?

A I received injury to my head, back, and three fingers.

131

PROSECUTION: No further questions.

PRESIDENT: Any redirect?

DEFENSE: Yes, sir.

REDIRECT EXAMINATION

Questions by defense:

Answers through interpreter:

Q This morning you testified there were several kinds of registering. What did you mean by that?

A I registered not only once ---

PRESIDENT: I don't believe the answer is responsive to the question. You asked what different kinds did you not? Please have him explain it.

DEFENSE: I will ask him to explain it.

Q When was the first time that you registered?

A October or last year.

Q Where did you register?

A At the Formosan Residence Association.

Q For what purpose did you register at that time?

A In order to join the club, the association.

Q When was the next time you registered?

A On March of this year.

Q Where did you register at that time?

A At the Formosan Residence Association.

Q For what purpose did you register at that time?

A Registration of Chinese residing in Japan. This order was from the Chinese Mission.

Q But you actually registered at the office of the Formosan Residence Association, is that correct?

A Yes.

Q And the purpose of that registration was to register as a Chinese with the Chinese Mission, is that correct?

PROSECUTION: If the court please, I object to counsel putting the words into the witness's mouth.

DEFENSE: If it please the court, I believe he just testified in substance to that effect and I have asked him a leading question to make sure that that's what he means.

PROSECUTION: I submit there is a difference in asking a leading question and actually leading him so far as to putting the words into his mouth, in effect having counsel testify and the witness agreeing to it.

132

LAW MEMBER: Ask him the purpose of his registration. The objection is sustained.

DEFENSE: Was the ruling of the court to ask him the purpose again?

LAW MEMBER: Yes.

Q At that time in March of 1946 what was the purpose of your registration?

A We registered because the Chinese Mission wanted to find out how many Chinese were residing in Japan.

Q When was the next time that you registered?

A I believe it was in April.

Q Where did you register at that time?

A At the street association where I resided.

Q Is that a Chinese or a Japanese association?

A A Japanese.

Q At whose order did you register at that time?

A Order from the street association.

Q What was the purpose of that registration?

A For repatriation.

Q When was the next time that you registered?

A In May.

Q Of this year?

A Yes.

Q Where did you register at that time?

A At the Federation of Chinese Associations.

Q What was the purpose of that registration?

A Registration of war sufferers.

Q Did you register any more times?

A In June I registered in order to change my identification card.

Q Where did you register at that time?

A At the Federation of Chinese Associations.

Q Did you register any more times after that before July 19th?

A No.

Q Do you know the name of the school in which the Federation of Chinese Associations has its office?

A I do.

Q What is the name?

A Chinese School.

Q Do you know whether Japanese also attend that school?

A I do not.

133

Q Is that school also called or was it once called Kobayashi Showa Primary School?

A Yes.

Q On what floor of that school is the office of the Federation of Chinese Associations?

A On the second floor.

Q In your visits to that school and to the office of the association have you seen Japanese students on the first floor while going to the third floor of that school?

PROSECUTION: If the court please, that question has already been answered.

DEFENSE: If it please the court, I have asked him whether he knew whether Japanese also attended and he said, "I don't know."

PROSECUTION: He said he didn't know whether Japanese attended the school or not. I object to any further questioning along that line.

DEFENSE: The question is in going to the office on the second floor has he ever seen Japanese students going to the first floor or the third floor. I believe the question is different and I believe I can attempt to refresh his recollection on the same question, if it is the same question.

LAW MEMBER: The objection is overruled.

PROSECUTION: I object further on the ground that unless he qualifies this, what time does he mean?

DEFENSE: If it please the court, I believe I qualified it by saying on his visits to the school and to the office.

PROSECUTION: He's been in Japan for seven years, if the court please.

DEFENSE: I believe this witness has been in Japan only four years,

LAW MEMBER: The Commission is interested in knowing what the time is.

Q At the times you went to the association's office in order to register did you ever see Japanese students going into the first floor or the third floor of that schoolhouse?

A I do not know whether they were Japanese children or Chinese children.

Q As you enter the main entrance of that building, the auditorium is on the first floor to your right. Do you know whether there is a Japanese guard on the left as you enter the building?

A Yes.

134

PROSECUTION: May it please the court -- "Yes" what? May the witness answer the question more fully? The question was did he know whether or not there was a Japanese guard. The witness answered, "Yes."

INTERPRETER: "Yes, I do."

- Q Is there a Japanese guard on the left as you enter the building?
A Yes, there is a Japanese guard on the left side.
- Q Do you recall the racks and the crosspieces at the school?
A Yes.
- Q Do those crosspieces have any brand or marking on them?
A I do not know whether there are any marks on the crosspieces but these are painted.
- Q On the afternoon of July 19th when you were at the school did you see any one sawing down any of the crosspieces or tearing down any of the crosspieces?
A I did not.
- Q After you came down from the second floor without receiving any rations that afternoon at that time did you know that there was to be a meeting or talk that afternoon?
A I heard this after I came down from the second floor.
- Q Was that the first time that you heard about the meeting or a talk that afternoon?
A Yes.
- Q Who told you that there was to be a meeting or talk at that time?
A I asked some one in the auditorium.
- Q What did you ask at that time?
A I asked him, "Is there going to be some kind of a meeting?" The answer was, "There is going to be a talk by Chief Ling."
- Q Did you have any reason for asking if there was to be a meeting?
A Because there were many people around I asked.
- Q When you were leaving the Chinese Mission later that night did you have any reason for going to Shibuya Railway Station rather than Shinagawa Railway Station?
A Yes.
- Q What was that reason?
A I rode on a truck which was to go to Shibuya because it was nearer to go home if I went through Shibuya.
- Q Is the Shibuya Railway Station a main terminal on that elevated line?
A Yes.

- Q Is the Ebisu Station a smaller or larger station than the Shibuya Station?
- A Ebisu Station is just another station through which the elevated line pass. Shibuya Station is the terminal point for subway, private railway, and elevated line.
- Q When you got on the truck at the Chinese Mission did you hear any one saying they wanted to go to the Ebisu Station?
- A No.
- Q At the time you left the Chinese Mission that night did you have any reason to fear armed Japanese policemen?
- A When I left the Chinese Mission I did not know that there were armed policemen at Shibuya.
- Q Did you have any reason to be afraid of armed Japanese policemen if they were in the Shibuya area?
- A No.
- Q Later that night when you were arrested by a policeman and brought back to the police station you were hit on the head by some one in your rear, is that correct?
- A Yes.
- Q Who was near you at that time?
- A Two others who were arrested at that time came together with me.
- Q Was there anybody else near you at that time?
- A Besides the two that came together with me and the policemen that were around there were nobody else.
- Q Approximately how many policemen were around you at that time?
- A When I was being taken to the police station there were policemen on both sides of the road.
- Q Approximately how many policemen were near you at the time you were hit?
- A I do not know how many were around because some one came to the rear of me and hit me.
- Q At the time you were questioned in the 8th Army Stockade in September was the person who questioned you wearing any kind of a Japanese police uniform?
- A No.
- Q Where did he question you?
- A In my cell.
- Q Who else was in the cell while he questioned you?
- A No one else.
- Q You testified that while he questioned you he wrote something down on paper. Was that paper the same paper that you read here yesterday and the day before?
- A No.

136

Q After he completed questioning you and completed taking his notes did he show his notes to you?

A No.

Q Did he read his notes back to you?

A No.

Q Did he ask you to sign his notes?

A No.

Q Did you answer any questions that you did not understand or which you didn't know the answers to?

A I said, "I do not know," and said nothing else.

Q Did you make any statements to him other than in answer to his questions?

A No.

Q Then it is correct to say that the only statements you made were in answer to his questions, is that correct?

PROSECUTION: If the court please, I object to this as a leading question, as again putting words into the witness's mouth. I haven't objected before, although I possibly should have for the sake of expediting the trial because I was, if the court recalls, I was stopped on this very same question yesterday because defense had maintained that the point had been covered ten or fifteen times.

DEFENSE: If it please the court, I don't believe that the last few questions, except for the very last one, have been leading. Furthermore I understand leading questions are permissible for the very purpose of expediting the trial. I believe the very last question I have asked him has just been a summary of his answers to the two previous questions, to merely try to explain his answers, try to clear up a matter that was confused during the cross examination.

PROSECUTION: If the court please, the last question I am objecting to. I agree that with an oriental witness, as has been said many times here, leading questions are permitted; however, he can certainly lead the witness without putting the very words into his mouth.

LAW MEMBER: Inasmuch as the last question was intended to be a summary, the objection is overruled.

A Yes.

DEFENSE: No other questions.

PRESIDENT: Any recess?

PROSECUTION: If the court please, I have a few questions.

137

RE-CROSS EXAMINATION

Questions by prosecution;
Answers through interpreter:

Q You have just stated that you answered nothing but the questions Sergeant Morita put to you at the 8th Army Stockade. I now ask you if he asked you if you were the second son of your father?

A No, he did not.

Q Then why did you tell us yesterday that you told him you were the second son of your father?

A I am the second son but I was not asked, "Are you the second son?"

Q Did you tell Sergeant Morita that?

A I told him I was the second son.

Q Although he did not ask you, you volunteered that you were the second son, is that correct?

DEFENSE: If it please the court, I believe the witness just testified that Morita did not ask him, "Are you the second son?"

PROSECUTION: That's correct, but he did state that he told Morita that he was the second son.

DEFENSE: He hasn't testified what Morita did ask him, to call for that answer.

LAW MEMBER: I believe this present question will bring that out. The objection is overruled.

A I did not volunteer such a statement.

Q Why did you tell Morita that you were your father's second son?

A He asked, "What son in the family are you?"

Q You said that you were ordered by the street association to register for repatriation in April. What street association are you referring to?

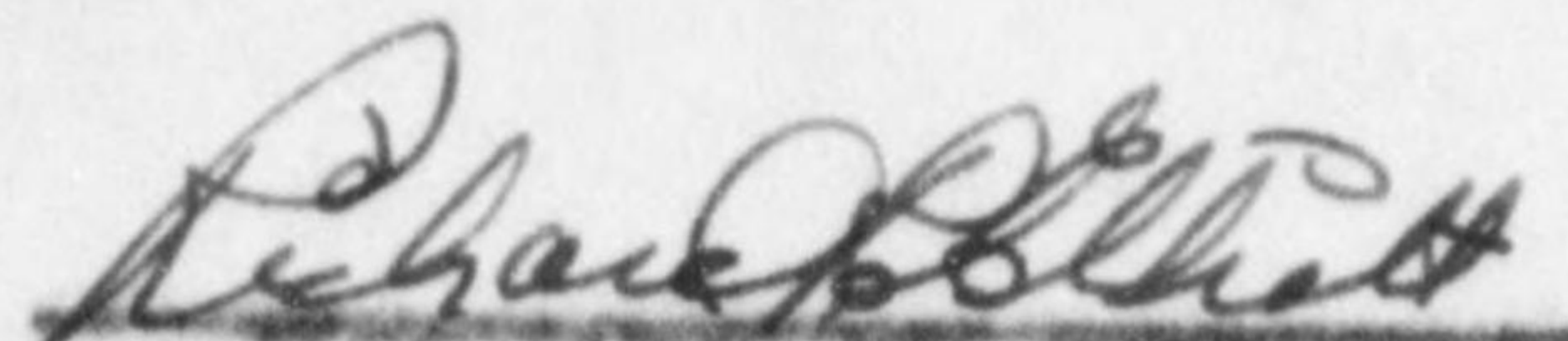
A The street association where I reside.

Q What did the street association have to do with ordering you to register for repatriation?

A I believe they want to know when I would return.

PRESIDENT: At this time the Commission will adjourn to meet tomorrow morning at 0900.

The Commission then adjourned at 1615 hours on 21 November 1946.


RICHARD H. ELLIOTT
Chief Prosecutor

138

Metropolitan Police Station
Tokyo, Japan
25 November 1946

The Commission met at 1045 hours, all the personnel of the Commission, the prosecution and defense, the interpreters and the accused, and the reporter who were present at the close of the previous session in this case being present.

PRESIDENT: The Commission is in session. We will proceed with the hearing. It would be well for the record to contain a statement as to the delay in the procedure.

PROSECUTION: The delay Friday was due to the court reporter being sick and this morning, I understand, there was an official meeting that the court reporter had to attend.

The prosecution has no further cross examination.

The witness Wang Tien-Lang resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

PRESIDENT: Any questions by the Commission?

EXAMINATION BY THE COMMISSION

Questions by members:

Answers through interpreter:

Q How did you happen to come to Japan in 1942?

A In order to attend school.

Q Have you been employed by any one during the time you have been in Japan?

A No.

Q Does your uncle support you even though you are not attending school?

A Yes.

Q What kind of business is your uncle in?

A Instructor.

Q Instructor in what?

A Instructor in the middle school.

Q Did you see Mr. Ling at the Showa School?

A Yes.

Q Did you see the occupants of the jeep that stopped your truck

139

- in the Shinbashi area?
- A When the truck was stopped I was looking ahead and I saw the occupant of the jeep that had what seems to be an officer's cap.
- Q Was Mr. Ling in the jeep?
- A I only saw the person who wore what seemed to be an officer's cap.
- Q Did you follow the jeep all the way to the Chinese Mission, your truck what you were in?
- A Yes, the jeep led the way and the trucks followed.
- Q During this trip did any occupants of the truck discuss hearing any shooting while on the way?
- A I did not hear.
- Q Where did you pick up extra passengers for your truck while on the way to the Chinese Mission from the Showa School?
- A We did not pick up any passengers.
- Q Did you not stop near a building in the Shinbashi area?
- A We only stopped when we stopped by the jeep.
- Q Where had you been that the jeep was able to overtake your truck on the way to the Chinese Mission?
- A The truck was traveling at the ordinary speed.
- Q What was the jeep doing?
- A I do not know when the jeep passed the truck.
- Q Why did you sit through a meeting at the Showa School when you neither understood the speech or could hear the translation, particularly since your reason for being at the school was to get your rations?
- A Because I wanted to know what transpired at the meeting when I returned home. I wanted to learn this from some one after the meeting.
- Q Did you ask any one during the meeting what was being said?
- A I did not.
- Q After learning what the meeting was all about, what was your interest in the so-called appeal?
- A I only heard that there was to be an appeal but I did not know what the appeal was about.
- Q Will you define for us what you thought the appeal meant? Define the word "appeal".
- A At that time I heard just "appeal" and I did not know what they meant by "appeal".
- Q What do you mean it to mean?
- A As far as I know, it is to request something.
- Q What were you requesting?
- A I did not know at that time.

140

- Q You jumped on the truck not knowing what you were getting on the truck for, is that it?
- A Yes.
- Q Well, the Commission is desirous of getting your logic behind such action. Will you kindly explain what your thoughts were?
- A Because I did not have a chance to go to the Chinese Mission and since the truck was going there I would see the Chinese Mission before I go home.
- Q After arriving at the Chinese Mission what did you see that was interesting?
- A After I reached the Chinese Mission I went into the auditorium so I did not see anything interesting.
- Q It is rather hard to believe you when you state that you went to the Mission to see the Mission and then claim that you didn't have time to see anything. Why didn't you have time to look the Mission over?
- A Because everybody went into the auditorium I could not very well go around and see the Mission by myself.
- Q Were you under some one's control at the time you were there?
- A No.
- Q Some one did herd you into the auditorium did they not?
- A Because I saw everybody going into the auditorium I followed them.
- Q What did you do on the street? People go in all directions. Who did you follow?
- A The situation on the street and at the Mission is different.
- Q You came to the Mission for your own purpose. Why did you accept the purpose other people were there for?
- A I followed the group into the Mission because I thought there might be some one from the Chinese Mission who would talk to the group.
- Q As a matter of fact you knew you were going to be addressed by a member of the Chinese Mission did you not?
- A Because an appeal was to be made to the Chinese Mission I thought that there would be a talk by the Chinese Mission.
- Q Of this crowd that you described you followed into the auditorium, who made the appeal to the Chinese Mission?
- A I do not know.
- Q You were present for the meeting were you not?
- A Yes.
- Q You came there for the purpose of asking or requesting for something. You called it an appeal. Who made such an appeal at the meeting?
- A During General Li's talk he mentioned he had heard the appeal from President Chen so I thought that President Chen had already made the appeal to the Chinese Mission.

141

- Q If President Chen had already made the appeal why were 300 Formosans present at the Chinese Mission?
- A Because President Chen represented the Formosans in making their appeal, I believe that everybody wanted to know what the Chinese Mission had to say about it.
- Q Why was it necessary for Mr. Ling and General Li in a jeep to round you up and bring you to the Chinese Mission for such purpose?
- A I do not know.
- Q But your truck was stopped and led by the jeep in which Mr. Ling and General Li were riding and led by this jeep to the Chinese Mission, were you not?
- A I believe so. When we were stopped I only saw the jeep had stopped the trucks and I did not know what conversation took place.
- Q You have told us Mr. Ling introduced General Li and he made a speech. During the entire time of General Li's speech did every one sit quietly in their seats?
- A Yes.
- Q Then no one from the floor discussed the matter of appeal with General Li, did they?
- A I did not see.
- Q Did you hear?
- A No.
- Q But you were attentive were you not?
- A Yes.
- Q Then if there was a general discussion between General Li and the audience you must have both seen and heard such a thing, is that correct?
- A Yes.
- Q After General Li finished his speech who told you to get on the trucks?
- A I did not hear anybody say, "Get on the trucks."
- Q What right did you have to get on anybody's truck?
- A Because the truck was going to Shibuya I got on and as that station was nearer to my home I rode on that truck.
- Q That doesn't answer the question. What authority did you have to get on any truck, any truck without an invitation to do so?
- A I did not have any authority but since I saw everybody riding I also got on.
- Q Did you ever learn who furnished the trucks or who paid for them?
- A No.

142

Q Did you ever learn the purpose of a group of assembled trucks being at the Showa School at the time of the meeting?

A No, I did not know.

Q Were the trucks there for the purpose of transporting personnel that you know of?

A I do not know.

Q Do you know how the trucks became available to you for your ride to the Chinese Mission? Who made them available to you?

A I saw many people on the trucks so I also got on the trucks and went.

Q That does not answer the question. Please answer the question.

A I do not know.

Q Do you know why the trucks had been waiting there for an hour after the meeting was over?

A I do not know.

Q At the time you were leaving the Showa School did you hear any one talking about a Fernosan being insulted in the Shinbashi area?

A No.

Q Then there was no other reason for going to the Chinese Mission to appeal other than they were dissatisfied with Mr. Ling's speech, isn't that correct?

A I do not know.

Q What caused 120 men an hour after a meeting of 500 men to run for the trucks in order to make an appeal to the Chinese Mission?

A I do not know the reason why.

Q Your answers compel me to ask you, can you tell me the reason for anything you did that afternoon and evening?

A When I was going home I heard some one say that they were going to the Chinese Mission so I got on the truck and went with them.

Q That answer is not responsive to the question. What I want to know from the witness, can he give me a sound reason or a motive for any principal movements he made during that afternoon and evening.

A I do not have any reason other than the fact that I did not see the Chinese Mission and I went there in order to see the Mission.

Q That is not the only pertinent point in discussing your movements that afternoon and evening. There are many things for which there appear to be no logic. When you arrived at the Chinese Mission was it light or dark?

A When I reached the Chinese Mission it was a little dark.

Q At what hour did you arrive at the Chinese Mission?

A I do not know.

143

Q About what time did the sun set on July 19th?

A I do not know exactly when.

Q Isn't it a fact that it is pretty fair daylight up until about eight o'clock on July 19th?

A I believe at about eight o'clock it is a little dark.

Q And you stated it was getting dark when you arrived there?

A Yes.

Q Then you must have reached the Mission about eight o'clock, is that correct?

A I do not have a watch so I do not know.

Q You don't need a watch. You admit it gets dark a little bit about eight o'clock and you state it was dark when you arrived there, hence it must have been about eight o'clock, isn't that correct?

A Yes.

Q Yet your previous testimony indicates you arrived at approximately six-thirty. How do you account for the hour and one-half difference?

A I did not testify that I reached there at about six-thirty.

Q But your elements of time as stated by you indicates that you arrived at six-thirty, or at least not before seven.

A The time that I gave was only my guesses and I did not give any accurate time.

Q Then the Commission can use any time element with reference to your presence any place, is that correct?

A I only gave the time which were my guesses and I did not say when I was at a certain place.

Q When you left the Chinese Mission the jeeps were to escort the truck convoy were they not?

A Yes, I believe so.

Q Well, an escort for a convoy is a security measure. What were the jeeps to secure you against?

INTERPRETER: In the former question I used the word "escort" as just guiding the vehicles and when I put it to him as "protecting" for the vehicles he said he did not know.

Q If the jeeps were merely to guide the trucks why didn't the one jeep guide the four trucks going in the same direction?

A I do not know.

Q Do you know the reason for the sedan joining your convoy?

A I do not know.

Q You told us the jeeps were for the purpose of guiding the trucks. Do you know whether the drivers were afraid of getting lost or what was the reason?

A I do not know the reason why the jeeps guided the trucks.

144

- Q Did you ever wonder about it inasmuch as it was a Japanese driver that was driving your truck?
- A I did not think that the fact that a jeep guided us was strange.
- Q Is the Chinese Mission in the habit of furnishing jeeps as truck escorts or guides?
- A I do not know.
- Q How can you say that you didn't think anything strange about it then?
- A The jeep was leading the convoy and I did not think anything special about it.
- Q Your truck being the fourth vehicle in the column, when it was stopped near the Shibuya Police Station, was the last vehicle in your convoy was it?
- A Yes.
- Q Then if we have testimony that shots were fired from that truck you must have seen those shots, isn't that correct?
- A Who testified?
- Q You have been present here in court have you not?
- A Yes, I have heard.
- Q Were any shots fired from your truck?
- A No.
- Q While at the Shibuya Police Station or near there did any vehicles come up from behind you before the shooting started?
- A I did not see.
- Q If a vehicle were headlights had come up from behind you you would have noticed it, would you not?
- A Yes.
- Q Then I take it from your statements that no vehicle came up from behind you prior to the opening of the shooting?
- A Yes.
- Q While the shooting was going on did any vehicle come up from behind you?
- A During the shooting I had ducked and I did not see behind.
- Q After you jumped out of the truck and started running towards the Shibuya Railroad Station did your truck pass you on its way to the station?
- A I did not notice when I was running but when I stopped I did not see the truck where it had stopped.
- Q Did you see any vehicles pass you while you were running along the edge of the road?
- A At that time I did not see any vehicles.
- Q You have testified that you were within a few meters of or on

145

the road after you jumped off the truck until you were arrested and returned to the police station. During all that time did any truck pass you going towards the Shibuya Railroad Station?

A No, I did not see.

Q But you didn't see your truck in the position where you jumped off of it did you?

A Yes, I said I did not see the truck.

Q The truck did proceed toward the railroad station did it not?

A When I saw I did not see the truck where it had stopped so I believe that the truck proceeded toward the station.

Q You have told us just where you were going. Why did you jump off the truck to run?

A Since I heard shots I thought it was dangerous and when the truck stopped I was excited and jumped off.

PRESIDENT: At this time the Commission will adjourn to meet at 1315.

The Commission then took a recess until 1315 hours, at which hour the personnel of the Commission, the prosecution and defense, with the exception of Mr. Murphey of the defense, the accused and the interpreters, and the reporter resumed their seats.

PRESIDENT: The Commission is in session. Proceed with the hearing.

PROSECUTION: The personnel of the Commission, the prosecution and defense who were present when the court recessed are now present, with the exception of Mr. Murphey who has informed me he will be away on official business this afternoon.

The witness resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

Q With reference to Sergeant Morita's report, do you know of any reason why he would fabricate answers of his own on such report?

A I do not know.

Q Do you know of any source of information Sergeant Morita would have for answers attributed to you, other than yours?

A I do not know.

Q Do you know of any reason why the Commission should not believe you gave the answers contained in an official report by Sergeant Morita?

A From what I have read there are some things in the report which I did not say.

Q I am asking you what, if any, reason exists for us not to believe Sergeant Morita's report?

A There are things in the report that I did not say.

146

- Q The answer is not responsive to the question.
A Besides the reason that I have given previously I do not have my stamp or my signature on that report.
- Q Every time that you answer a question do you have to put your stamp or signature on such answer?
A Yes.
- Q Is that your only reason for denying the statements contained in said report?
A There are things in the report that I did not say.
- Q Then you are in effect charging Morita with rendering a false official report are you not?
A I do not know.
- Q You don't know what?
A From what I have read there are things in the report that I did not say.
- Q I have heard that answer before. Are you charging the report with being false?
A Yes.
- Q When you jumped off the truck in front of the Shibuya Police Station was the truck moving or was it halted?
A After the truck stopped I jumped off the truck.
- Q Did you vault over the side wall of the truck?
A I jumped off from the right side of the cab.
- Q Did you fall to the pavement when you landed?
A I did not fall because I used the running board.
- Q You did not injure yourself in any way in dismounting from the truck?
A No.
- Q Now at the time you boarded the truck there at the Showa School was anything said as to the destination of the truck after they would arrive at the Mission?
A No, I did not hear.
- Q In your own mind how did you plan to return home after inspecting the Chinese Mission?
A I had planned to return home with the rest of the crowd.
- Q How did you know they were returning? You said nothing was stated where the trucks would go.
A After reaching the Chinese Mission I knew that they would return home.
- Q But when you left the Showa School you did not know how you would return home, is that right?
A I did not know.

147

- Q Are you in the habit of going to strange sections of the city without any knowledge as to how you will return to your home?
- A No.
- Q Now the first time the truck stopped near the Shibuya Police Station and the policemen ordered you and the others to dismount and you refused, why did you refuse?
- A As I was going to the Shibuya Railroad Station on my way home I did not think it was necessary to dismount. He only ordered that once.
- Q Don't you believe that a policeman has constabular authority to order you to dismount in order for you to be investigated?
- A I do not know.
- Q Did you refuse to dismount because you were a Formosan and not subject to Japanese police orders?
- A No.
- Q If a Japanese policeman at a crossing tells you to stop do you comply with such order?
- A Yes.
- Q Why didn't you obey the order to dismount from the truck, if you received the same order from the same policeman?
- A As I was returning home and it was not necessary for me to get down I did not.
- Q Do you have authority to disobey Japanese police orders whenever it suits your convenience?
- A I do not know.
- Q What is it that you don't know? You don't know the answer to the question or what?
- A I do not know the answer to the question.
- Q And the Commission doesn't know the answer to your action either. We are asking you for it.
- A I do not have.
- Q The Commission is anxious to know why you disobeyed the order other than the thought you were going home.
- A After the policeman gave the order I heard some one from the front say, "We are negotiating with the police now, so wait a few moments," so I did not get off.
- Q So you did have a leader on the truck who spoke for you, did you?
- A No.
- Q Before leaving the Showa School who promised you a ride home?
- A No one.
- Q You stated you were going to follow the crowd home, is that correct?
- A Yes.

148

Q How do you know that the crowd lived where you do?
A I came on the truck and had expected to ride on the truck to the point nearest my home.

Q The answer is not responsive to the question. He stated he was going to follow the crowd home. I asked him how did he know the crowd lives where he does.

A I did not know.

PRESIDENT: The Commission doesn't neither.

Are there any other questions by the Commission? (None)
Does the defense believe any new matter has been brought up by the Commission's questioning that warrants redirect examination?

DEFENSE: No new matter.

PRESIDENT: Any cross examination by the prosecution on new matters?

PROSECUTION: If the court please, I have two questions.

PRESIDENT: On matters previously brought out?

PROSECUTION: That's right, on matters brought out by the Commission.

PRESIDENT: The Commission might adopt them if they are suitable. The prosecution can ask those questions for the Commission.

PROSECUTION: Very well, sir.

EXAMINATION BY COMMISSION
Cont'd

Questions of prosecution
and adopted by the Commission:
Answers through interpreter:

Q Isn't it a fact -- or do you know it to be a fact -- the Chinese Embassy is not the original Chinese Embassy before the war which was bombed out but is merely a temporary quarters used by the Chinese Mission?

INTERPRETER: Is it "Embassy" or "Mission"?

PROSECUTION: What's that?

INTERPRETER: Is it "Embassy" or "Mission"?

PROSECUTION: Mission.

PRESIDENT: Will you please rephrase that? I get your point, but I doubt if he can translate it. Try to rephrase that.

PROSECUTION: Strike that.

149

- Q You stated that you wanted to go to the Chinese Mission to see the Chinese Mission. Don't you know that the quarters that the Chinese Mission is in now are merely temporary quarters, it is not the Chinese Mission at all because the Chinese Mission was bombed and burned out during the war?
- A No, I do not.
- Q Were you ever employed by the Chinese Trading Company?
- A No.
- Q Do you know that in Prosecution's Exhibit No. 4 your occupation is listed as an employee of the Chinese Trading Company? Did you ever tell any one that?
- A No, I have not told any one.
- Q Do you know what the Chinese Trading Company is?
- A I do not.

PROSECUTION: Nothing further.

PRESIDENT: Any further questions by the Commission? (None)
Apparently none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

DEFENSE: At this time the defense requests a ruling by the Commission as to whether defendants may make unsworn statements and submit them to the Commission in evidence, whether those statements will be accepted in evidence and whether they will be subject to cross examination by the prosecution or by the Commission?

LAW MEMBER: In making these statements on the stand or written statements, what do you mean?

DEFENSE: If they were permitted to make such statements, I believe the method we would adopt is to have counsel read an English statement on behalf of the defendant, saving the trouble of having the statements translated by the interpreter. Make one statement which would incorporate all the statements of the defendants who made such statements.

LAW MEMBER: It is the ruling of the Commission that statements in documentary form will not be acceptable when the witnesses are available. The witnesses may take the stand and may make unsworn statements, in which case they will not be subject to cross examination. However, if the defense so desires, they may introduce statements by the defendants in extenuation of their oral testimony at a later time.

DEFENSE: I understand the procedure we planned to use, if the statements were permitted, was merely to expedite the trial, avoid the necessity of interpretation, because some of the defendants don't speak Japanese well enough to use the Japanese interpreter. We had planned to prepare a statement

150

in behalf of the defendants and have one of the counsel read it in English in order to avoid that problem.

PROSECUTION: If the Commission please, I want to go on record as objecting to any form of evidence other than sworn testimony and subject to cross examination.

LAW MEMBER: You know the rules, that the witness may make an unsworn statement if he so desires.

PROSECUTION: That's Courts-Martial, I believe, but this is a special Military Occupation Court, Special Military Commission.

DEFENSE: If it please the court, I believe the Special Order setting up this Commission refers to SCAP memorandum which states that where applicable that rules of procedure in a courts-martial, set forth in the "Manual for Courts-Martial", will be followed. I don't believe there is any specific ruling in that letter which says that unsworn statements can not be admitted in evidence.

PROSECUTION: Well, I believe the order also refers to the directive setting up the War Crimes Commission which states that defendants may or may not take the stand, if they take the stand they will be under oath and subject to cross examination and, it goes further and says, if they do not take the stand the Commission may consider that as evidence of guilt.

DEFENSE: If it please the court, I realize that in a war crimes case, trial, defendants who make an unsworn statement may be cross examined but I don't believe the orders setting up this Commission or procedure for it refer to the war crimes rules.

PROSECUTION: The orders that set up this Commission state the Commission can adopt any procedure which it sees fit, which is directed by the Supreme Commander.

LAW MEMBER: Reading from the "Rules of Procedure for War Crimes" it states that the accused may take the stand as a witness or he may remain silent. If he takes the stand he may make a sworn or unsworn statement, but in either case he will be subject to cross examination on statements made. Cross examination is in no wise to be limited to matters brought out on direct examination. The ruling previously made will be changed to conform to this ruling that applies to the "Trials of Accused War Criminals", therefore the prosecution may cross examine on the unsworn statement that he will make.

DEFENSE: The defense calls as its next witness, Defendant No. 37, Cheng Teh-Wan.

LAW MEMBER: This is not one of the witnesses who is to make an unsworn statement?

DEFENSE: No, sir.

151

Cheng Teh-Wan, a witness in his own behalf, was sworn and testified as follows:

PROSECUTION: State your name to the Commission.

A Cheng Teh-Wan.

DIRECT EXAMINATION

Questions by defense:

Answers through interpreter:

Q How old are you?

A Nineteen.

Q When did you come to Japan?

A 1944, March.

Q Where did you come from at that time?

A I left Takao Port of Taiwan.

Q What was your reason for coming to Japan at that time?

A I came as a navy factory worker under the compulsory Japanese law.

Q Did you go to work in Japan after you arrived?

A Yes.

Q Where were you working?

PROSECUTION: If the court please, I object to this line of cross examination as being immaterial and incompetent -- I mean the examination.

DEFENSE: If it please the court, I am establishing the witness's occupation at the time of this incident, merely leading up to it rather than asking him one question -- what was his occupation on the 19th -- and then have to go back and explain it, but by taking it chronologically I can. I can withdraw the question and ask him what his occupation was on the 19th and then explain it.

LAW MEMBER: The objection is overruled.

Q Where were you working after you arrived in Japan?

A At the former navy yard, Kosa Navy Yard.

Q How long did you continue to work after you arrived in Japan?

A In May of the year I arrived I was transferred to the Koizumi Factory in Gunma Kin.

Q When did you stop working?

A After the end of the war.

Q After the end of the war and until July 19th of this year were you employed anywhere?

A No.

152

- Q With whom were you living during that time?
A I was living in Tokyo with my elder brother.
- Q Who supported you during that time?
A My elder brother.
- Q On the 19th of July of this year did you go to the office of the Federation of Chinese Associations in the Showa School?
A Yes.
- Q For what purpose did you go there that afternoon?
A For the registration to change my identification card.
- Q When did you receive that identification card?
A In October of last year.
- Q Explain the circumstances of your receiving that identification card and the card itself?
A I received my identification card as a member of the Formosan Resident Association in October of last year.
- Q Since that time did you ever register as a Formosan anywhere else?
A I registered March of this year at the Formosan Residence Association.
- Q What was the purpose of that registration?
A The Chinese residents in Japan registered according to the order issued by the Chinese Mission.
- Q On the afternoon of 19 July when you went to the office of the association in the Showa School did you know whether there was to be a meeting that afternoon at that place?

PROSECUTION: If it please the court, I object to this line of questioning as leading the witness. He can ask the witness where he went or why he went, but putting the words in the witness's mouth ---

DEFENSE: If it please the court, I previously asked the witness whether he went to the school that afternoon and what his purpose was and he said he did go to the school and the purpose was to change his identification card. This time I have asked him whether he knew there was a meeting or not. I submit that perhaps the question was leading but it was my understanding that we could ask a leading question. It was my understanding that a leading question is a question which suggests the answer and the witness is permitted to agree with the answer suggested or deny that that's the proper answer.

PROSECUTION: I maintain that he can ask him leading questions without putting the actual words in his mouth. He asked him once what he went there for and he stated why he went.

LAW MEMBER: You are objecting to its being too leading?

153

PROSECUTION: Yes, sir.

LAW MEMBER: I don't think it's too leading. The objection is overruled.

A No, I did not.

Q Approximately what time did you arrive at the school that afternoon?

A It was about three o'clock.

Q What did you do when you arrived at the school at 3:00 P.M.?

A I went to the office on the second floor.

Q Did you have your identification card changed at that time?

A When I reached there there were a lot of people in front of me so I was waiting for my turn.

Q Did you eventually arrange for changing your identification card?

A I could not.

Q How long did you remain at the school that afternoon?

A About two hours.

Q Was there a meeting at the school that afternoon while you were there?

A Yes.

Q Did you attend that meeting?

A Yes.

Q Did you understand what happened or what was said at that meeting?

A Yes.

Q Did you understand the speaker or did you understand the interpretation or did somebody else explain to you what was said?

A I could understand the interpreter.

Q Do you know who spoke at that meeting other than the interpreter?

A Ling, Chief of the Consular Affairs Section.

Q Approximately what time was the meeting over?

A I believe it was about five o'clock.

Q What did you do when the meeting was over?

A I went to the second floor to register.

Q By "register" do you mean change your identification card?

A Yes.

Q How long did you remain at the school after the meeting?

A About one hour.

.04

- Q Where did you go when you left the school?
A I went to the dancehall on the side of the school and watched the dancing.
- Q Approximately how long did you remain there?
A I can not recall.
- Q Where did you go from there?
A I got on the truck.
- Q Why did you get on a truck?
A While I was watching the dancing I saw many people come out from the school gate and I heard them say, "Let's go to the Chinese Mission." So I asked one of them, "What is the reason for going to the Chinese Mission?" Then he answered, "To make an appeal." I asked him, "What is the appeal about?" Then he answered, "A Chinese person with a Chinese button was passing through Shinbashi when he was surrounded by a number of Japanese hoodlums and he was about to be beaten when he escaped and reported this. We are now going to the Chinese Mission to make an appeal."
- Q Did you follow these persons?
A Yes.
- Q Were you interested in the appeal that they said they were to make?
A Yes.
- Q What was your interest in that appeal?
A Because the Chinese person with the Chinese button was about to be beaten by some Japanese hoodlums and because I am a Chinese national myself I was interested in going to the Chinese Mission and make this appeal.
- Q Did you and these other people climb on any trucks at that time?
A Yes.
- Q Where were those trucks?
A On both sides of the road in front of the dancehall.
- Q Approximately how many trucks did you see at that time?
A Five.
- Q Did all five trucks then leave together?
A No.
- Q How did the trucks leave?
A Two trucks left.
- Q Were you on one of those two trucks?
A I rode the first of the two trucks.
- Q Where did you go at that time?
A To the Chinese Mission.

205

- Q When you got on that truck and got ready to go to the Chinese Mission did you see any of the other occupants of your truck or of the other trucks carrying any pistols or clubs or sticks?
- A No.
- Q Did you see any pistols or clubs or sticks on any of the trucks that were parked near the school that afternoon?
- A No.
- Q When you climbed on your truck did you see any pistols or clubs or sticks on the floor of your truck?
- A No.
- Q Do you know what route your truck and the truck with it took in order to go to the Chinese Mission that afternoon?
- A I do not.
- Q On your way to the Chinese Mission did the other truck remain with your truck all the way?
- A Yes.
- Q Did you stop anywhere along the way to the Chinese Mission?
- A Yes.
- Q Why did you stop?
- A When the truck stopped I saw a jeep in front of the truck.
- Q Do you know who was in that jeep?
- A No.
- Q What happened after you saw the jeep?
- A The soldier in the jeep and the driver of the truck conversed for a short while and we started moving.
- Q Do you know who the soldier in the jeep was?
- A I do not.
- Q After you began moving where did you go?
- A To the Chinese Mission.
- Q Did you make any other stops on the route?
- A No.
- Q Did you make any stops on the route before you were stopped by the jeep?
- A No.
- Q When you arrived at the Chinese Mission were there any Japanese trucks there when you arrived?
- A No.
- Q What did you do when you arrived at the Chinese Mission?
- A After I got down from the truck I went into the auditorium.
- Q Where did the other occupants of the truck go?
- A They all went into the auditorium.

106

Q What happened when you got inside the auditorium?
A After a while the lecture started.

Q Approximately how long were you at the Chinese Mission before the lecture started?
A I think that we waited for about thirty or forty minutes.

PRESIDENT: At this time the Commission will take a ten minute recess.

The Commission then took a recess until 1500 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

PRESIDENT: The Commission is in session. Proceed with the hearing.

The witness resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

Q During the thirty or forty minutes you waited at the Chinese Mission before the lecture what took place?

A When we were waiting a group much larger than our group came into the auditorium.

Q After that group came in did the lecture begin?

A Yes.

Q Going back to the jeep that you met on your way to the Chinese Mission, did that jeep return with your trucks to the Chinese Mission?

A Yes.

Q Did you notice how many persons were in that jeep?

A I saw an officer and one other person, not a soldier.

Q Was that one other person the driver?

A No.

Q Then was there an officer, a passenger, and a driver in the jeep?

A I saw only these two persons.

Q Who spoke at the Chinese Mission that night?

A General Li.

Q Did you see General Li at the Chinese Mission before he spoke that night?

A Yes.

Q Where did you see him at the Mission that night and what was he doing at that time?

A I saw him in the auditorium below the platform. I saw two or three persons talking to General Li.

157

Q When General Li spoke that night did you understand him or did you understand the interpreter?

A I understood the interpreter.

Q What was your understanding of General Li's speech that night?

A "I have already heard the reason for your appeal from President Chen and others. Regarding this the Chinese Mission will take necessary measures so leave this up to the Chinese Mission. Regarding compensation, confer with Chief Ling and leave that up to the Consular Affairs Section. China has struggled for eight years and finally have achieved victory. In everything final victory will come after struggle and hardships."

Q Approximately how long did the meeting at the Chinese Mission last?

A I do not remember how long the meeting lasted.

Q What happened after the meeting was over?

A After the meeting everybody went outside of the auditorium and boarded the trucks.

Q Did anybody tell you to board the trucks?

A I do not know.

Q Where did you expect to go when you boarded the truck?

A Return home.

Q Where is your home in Japan?

A In Tokyo-to, Suginami-Ku, Amanuma.

Q Approximately how many trucks did you see at the Chinese Mission when you came out of the meeting?

A There were about six Japanese trucks.

Q Did you get on one of those six trucks?

A Yes.

Q Why did you get on the particular truck you did get on?

A When I came out of the auditorium and went to the truck nearest to the auditorium I asked, "Where is this truck going?" Then some one in the truck answered, "To Nakano." so I boarded that.

Q Why did you want to get on a truck that was going to Nakano?

A If I go to Nakano and get on the streetcar and go two stations I come to the station near my home.

Q Did any one say that that truck was going to Shibuya?

PROSECUTION: If the court please, I object to that leading question.

DEFENSE: I will withdraw that question.

Q Approximately how many people got on that truck at that time?

A About twenty or thirty persons.

158

Q Did you see any of those persons carrying any pistols or sticks or clubs when they boarded the truck at the Chinese Mission?

A No.

Q When you boarded that truck did you see any pistols or sticks or clubs on the floor of that truck?

A No.

Q Did that truck leave the Chinese Mission that night?

A Yes.

Q Did it leave by itself or were there other vehicles with it?

A A jeep, sedan, the truck I was riding, and another truck to the rear, departed.

Q After you departed from the Chinese Mission did any one on the truck say where that truck was going?

A No.

Q Before you left the Chinese Mission that night did you hear anybody say anything about armed policemen near the Shibuya Police Station?

A I did not.

Q Approximately where on the truck were you after the truck began to move?

A On the left front of the truck.

Q Were you sitting or were you standing?

A I was sitting.

Q Were there any vehicles in front of your truck other than the jeep and the sedan?

A No.

Q How many vehicles did you see following your truck?

A One truck.

Q What were the occupants of your truck doing as they rode away from the Chinese Mission?

A There were some people standing, some sitting.

Q Were they making any noise?

A I did not hear.

Q Do you know what any of them were talking about, if they were talking?

A I do not know.

Q Where did your group of vehicles go after they left the Chinese Mission ---

DEFENSE: If it please the court, I'll rephrase that question so he may understand it.

Q Do you know what route your group of vehicles took after they left the Chinese Mission?

A I do not know.

159

- Q Did anything unusual happen on your route after you left the Chinese Mission?
A Yes.
- Q What happened?
A After we left the Chinese Mission and was proceeding along the occupants of the truck who were standing shouted, "Police-men." Then I stood up and saw policemen on both sides of the road in front of us. The truck slowed down, then policemen on both sides came on the road in front of the jeep. Then with drawn pistols they withdrew and said something loudly.
- Q Do you know what they said at that time?
A I did not hear.
- Q Did your truck stop?
A Yes.
- Q Did the other vehicles stop?
A Yes.
- Q Did you hear any shooting or shots at that time?
A At the moment the jeep which was at the head of the column stopped I heard a report and my truck also stopped.
- Q Do you mean by "report" you heard a pistol report?
A I believe so.
- Q From what direction did you hear the sound of that pistol report?
A In front of us.
- Q Do you know where your truck was stopped at that time?
A I do not know.
- Q Did you know where the Shibuya Police Station was at that time?
A I do not know.
- Q Approximately how many policemen could you see when your truck stopped and you stood up on your truck?
A About forty or fifty policemen.
- Q Approximately how many of those policemen were carrying pistols in their hands?
A I do not know.
- Q Did you see any of them with pistols in their hands?
A Yes.
- Q Did you see any policemen carrying sticks or clubs at that time?
A I did not.
- Q For how long was your truck and the other vehicles stopped at that time?
A About three or four minutes.

- Q During the three or four minutes you were stopped where were the policemen that you saw?
A They were near the vehicles and were surrounding the vehicles.
- Q What were the occupants of your truck doing during those three or four minutes?
A They did not do anything.
- Q Were they shouting?
A No.
- Q Did you see any of them waving sticks or clubs?
A No.
- Q Did you see any of them with pistols?
A No.
- Q Did you see any of the occupants of that truck spitting at anybody at that time?
A No.
- Q Did you spit at anybody?
A No.
- Q Did you wave any clubs or sticks?
A No.
- Q Did you have a pistol with you?
A No.
- Q What happened after the three or four minutes stop?
A The vehicles began to move.
- Q What happened when the vehicles began to move?
A After the vehicles began moving and we had gone for a short distance I heard a burst of shots.
- Q Approximately how many shots were fired when you heard that burst?
A I could not count.
- Q Do you mean you could not tell how many shots were fired at that first burst?
A Yes.
- Q Did you hear three shots fired and then a burst or did you hear a single burst of many shots?
A I heard a burst of shots at once.
- Q Did you see any flashes when you heard that burst of shots?
A Yes.
- Q Where did you see those flashes?
A I saw many scattered flashes on the left side in the grass.
- Q At the time you saw those flashes and heard the shots were you still standing in the truck?
A I ducked immediately.

161

- Q Just before you saw those flashes what was your position on the truck, your posture on the truck?
A I was standing.
- Q What direction were you facing at that time?
A Toward the left.
- Q By "left" you mean the river side of the street on which you were traveling, that is, left from the direction in which your truck was moving at that time?
A On the left side facing the direction we were proceeding.
- Q Were you facing in the direction the truck was proceeding or were you facing over the side of the truck?
A I was facing the left front.
- Q When you heard the first shots after your truck began moving from what direction did you hear the sound of those first shots?
A On both sides of the road.
- Q After you heard the first shots what was your position or posture on the truck?
A I went into a low position.
- Q What did the other occupants of your truck do at that time?
A They all ducked.
- Q Did your truck continue to move after the shooting began?
A Yes.
- Q Did you see any shots fired from your truck that night?
A No.
- Q Did you hear any shots fired from your truck that night?
A No.
- Q Did you fire any shots that night?
A No.
- Q Do you know whether any one on your vehicle was hit by any bullets that night?
A Yes.
- Q Do you know how many persons on your truck were hit by bullets that night?
A The one I noticed on my truck was my friend who was beside me.
- Q Were you hit by any bullets that night?
A Yes.
- Q Where were you hit?
A On my left leg.
- Q Did the bullet penetrate your leg?
A Yes.

162

Q Will you stand up and show to the Commission where you were struck by a bullet that night?

PROSECUTION: If the Commission please, the prosecution objects to that on the ground it's immaterial and irrelevant.

DEFENSE: If it please the court, I understood one of the issues in the case was whether anybody was wounded that night.

LAW MEMBER: The objection is overruled.

A (Indicating)

DEFENSE: With permission of the Commission, I would like the record to show that the witness has two scars on his left leg, one in the front of his leg and another approximately three-quarters the way around to the rear of his leg, both scars being one-third of the way up his leg from the sole of his foot to his knee.

Q At the time you were hit by the bullet, was your truck moving?
A Yes.

Q Do you know approximately where your truck was at the time you were hit?
A I did not know.

Q Approximately how long after the firing began were you hit by a bullet that night?
A When the firing started and I saw the first flashes the side wall of the truck shook and my leg became insensitive.

Q Do you know whether the bullet that struck you came from the left side of the road or the right side of the road as your truck was moving?
A I do not know as I did not see.

Q Where did your truck go after it began moving and after the firing began?
A We proceeded toward the Shibuya Railroad Station.

Q At the time you were hit by a bullet could you still hear firing on the left side of the road or could you see any flashes on the left side of the road?
A I saw flashes and heard reports.

Q Did you notice how many vehicles were following your truck at that time?
A No.

Q After your truck proceeded toward the Shibuya Railway Station where did it go?
A To the Chinese Mission.

Q What happened to you there?
A I was carried into the building.

163

Q Do you know why your truck went back to the Chinese Mission instead of going to Nakano?

A I do not know.

Q Did you go to a hospital that night?

A Yes.

Q What hospital did you go to?

A The 42nd General Hospital.

Q How long did you remain at that hospital?

A Sixteen days.

Q After you were discharged from that hospital where did you go?

A To the Nakano Stockade.

Q You stated previously that you were told your truck was going to Nakano. If your truck were going to Shibuya Railway Station would that be on the way home for you?

A Yes.

Q At any time that afternoon, July 19th, or on your way from the Chinese Mission to Shibuya did you hear any one say anything about attacking the Shibuya Police Station?

A I did not.

DEFENSE: No further questions.

PRESIDENT: Any cross examination by the prosecution?

PROSECUTION: Yes, sir.

CROSS EXAMINATION

Questions by prosecution:

Answers through interpreter:

Q Is your brother's name Tei Toku Hatsu?

A Yes.

Q Does he live at Suginami-Ku, Amanuma, 2 Chome?

A Yes.

Q What time did you leave your home on the 19th of July?

A It was about one o'clock that I finished my noon meal. I left at that time.

Q Where did you go when you left home?

A I stopped to pick up my pictures on the way to the station.

Q Did you also stop at Ainosatukan?

A I did not.

Q Do you have a friend that lives at that apartment house?

A No.

164

Q Why did you stop for the pictures?

A In order to change my identification card I need a photograph of myself. I have taken the photograph but as yet had not picked it up, so I stopped on the way to pick it up.

Q Were you being registered by the Immigrants Allied League?

A Yes.

Q Is that the league that handles repatriation of people?

DEFENSE: If it please the court, I believe there is some question on the translation of the name of that league. I would like to have the monitors check with the interpreter on that.

PRESIDENT: Will the monitors please confer and get the correct translation.

A conference was then had among the monitors and court interpreters.

PROSECUTION: Ask him if he knows whether the ---

PRESIDENT: Just a minute. Now the name that we have which appears in the record is apparently the question for the translation of the monitors, therefore the Commission would like to have the correct name of such league.

PROSECUTION: If the Commission please, at this time I would like to have the record show instead of the Immigrants Allied League that the question be rephrased to show the Federation of Chinese Associations.

A Yes, they also handle repatriating persons.

Q Was the purpose of your registration with this league for the purpose of being returned to Formosa?

A No.

Q What was the purpose?

A In order to change my old identification card to a new one.

Q Where was this change to be made?

A At the Federation of Chinese Associations.

Q Where is that located in Tokyo?

A At the Chinese School in front of the Tokyo Railroad Station.

Q Where in the building is that office located?

A On the second floor.

Q Were you able to get your registration changed?

A I could not.

Q Why not?

A When I was waiting for my turn two or three Chinese came and said that there would be a talk by Chief Ling downstairs and told us to listen to the lecture, so everybody went down.

165

Q Did you have a conversation with a compatriote of yours in the entrance to the office of this organisation?

A No.

Q Did you talk with any one in the office relative to why such a large crowd had gathered at the school?

A At the time I reached the school I asked why.

Q What answer did you receive?

A Some one answered there would be a talk by Chief Ling later.

Q Were you ever interrogated at the 8th Army Stockade by Sergeant Sato?

A No.

Q Were you there in August and September 1946?

A Yes.

Q Do you recall some Japanese police officers, Mr. Hagen, Mr. Elliott, myself, and some interpreters being present at the 8th Army Stockade in early September?

A Yes, I remember that you came.

Q To refresh your memory, didn't you have a conversation with a Japanese police officer?

A Yes.

Q Didn't you tell the Japanese police officer that the reason for the speech to be given at the Showa School was because of the recent Shimbashi incident?

A I did not.

Q Didn't you tell the same officer that the reason the crowd had gathered at the Showa School was to discuss the Shimbashi incident?

A I did not.

PRESIDENT: At this time the Commission will adjourn to meet at 0900 tomorrow morning.

The Commission then adjourned at 1615 hours on 25 November 1946.



MR. RICHARD R. ELLIOTT
Chief Prosecutor

Metropolitan Police Station
Tokyo, Japan
26 November 1946

The Commission met, pursuant to adjournment, at 0900 hours, all the personnel of the Commission, the prosecution with the exception of Mr. Elliott, the defense, the accused and the interpreters, and the reporter who were present at the close of the previous session in this case being present.

PRESIDENT: The Commission is in session. Proceed with the hearing.

PROSECUTION: Mr. Elliott is away on official business.

The witness Cheng Teh-Wan resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

CROSS EXAMINATION
Cont'd

Questions by prosecution:
Answers through interpreter:

- Q You are the same Tei Toku Wan who testified when this Commission was present yesterday?
A Yes.
- Q At the time you were at the Showa School on the 19th of July did you at any time go into the schoolyard?
A No, I did not.
- Q Were you in a position where you could see what was taking place in the schoolyard?
A No.
- Q Was the meeting held at the Showa School held in the schoolyard?
A Yes.
- Q Then you did not attend the meeting held at the Showa School?
A I attended the meeting.
- Q Then you were in the schoolyard?
A Yes.
- Q Did you see among the crowd any individuals holding broken sticks from school chairs?
A No.

188

Q Did you tell at the 8th Army Stockade the Japanese police officer who interrogated you that Shinbashi hoodlums forced their way into Shibuya and fought them? They seemed extremely indignant, members of the group.

A I did not tell him such a thing.

Q Was there any material difference in the text of the speech given by Mr. Ling and that given by General Li?

DEFENSE: If the court please, I think the defense ought to object to that question because after all it's rather difficult to know what is a material difference. There must have been many differences in the speech, at least in the wording of the speech and the way the ideas were expressed. I think this witness is incompetent to say whether those differences are material or not, and material from what kind of point of view.

PROSECUTION: If the Commission please, I will withdraw the question and rephrase it.

LAW MEMBER: Very well.

Q Was the question of compensation discussed in the speech made by Mr. Ling at the Showa School?

A I do not know whether Mr. Ling mentioned compensation or not.

Q Did General Li mention compensation?

A Yes.

Q What did he say relative to compensation?

A In general, General Li said, "In regards to the problem of compensation make investigation and confer with Chief Ling and leave that up to the Consular Affairs Section."

Q Was the compensation referred to compensation for confiscated goods?

A I do not know.

Q After Mr. Ling made his speech at the Showa School was every one satisfied with the answers he had given?

DEFENSE: If the court please, I don't think the witness is competent to answer that question. There were a large number of people there. It is true that these men were afterwards asked to raise their hands and a great number of them did, but whether or not all the persons present were satisfied with the speech is certainly a question that this witness is incompetent to answer. It is objected to for that reason.

PROSECUTION: If the Commission please, I will withdraw the question and rephrase it.

PRESIDENT: The prosecution is not speaking about General Li's speech. He is speaking of the Showa School, and also you are wrong on two points.

167

Q Did you tell the Japanese police officer who interrogated you at the 8th Army Stockade that among the crowd there were those who held broken sticks from school chairs?

A I did not.

Q At any time during the period when you were at the Showa School did you overhear a conversation among five or six men?

DEFENSE: If the court please, the defense objects to that question on the ground that it is vague. It is impossible to know what four or five men that Mr. Scott has reference to.

PROSECUTION: If the Commission please, if you like I will rephrase the question. Withdraw the question.

Q Did you hear a conversation among five or six men discussing goods which had been smashed and taken by the Matsuda Gumi?

A I did not.

Q At the time you were interrogated by a Japanese police officer at the 8th Army Stockade did you tell him that you overheard five or six men talking together about street stall merchants in Shimbashi whose shops had been smashed and whose goods had been taken by hoodlums of the Matsuda Gumi gang?

A I did not.

Q Did you at any time hear the Matsuda Gumi gang, Shimbashi hoodlums, or Shibuya discussed at the school?

A I heard about these during Ling's talk.

Q What did you hear discussed during Mr. Ling's talk?

A From what Mr. Ling said, many Chinese suffered injury at Shimbashi and the gate which was erected to welcome the Chinese Navy was torn down, also the Chinese flag was torn. In Shibuya some Japanese hoodlums attacked Chinese homes. Regarding these incidents the Consular Affairs Section has already received reports and will take necessary steps, so do not worry.

Q Was what you have just stated part of the text of Mr. Ling's speech?

A Yes.

Q Did Mr. Ling's speech contain any reference to the method in which these disputes should be handled?

A From what I understood, those that I stated previously are the ones that I understood from Mr. Ling's speech.

Q Were there members of the group assembled at the Showa School who were extremely indignant over treatment they had received in Shibuya and Shimbashi?

A I did not notice these persons.

107

DEFENSE: The same objection to both places.

PRESIDENT: That's right.

DEFENSE: I made that mistake, if the court please.

Q Were there some people at the Showa School after Mr. Ling's speech who were not satisfied with the answer Mr. Ling had given them?

DEFENSE: If the court please, the defense will object to that question. It's the same question put in negative form. The same reasons are valid against it.

PROSECUTION: If the Commission please, I will rephrase that question.

Q State if you know whether or not some of the people present after Mr. Ling had addressed the group at the Showa School were dissatisfied with the answer he had given them?

A I believe there weren't any.

Q At the time you were interrogated at the 8th Army Stockade by a Japanese police officer did you tell him there were people who were obstinate and wanted to hear an immediate answer at the Showa School?

A No, I did not.

Q Are you acquainted with Ko Kin-No?

A I do not know.

Q His Chinese name is Hwang Chin-Pao.

A No, I am not.

PROSECUTION: If the Commission please, I would like to request the defense to have Defendant No. 34 arise and see if that would refresh the witness's memory.

Q Are you acquainted with the defendant now standing?

A Yes.

Q Were you acquainted with him on the 19th of July?

A At that time I did not know.

Q Are you acquainted with any Chinese Formosan by the name of Huang?

A I do not know.

Q After the crowd began to disperse at the Showa School did you see a friend of yours riding in a truck?

A No, I did not.

Q At that time did any one call to you from a truck to climb aboard and ride with them?

A I rode the truck by myself.

- Q Hadn't you intended to go home by streetcar from the Showa School?
- A Yes.
- Q Didn't a friend of yours or some one call out to you to climb aboard the truck and ride?
- A No.
- Q Why then did you change your mind to go by truck instead of going by streetcar as you previously intended?
- A I rode on the truck because I heard some one say that we're going to go to the Chinese Mission.
- Q At the 8th Army Stockade while being interrogated by a Japanese police officer didn't you tell him that Ko, a friend of yours, called to you to climb aboard the truck?
- A I did not.
- Q At the time you climbed aboard this truck did you know where you were going?
- A Yes.
- Q Where were you going?
- A To the Chinese Mission.
- Q At the 8th Army Stockade when you were interrogated by a Japanese police officer didn't you state: "When we came near Shinbashi Station we were stopped by a jeep who told us to go to the Chinese Mission."
- DEFENSE: If it please the court, may I inquire if the learned counsel is referring to Sato as being the Japanese police officer here in question?
- PROSECUTION: If the Commission please, as I recall the testimony, this witness did not know the name of the man that he was interrogated by but he said he was interrogated by an officer of the Japanese Police Department. If I recall the testimony, I asked him if it was Sergeant Sato and he said he didn't know.
- DEFENSE: But you are referring to the same police officer all the time?
- PROSECUTION: That is correct.
- A No, I did not.
- Q Did you tell the same officer at the same time and place, referring to the same incident -- quote -- "We turned around and went there." ?
- A No, I did not.
- Q At the time you were stopped by the jeep near the Shinbashi Station did you know who the officer was who was aboard the jeep?
- A I did not.

Q Did you later learn his name?

A Yes.

Q What was his name?

A General Li.

Q In General Li's speech to you at the Chinese Mission did he instruct you to do nothing by arbitrary decisions and not act on your own authority but to leave things to the Chinese Mission to settle?

A No, I did not hear such a thing.

Q At the 8th Army Stockade while being interrogated by the Japanese police officer did you tell him: "General Li instructed us to do nothing by arbitrary decisions and not act upon our own authority but to leave things up to the Chinese Mission."?

A He just told them that the Chinese Mission will take necessary measures.

Q What necessary measures did you think the Chinese Mission might take?

A I do not know.

Q What measures do you think needed to have been taken?

A I do not know.

Q Did you know of any difficulties which the Chinese Formosan stall merchants had had with the Matsuda Gumi in Shibuya and the Matsuda Gumi in Shimbashi or the Japanese police force?

A I heard this in the speech by Chief Ling.

Q By Chief Ling do you mean Chief of the Consular Affairs of the Chinese Mission in Japan?

A Yes.

Q You have previously heard of trouble which Chinese Formosan stall merchants were having with the Matsuda Gumi?

A No, I did not know.

Q Had you ever heard of any trouble between Chinese Formosan stall merchants and the Shibuya police?

DEFENSE: If it please the court, I suppose it's perfectly clear that the time that Mr. Scott is referring to is not in the mind of the witness. Again there may be a possibility of a mistake about that. I ask learned counsel to make the time which he is referring to more clear to the witness.

PROSECUTION: I think that question provided previous to, didn't it? Some time previous.

DEFENSE: Previous to what? I don't know.

PROSECUTION: Previous to the incident, to the Shibuya police incident.

DEFENSE: It might be previous to him, to the time he was interrogated in the 8th Army Stockade. That was in my mind, sir.

LAW MEMBER: Incorporate that.

PROSECUTION: Yes, sir. Will you strike that question. Withdraw that question.

Q Prior to the 19th of July had you ever heard of any difficulties which Chinese Formosan stall operators had had with the Shibuya police or the Matsuda Gumi?

A No, I do not know.

Q Had you ever heard prior to the 19th of July that the Japanese police had raided stalls of Chinese Formosans in Shibuya and confiscated goods?

A No, I did not hear.

Q Had you ever heard of any fights between Japanese police officers and Chinese Formosans prior to the 19th of July?

A No.

Q Had you ever heard of any difficulty between Chinese Formosan stall merchants and the Matsuda Gumi prior to the 19th of July?

DEFENSE: If the court pleases -- excuse me -- the last two questions have been so phrased that they might be confusing to the witness. The question is: "Had you ever heard of any fights between Japanese police officers and Chinese Formosans prior to the 19th of July?" Well, the witness has heard of such fights since he's been in court. I think the question is whether prior to the 19th of July he heard of any fights between the Japanese police and the Formosans.

PROSECUTION: I will withdraw that question.

Q Prior to the 19th of July had you heard of any fights between the Japanese police and the Formosans?

A No.

Q Prior to the 19th of July had you heard of any fights between members of the Chinese Formosans in Japan and members of the Matsuda Gumi?

A No.

Q The meeting at the Showa School on the 19th of July was held to settle disputes and misunderstandings between Chinese Formosans and the Matsuda Gumi and Japanese police, was it not?

A I believe so.

Q Didn't you previously testify that you knew of incidents where a Chinese flag had been torn down, where an archway to the Chinese Navy had been destroyed?

A I testified that after I heard, I learned of these incidents from Chief Ling's speech.

Q Then you had no knowledge previous to this meeting of such incidents having occurred?

A I did not know.

Q Are you acquainted with Shu Toku Fu?

A I do not know.

PROSECUTION: If the Commission please, I would like to request the defense to ask Shu Toku Fu to arise, Defendant No. 21.

A (Looking) I became acquainted with him at the Stockade.

Q You had not previously known him?

A I did not know him.

Q What business is your brother engaged in?

A He is employed by the Tokyo General Chinese Association.

Q Was he so employed prior to the 19th of July?

A Yes.

Q What is the purpose of this organization?

A It is association for all the Chinese residents in Japan.

Q What are the objectives of the organization?

DEFENSE: If it pleases the court, defense wishes to object to questions about the nature of this particular organization which has been referred to as being improper cross examination, on the ground that it's immaterial, was not covered in the direction examination, and is apparently without any object.

LAW MEMBER: The objection is overruled.

A I believe that this organization handles various things concerning the Chinese residents in Japan.

Q What do you mean by "various things" concerning Chinese residents in Japan?

A I do not know the details.

Q Have you ever been employed by this organization?

A No.

Q You are nineteen years old?

A Eighteen.

Q Were you prior to the 19th of July engaged in any employment?

A Do you mean before July 19th?

Q Yes.

A Until the end of the war I was employed at the Kosa Navy Yard and from then on I did not have any employment. I was living with my brother, elder brother.

Q Is this the brother who is employed by the Chinese organization you have just testified about?

A Yes.

- Q Is this organization with which your brother is employed an organization to protect the interests of Chinese in Japan?
A Yes, I also believe they protect the interests of the Chinese.
- Q Is it an organization made up of Chinese merchants in Japan?
A No.
- Q Are Chinese merchants in Japan permitted to belong to this organization?
A Every Chinese can be members of this organization.
- Q Do you know the position which the truck on which you were aboard was in the convoy at the time you moved into the Shibuya Police Station area?
A It was the third vehicle in the convoy.
- Q Is that the vehicle which crashed into the building?
A No.
- Q Was it the first truck in the convoy?
A Yes.
- Q Do you know the name of the department store which is located near the Shibuya Railroad Station?
A Toyoko Department Store.
- Q After the truck which you were aboard had reached the railroad station did it stop near the department store you have just testified about?
A No.
- Q Could it have stopped and you would not have known about it?
A No, I believe not.
- Q How many men were there aboard the truck which you were aboard at the time you reached the Chinese Mission after the incident at Shibuya Police Station?
A There were about twenty or thirty persons but that is not an accurate figure.
- Q You were wounded during the incident were you not?
A Yes.
- Q How many men were aboard the truck at the time you left the Chinese Mission headed toward the Shibuya Railroad Station?
A There were about twenty or thirty on the truck.
- Q Do you know who was the driver of the truck which you were riding?
A No.
- Q Did you ever see the man who was driving the truck?
A You mean that day?
Q I mean at any time.
A I have seen him.

Q Have you seen him in this courtroom?

A Yes.

Q Was his name Suzuki?

A I have forgotten his name.

PRESIDENT: At this time the Commission will take a ten minute recess.

The Commission then took a recess until 1035 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

PRESIDENT: The Commission is in session. Proceed with the hearing.

The witness resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

Q How many brothers do you have living in Japan?

A Two elder brothers are living in Japan.

Q The brother you live with is Tei Toku Hatsu?

A Yes.

Q What is your other brother's name?

A Tei Toku Ken.

Q What does Tei Toku Ken do?

A He is a student.

Q Does he have any other employment than being a student?

A No.

Q How old is he?

A Twenty-five.

Q Does he reside with Tei Toku Hatsu?

A He was living with us until April of this year. Since then he has rented a room and is living in the same ku.

Q Does your elder brother support him too?

A Money is sent to him from Taiwan.

Q Is money sent to you from Taiwan?

A No.

Q Is money sent to your elder brother from Taiwan?

A No.

Q At the 8th Army Stockade while you were being interrogated by the Japanese police officer did you state to him that at the time you were shot you became dazed?

A No, I did not.

Q Did you tell him at the same time and place that after you were shot the next thing you knew was when you came to at the Mission?

A No, I did not.

Q Do you know whether or not any of your compatriots used pistols during the Shibuya Police Station incident?

A Yes, I know.

Q Did they?

A I have not seen them using the pistol.

Q Did you tell the Japanese police officer at the 8th Army Stockade that you did not know whether your compatriots used pistols or not?

A At that time I said that I did not see any of my compatriots using the pistol.

Q You have testified that the driver of the truck which you were aboard testified in this courtroom, is that correct?

DEFENSE: If it please the court, I believe that's a misquotation of the testimony. The question was whether he had ever seen the driver, the man who was driving the truck, at any time and the answer was, "I have seen him in the courtroom." He didn't say anything about whether he was testifying or not. Object to the question as implying he did testify.

PROSECUTION: If the Commission please, if I recall, the question was put if he had ever seen, if he knew who the driver of his truck was, if he had ever seen who was driving his truck. He said, as I recall his testimony, that he had testified in the courtroom. I think the question is clear enough to the witness.

LAW MEMBER: Read the question back, reporter.

The last question was read by the reporter.

LAW MEMBER: The objection is overruled.

A The driver who testified on the stand said that he was the driver of the first truck and since I was riding on the first truck I thought that was the driver.

Q Was this driver the driver who had an assistant driver who was wounded?

A Yes, this person testified so.

Q Are you acquainted with Ko Qi Shin?

A No, I do not know.

Q Do you know the man who is the head of the Chinese Federation in Tokyo?

A Yes.

Q What is his name?

A Chin Rei Kei.

Q Are you acquainted with Cho Ju Shi, Defendant No. 27?

PRESIDENT: Will defense have Defendant No. 27 arise.

A I do not know his name but I recognize him.

Q Did you see him at the meeting at the Showa School?

A No, I did not.

Q Do you know if he is an officer of any of the Chinese organizations in the Tokyo area?

A I do not know.

Q Are you acquainted with Sai Ryu To, Defendant No. 26?

A I am not.

PROSECUTION: I ask him to stand.

A I became acquainted with him at the Stockade.

Q Didn't you see him at the Showa School meeting?

A No.

Q To refresh your memory didn't he make an effort to quiet the group at the Showa School meeting before Mr. Ling's speech?

A No, I did not see.

Q Do you know who the officials from your district are in the Chinese Federation?

A No, I do not know.

Q Did you draw your rations from your local representative?

DEFENSE: If the court please, defense would like that question to be a little more specific.

Q What organization do you draw your rations from?

A What rations?

Q Any rations?

DEFENSE: If the court please, may the defense suggest the witness doesn't understand what is meant by "rations"? That is a suggestion my colleague Mr. Berman has made to me.

LAW MEMBER: You are speaking of food are you not?

PROSECUTION: I am speaking of food, cigarettes, shoes, clothing.

DEFENSE: If the court please, if I may do so, the question is, "What organization do you draw your rations from?" This witness has been in the Stockade for nearly six months now or more. I don't know if he is drawing rations in the Stockade. I think it's rather confusing.

PROSECUTION: I will rephrase the question. Withdraw that question.

Q Did you know that certain rationed items were to be drawn at the Showa School on the 19th of July?

A No, I did not know.

Q Had you prior to the 19th of July been to the Showa School?

A Yes.

Q How many times?

A About two or three times.

Q Do you know whether or not several Chinese Formosan organizations have their headquarters at the Showa School?

A I know that the Federation of Chinese Associations has its headquarters at the school.

Q How many Chinese Formosan organizations do you belong to?

A I belong only to the Federation of Chinese Associations.

Q Had your visits to the Showa School prior to the 19th of July been on Chinese Federation business?

A Yes.

Q How long have you been a member of this organization?

A I do not know exactly but I became a member either in April or in May of this year.

Q You knew prior to the 19th of July that a meeting was scheduled by this organization at the Showa School?

INTERPRETER: You mean that the meeting was to be held on the 19th of July at the school?

PROSECUTION: Strike that question. I will rephrase it.

Q Did you know prior to the 19th of July that a meeting of this organization was scheduled for the 19th of July at the Showa School?

A No, I did not know.

Q How did it happen that you selected the 19th of July to go to the Showa School with your photographs?

A I had my picture taken and when I went to pick them up it was ready so I went to the school immediately to register.

Q Were any potatoes served at the Showa School the day of the meeting?

A No.

Q Did you see any one eating any potatoes?

A No, I did not.

PROSECUTION: No further questions.

PRESIDENT: Any redirect?

DEFENSE: Yes, sir.

REDIRECT EXAMINATION

Questions by defense:

Answers through Interpreter:

Q Do you recall when you were questioned by a Japanese policeman at the 8th Army Stockade?

A No, I do not.

Q Where were you questioned at the 8th Army Stockade?

A In my cell.

Q Who else was in the cell with you and the Japanese policeman who questioned you?

A No one else.

Q Was the Japanese policeman who questioned you wearing any uniform at that time?

A No, he was not.

Q At that time did you know who that person was?

A I knew that he was a Japanese policeman.

Q Approximately how long did he question you at that time?

A I do not recall.

Q Did he ask you a few questions or many questions?

A He asked many questions.

Q At the time you came to the Stockade do you know whether there were any other persons who came with him who did not question you?

PROSECUTION: If the Commission please, I think that's immaterial and we object to it?

LAW MEMBER: Objection overruled.

A Yes, there were.

Q Was that the first time that those persons had come to the Stockade to question anybody in your cell block?

A As I recall, they came once, about once before that.

Q The time these persons came and you were questioned, do you recall whether it was in the morning or whether it was in the afternoon?

A I have forgotten.

Q Do you know approximately how long all those persons remained in your cell block the day that you were questioned?

A As I recall, they came in the morning and left about three or four o'clock in the evening.

Q Do you know whether the other persons who did not question

- you were questioning other persons in that same cell block?
- A Yes, I know.
- Q Were the other persons in your cell block also defendants in this case?
- A Yes.
- Q Do you know whether the policeman who questioned you questioned anybody else among the defendants?
- A I do not know.
- Q Do you know whether the person who questioned you was there the same period of time that the other persons were there that day?
- A Yes.
- Q During the time that policeman was talking to you did he take any notes?
- A Yes.
- Q Did he take his notes in a notebook or on a plain sheet of paper?
- A He had some sheets torn in half and was writing on that.
- Q Did he show you what he was writing at any time?
- A No, he did not.
- Q After he was through questioning you and making his notes did he read back to you what he had written?
- A No, he did not.
- Q Did he ask you to sign his notes?
- A No, he did not.
- Q Did he ask you to sign any written statement?
- A No, he did not.
- Q Did you give him any written statement?
- A No, I did not.
- Q Do you remember approximately the date you went to the 8th Army Stockade?
- A The 4th of August of this year.
- Q Were you questioned by that policeman before the trial of this case began?
- A Yes.
- Q Can you remember approximately how many days or weeks before the trial of this case began when you were questioned by that policeman?
- A I do not remember.
- Q On the night of the 19th of July as your convoy passed the Shibuya Police Station on which truck were you riding?
- A The truck behind the sedan was the first truck.

Q You testified earlier this morning that you believe the driver of your truck testified in court here because he said he was the driver of the first truck, is that correct?

PROSECUTION: If the Commission please, I would like to object to that question as being improper redirect examination and placing the answer entirely in the witness's mouth. That part of that question the prosecution objects to.

DEFENSE: If it please the court, I believe he testified that he saw the driver of his truck in the courtroom and then in answer to a further question on cross examination he said he believed that was the driver because the driver testified that he was driving the first truck. I want to make sure that's the reason why he said that he saw the driver of the truck in the courtroom. I believe after that I can point out to the Commission that of the two drivers who testified in court neither of them testified that they were driving the truck this witness has repeatedly said he was riding on. I would like to clear up that discrepancy.

LAW MEMBER: You may ask the question of the witness but not in such a leading manner. The objection is sustained.

Q Have you seen the driver of your truck in the courtroom, in this courtroom?

A I did not see the driver of my truck but one of the drivers testified that he was the driver of the first truck so I thought he was the driver of my truck.

Q Do you recall the name of the driver who testified he was the driver of the first truck?

A No.

Q Is he the driver who said he had an apprentice with him and whose apprentice was wounded?

PROSECUTION: If the Commission please, I would like to make the same objection I made before.

DEFENSE: If it please the court, I believe that's ---

LAW MEMBER: Objection overruled.

DEFENSE: (continuing) the same question asked on cross examination. I am trying to fix the driver.

PROSECUTION: If the Commission please, it's proper cross examination but on redirect examination it's improper to ask such leading questions.

LAW MEMBER: We want to get on with this trial. The objection is overruled.

A I think he said that.

Q If one of the truck drivers who testified in this courtroom said, "My truck was the second truck in the column," would that be the truck that you were riding on?

PROSECUTION: If the Commission please, I would like to assume an objection.

DEFENSE: If it please the court, I am referring to an answer on Page 472 of the record being prepared by the reporter. It's the third question from the bottom of the page.

LAW MEMBER: The objection is overruled.

A No, I was not on that truck.

Q If another truck driver who testified in this courtroom in this case testified as follows: "Was your truck the first truck in the convoy?" Answer: "Mine was the third truck." Would you be riding on his truck?

A I was riding on the first truck.

DEFENSE: If it please the court, the question and answer that I referred to in the last question are the first question and answer on Page 469 in the record.

No further questions.

PRESIDENT: Any recross examination?

PROSECUTION: Just one question, if the Commission please.

RECROSS EXAMINATION

Questions by prosecution:
Answers through interpreter:

Q From the 4th of August until the 16th of September 1946 were the prisoners in the 8th Army Stockade kept separate at all times?

A Every one was in a different cell.

Q Did you not all eat together?

A We all went to mess together.

Q Did you not all have exercise periods together on the grounds?

A They did not give us any exercise.

Q Were you never permitted to go out on the grounds?

A There were times when we went out.

Q Were your cell doors kept locked at all times that you were in-doors?

A Yes, when it was closed.

Q Then you were permitted to mingle freely with one another when the cell block itself was secured?

LAW MEMBER: That "secure" is a naval term.

PROSECUTION: I apologize. "Locked"

A When the cells were not locked we could walk around in the building.

PROSECUTION: No further questions.

DEFENSE: If it please the court, I would like to ask one further question to clear up maybe an ambiguity on the last questions by the prosecution?

PRESIDENT: Proceed.

REDIRECT EXAMINATION

Questions by defense:
Answers through interpreter:

Q Since this trial begun have you and the other defendants in this case been kept confined in your cells even though the cell block was locked?

PROSECUTION: If the Commission please, that's objected to on the grounds it's immaterial and irrelevant.

DEFENSE: If it please the court, I believe the purpose of the questioning on recross examination was to show the fact that the defendants were able to mingle with each other, talk to each other and discuss the facts of this case before it came to trial. I believe it's important to the Commission to know that since the trial has begun the defendants have been locked in their cells, except during mealtimes and during times when they are at the trial and have not been permitted to discuss the facts of the case and the facts being brought out in the trial. If it please the court, I believe that's important for the reason that not all of this trial is being translated or interpreted to the defendants. When we began the trial we assumed that availability of each of the defendants to each other would continue so that those defendants who did understand could explain what was going on to the other defendants. Late in the trial we learned that that was not so and the defendants have been confined in their individual cells when they were returned to the Stockade. That was the purpose of asking that question.

PROSECUTION: If the Commission please, there has been nothing on redirect examination, nothing on cross examination, or nothing pertinent to the issues in this case about what type of confinement the 8th Army Stockade decides to give these prisoners.

LAW MEMBER: The objection is overruled.

A As soon as we are returned we are confined to our cells.

DEFENSE: No other questions.

PRESIDENT: Any questions by members of the court?

PROSECUTION: If the Commission please, the prosecution would like to ask one further question, if they may?

PRESIDENT: The Commission will adopt your question.

PROSECUTION: Are all three meals which the defendants in this case now eat eaten together?

A Yes.

PRESIDENT: The Commission hardly understands that question. Are the three meals eaten together?

PROSECUTION: Beg your pardon, sir?

PRESIDENT: Read the question back by the prosecution.

The last question was read by the reporter.

PROSECUTION: Would you like me to withdraw the question?

PRESIDENT: It's all right as it stands.

RE-CROSS EXAMINATION

Questions by prosecution:

Answers through interpreter:

Q How are you transported from the 8th Army Stockade to the Metropolitan Police Board where these trials are now being conducted?

A On trucks.

Q How many trucks are used?

A Two trucks.

Q Is any effort made to prevent you from discussing anything you wish to while riding aboard those trucks?

A I do not know but we all converse.

Q How long does it take you to ride between where this trial is being conducted and the 8th Army Stockade?

A I think it's about thirty or forty minutes.

PROSECUTION: No further questions.

PRESIDENT: At this time the Commission will adjourn to meet at 1315 this afternoon.

The Commission then took a recess until 1315 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters and the reporter resumed their seats.

The witness resumed the witness stand and was reminded by the prosecution he was still under oath.