

Defense Exhibits A, B, and C were admitted into evidence, as shown by the appended exhibits, and were read by the defense.

PROSECUTION: If the court please, prosecution again reiterates its objection and points out there are certain provisos in SCAP's letter to the Chinese Government before certain persons are allowed to take protection of Chinese citizenship or Allied nationals. Again we state that there has been nothing, no attempt to introduce anything to show that these forty-one defendants come within the scope of this letter, and I request before these documents should be admitted as evidence that their status should be established and until it is done we again object to them as being immaterial.

LAW MEMBER: The objection is overruled.

PROSECUTION: May I address the court again?

PRESIDENT: Yes.

PROSECUTION: Is the court's ruling in accepting these documents as evidence it is accepting these defendants as Chinese citizens and Allied nationals, without first being qualified as such?

PRESIDENT: Is this in the form of a motion to the court?

PROSECUTION: I am requesting clarification of the court's ruling.

LAW MEMBER: What was your question again?

The last motion of the prosecution was then read by the reporter.

LAW MEMBER: It is the opinion of the Commission that the nationality of the defendants is immaterial.

PROSECUTION: Well, by the same ruling, it is the position of the prosecution that the documents are immaterial in the case.

LAW MEMBER: As I explained before, since personally there has been a great deal of discussion both by the prosecution and defense and questions by the Commission, in view of that, and for the benefit of the reviewing authorities, Defense Exhibits A, B, and C are admitted.

PROSECUTION: Yes, sir.

DEFENSE: The defense ---

PRESIDENT: It is the opinion of the Commission, aside from the legal ruling made by the Law Member, that the introduction



of Defense Exhibits A, B, and C should be made, particularly in view of the testimony given by Mr. Ling, in which it is quite apparent to the Commission that they were operating under a different understanding of SCAP directives from that of the Japanese police, therefore the evidence should be submitted.

The defense may proceed.

DEFENSE: The defense calls as its next witness Major General Li.

Major General Lee-Bai Li, a witness for the defense, was sworn and testified as follows:

DIRECT EXAMINATION

Question by prosecution:

Answer through the interpreter:

Q General Li, will you state your name to the Commission?  
A Li, Lee-Bai.

QUESTIONS BY DEFENSE:

ANSWERS THROUGH THE INTERPRETER:

Q What is your rank in the Chinese Army?  
A Major General in the Chinese Army.

Q What is your official position with the Chinese Mission in Tokyo?  
A Advisor.

Q At approximately 1800 hours on the 19th of July 1946 where were you?  
A I was in my office.

Q At the Chinese Mission?  
A Yes, in my office in Chinese Mission.

Q At approximately that time did any members of the Federation of Chinese Associations appear at the Mission, to your knowledge?  
A I have no knowledge of presence of any Chinese while in my office.

Q Did Mr. Ling of the Consular Affairs Office appear at the Mission at that time?  
A I didn't see Mr. Ling in my office either, but after that, as I have appointment, I left my office. I went out to the garden of the Chinese Mission. I saw Mr. Ling was talking with two or three Chinese members of that association.

Q Do you know who these men were that Mr. Ling was speaking to?  
A I did not know them then but I knew them later.

Q Who were they?  
A I only knew Mr. Chen, the president, Chen Li-Wie.



- Q Were you present during the conference between Mr. Ling and these gentlemen?
- A As I was getting in my car I passed by the group of people there. I saw Mr. Ling there so I walked over there and asked them what the conversation was and learned that they were talking about this affairs of Chinese in Japan.
- Q Did any one request you at that time to go anywhere with them?
- A As I stopped there and listened to the conversation Mr. Ling asked Mr. Chen, president of the association, to explain to me briefly what had happened.
- Q And did the president explain to you what they come about?
- A Yes, he did.
- Q You said he explained to you what had happened. What had happened where?
- A I don't remember exactly but what he explained may mean something like this. He said on 14 July a Chinese named Chung Yu-Shun had been beaten up by Matsuda Gumi people and again on 16 of July a Chinese stall around Shinbashi area was destroyed by Matsuda Gumi people.
- Q Did he say anything further particularly with reference to any meeting that might have been held?
- A He also told me that on 19 July the Chinese received a report that the Matsuda Gumi people were planning to attack the Chinese again and that's why Federation of Chinese Association offers for help and Mr. Ling went over there and talked to them and they dispersed. Just shortly after the time that they were dispersing there was another Chinese came back from Shinbashi and said that he had been insulted and threatened by the Matsuda Gumi people. That's why he returned to that meeting place and the remaining people there wanted them to go to Chinese Mission to appeal for help and President Chen and two other people came to the Mission first to report to Mr. Ling.
- Q Where was this meeting place where all this occurred?
- A At the Federation of Chinese Association Office.
- Q Did they tell you who called that meeting?
- A President Chen said after they heard the news of this beating they all gathered to this association by themselves.
- Q After he had told you the story what happened?
- A And then Mr. Ling said, "It's not very good for large group of people, not very convenient either, to come to Chinese Mission. It's simpler if a few of us going over there and finding out what they are repeating about." And that's why he asked me to go with him.
- Q Why did they ask you particularly rather than any one else?
- A At that time I was the only member of the Chinese Mission there and also since Mr. Ling represented the Consular Affairs



Section and he had talked to them before and now the Chinese come and want to appeal to the Chinese Mission and Mr. Ling feel since General Li is the Advisor of Chinese Mission, should talk to them, so he asked General Li to go with them to find out what the Chinese are going to appeal about. Although I have appointment with somebody at that time but as I feel it is a matter concerning Chinese Mission I should go over and talk to them.

Q And did you go with Mr. Ling and these gentlemen?

A Yes, I went with them.

Q Where did you go to?

A I went with this President Chen and some other Chinese to the office of that association, Chinese association.

Q Is the office of this association in the Showa Primary School?

A Yes.

Q And when you arrived there what did you find?

A After we arrived there we found out that the Chinese there have gone and then by asking people there and found out they are come to the Chinese Mission.

Q Where did you go from there?

A And we asked them which way they are taking and they answered that they have to go by Shinbashi. That's why we took the Shinbashi route home, back to the Chinese Mission.

Q Did you eventually meet any trucks bearing Formosans or other Chinese?

A Near the Shinbashi area I saw two trucks carrying Formosans. When they see us they stop the truck.

Q What happened then?

A And after we met them they all said they want to appeal to the Chinese Mission and they all happily say they want to appeal to the Chinese Mission.

Q Were these the only two trucks you met?

A At that time we only met two and they followed us but after we arrived in Chinese Mission later there were more than two.

Q And you did return to the Chinese Mission?

A Yes, they followed us.

Q Approximately what time was that when you arrived at the Chinese Mission?

A I can not remember definitely.

Q Can you estimate about how long it took you from the time you left the Chinese Mission until you returned?

A At the time I left Chinese Mission I have talked to President Chen and then I arrived at the Chinese association place and then asked people there and talked trying to find



out where they went and then come back to the Chinese Mission and I am not sure just what time it is but it's between seven or eight o'clock, closer to eight o'clock.

Q You say that you arrived at the Mission with two trucks but other trucks arrived. How many trucks did you see in all at the Mission?

A I remember five or six trucks, about six.

Q Where did you take the occupants of these trucks when you all arrived at the Chinese Mission?

A After arrive at the Mission and asked all the occupants to come to the auditorium to wait for the other people to arrive.

Q And after all the people had arrived how many people would you estimate approximately were there in the auditorium?

A I can not remember the exact number but between two and three hundred.

Q Did any of them tell you why they had come to the Chinese Mission?

A They appealed to Chinese Mission on two points, mainly, first they relate what incidents happened, about same as President Chen has said, that is, on 14 and 16 of July that the Chinese property had been damaged and goods destroyed and so forth, altogether amount to about four and five hundred thousand yen. They demand, they appeal that the Chinese Mission should negotiate for their compensation of these damaged property and, second, on 16 July this archway or gate they built for welcoming the Chinese Navy has also been destroyed and they insulted the Chinese flag, for which they demand an apology. They hope the Chinese Mission will do all that for the Chinese here.

Q Who was it that spoke and said this, what individual?

A That I don't remember the names, two or three person said that to me. I don't remember their names.

Q And did you speak yourself to these men in the auditorium that night?

A Because they have these points appealed to the Chinese Mission that's why I talked with them.

Q What did you say?

A I said regarding the incident of 14 July where Chang Yu-Shun was beaten up and 16 July several hundred of this Matsuda Gumi people attacked the Chinese stalls and damaged property, for these two incidents they should select some representatives and talk over with the Consular Affairs Section for satisfactory settlement of the thing. There is absolutely no necessity of so many people gathered at one place and try to find a method. Furthermore that a large group of people together in one place might cause some other misunderstanding.



- Q Did you give them any further advice?  
A And also said they gathered today because they are afraid that the Matsuda Gumi people are going to attack them on large scale, which I said, "Japan now under the Allied Occupation. Such thing can not possibly happen," and I told them they do not have to worry about it.
- Q Did you give them any advice as to what to do at the termination of this meeting?  
A After I told them that I asked them whether they understand what I said and my point being they select some representative and talk over with the Consular Affairs Section to get a satisfactory settlement of the incidents happened before, if they all understand the thing they should each and every one should go home, and I also asked them then if they understand what I said, they raise their hands, if they don't understand they do not have to raise their hands, and they all did.
- Q What language were you speaking in?  
A I was using Mandarin and it was translated into Fukien dialect.
- Q By whom?  
A I don't remember.
- Q How long did the meeting last?  
A I don't remember exactly how long but I think including time for the translation it's between twenty and thirty minutes.
- Q In general, what was the behavior of the men at this meeting?  
A At that time they seem a little quiet but they also show their attitude happy, happy especially at the time when they raised their hands they very happy because now the time to go home.
- Q Did they all leave the auditorium then?  
A Yes, they all left the auditorium. At that time two or three people came up to me and request that the Chinese Mission can send some car escort them so I asked them why and they say because they are afraid of this Matsuda Gumi people might attack them and so I said I agreed and sent two or three jeeps to escort them.
- Q Do you recall who these people were who came up to you?  
A That I don't remember. About three or four persons.
- Q Did the men go to the trucks then?  
A After I have ordered this jeep to escort them and I saw them climbing on the truck, as I have appointment I left before they did.
- Q In your observation of the trucks at the Mission did you observe any pistols, clubs, or any other weapons held by these men on the trucks?  
A No, I didn't see any. I saw them all empty handed.



- Q Going back to the time when you met the first two trucks at Shinbashi Station, did you observe any pistols, clubs, or weapons held by these men at that time?
- A No. I saw them happily yelling they want to appeal to Chinese Mission.
- Q Was that all they were yelling?
- A Yes.
- Q Did they seem to be carrying on in an angry fashion?
- A No, very happily.
- Q You say you left the Mission before any of the trucks did, is that correct?
- A Yes, I left them before. I didn't think it was anything serious so I left them before, but I heard that one group was supposed to go to Shinagawa, the other was supposed to go to Nakano.
- Q Prior to your leaving did you receive any further complaint or requests other than the ones you have stated?
- A No.
- Q Did these three or four men that spoke to you requesting the jeeps enlarge any on the reason for their fears?
- A No, they didn't enlarge. All they said was because some of the Chinese were beaten on the 14th and some on the 16th and on that day it was getting dark and late, they wanted the escort so they don't have to worry about Matsuda Gumi people.
- Q Were the drivers of these jeeps assigned employees of the Chinese Mission?
- A Yes.
- Q Did you give them any instructions?
- A There were very few jeeps there at that time. There were only two or three and I only found driver of one of them. I told him that he should drive and lead the way to go to where these people wanted to go, to their home.
- Q Did you give him any instructions as to the route to follow?
- A No, I didn't know which route they have to take.
- Q Do you recall the name of this jeep driver?
- A No, I don't remember.
- Q You say there was only one jeep driver there at the time. Where did the other jeep driver come from?
- A The other driver is not close to me, around me. He is the one that was close to me.
- Q How many jeeps in all were sent?
- A About two or three jeeps.
- Q Did you leave the Mission in a jeep yourself?
- A Yes.



Q Was this jeep that you were driving in later used in conveying these trucks?

A Yes.

Q That was after you had used it yourself?

A Yes.

Q Did this jeep return to the Mission after delivering you to your place of appointment?

A Yes.

Q Did you believe that sending jeeps with these trucks was adequate in view of the information, the report you had received?

A Yes, I felt two or three jeeps to escort these people home are adequate.

Q You say some of these people were going in the direction of Shinagawa. Where were the others going?

A Nakano.

Q How many trucks, to your knowledge, went each way?

A At that time I didn't know how many each way but afterwards I heard two went to Shinagawa and four went to Nakano past Shibuya Railroad Station.

Q In view of the reports that you had received why do you feel that these jeeps you sent were adequate?

A I did not receive any report myself but requesting the escort, the jeep escort requested by the Chinese, and I felt two or three are adequate.

Q Did you hear any of these men say anything to the effect of "Let's go by the Shibuya Police Station."?

A No, no. I left then.

DEFENSE: No more questions.

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

The Commission then adjourned at 1615 hours on 5 November 1946.

*Richard R. Elliott*

MR. RICHARD R. ELLIOTT  
Chief Prosecutor



Metropolitan Police Station  
Tokyo, Japan  
6 November 1946

The Commission met, pursuant to adjournment, 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. 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.

#### CROSS EXAMINATION

Questions by prosecution:

Answers through the interpreter:

- Q Yesterday you stated that you were an advisor to the Chinese Mission. Are you designated as any particular type of advisor?
- A No.
- Q Mr. Ling of the Consular Affairs Section of the Mission admitted that he had made a report of the Shibuya affair to the 80th CIC Detachment in Tokyo. In that report it is stated that you are the Military Advisor of the Chinese Mission to Japan. Is that correct or not?
- A I am Advisor to Chinese Mission, not designated as Military Advisor. Since I am military myself of course I am more interested in the military field.
- Q Do you advise on other subjects than military subjects?
- A Yes.
- Q Are you the highest ranking military person connected with the Chinese Mission?
- A Chief of the Mission is the highest rank.
- Q On the 19th of July were you the highest ranking military person connected with the Chinese Mission in Tokyo?
- A Not counting General Chu himself.
- Q Going back to the 19th of July you had your office at the place known as the Chinese Mission in Asabu-Ku, is that correct?
- A Yes.



- Q Did you also have your quarters or your billet there?  
A No.
- Q Where was your billet at that time?  
A Wakaki-Cho.
- Q Approximately how far from the Chinese Mission is that?  
A About twenty minutes walking time distance.
- Q In July what were the office hours that were kept at the Mission?  
A In the morning it's eight-thirty to twelve and in the afternoon two-thirty to five.
- Q On the 18th of July did you know that Mr. Ling had gone to the Shova School to talk to some Formosans?  
A No.
- Q Approximately what time did you first see Mr. Ling at the Mission that afternoon?  
A I don't remember the exact time but anyway it's after office hour, between five and six.
- Q At the time that you first saw him had you closed your office for the day?  
A Yes. It's way after ordinary office hour but I have to finish some work in my office.
- Q At the time that you left your office did you know that Mr. Ling had come to the Mission?  
A I didn't know where he was or anything about him until I saw him in the garden near Chinese Mission office.
- Q And that was between five and six o'clock in the afternoon, is that right?  
A Yes.
- Q And up to the time that you saw him in the garden did you know that the Formosans or Chinese and Formosans were having a meeting in Tokyo on that day?  
A No.
- Q So the first knowledge that you had of any meeting in Tokyo was gained when you saw Mr. Ling in the garden between five and six o'clock in the afternoon, is that correct?  
A Yes.
- Q When you walked out in the garden who was Mr. Ling with?  
A About two or three Chinese, overseas Chinese.
- Q At that time did you know who those men were?  
A No, not then.
- Q At the time that you saw them were you enroute to your billet?  
A I was going to my appointment.



- Q You had closed your office for the day had you not?  
A Yes.
- Q For what time was your appointment?  
A My appointment was between six and six-thirty, around six-thirty have to be there.
- Q You were to be some place at six-thirty, and how far, how long would it take you to go by vehicle to that place where you had the appointment?  
A I estimate it took about half an hour.
- Q Was the appointment official or personal?  
A Personal.
- Q Had you already gotten in your vehicle when you noticed Mr. Ling at the Mission?  
A I was going to my vehicle and passed Mr. Ling and the Chinese. I was going to my vehicle.
- Q At the Chinese Mission there is a large courtyard or driveway in front of the Mission, is that not true?  
A Yes.
- Q And your vehicle was parked in that driveway or courtyard in front of the Mission and between the Mission doorway and the gate leading out of the Mission, is not that true?  
A Yes.
- Q And as you were going to your vehicle where did you meet Mr. Ling and these men who were at that time strangers to you?  
A Between the vehicle and the doorway.
- Q Do you know how long Mr. Chen and these strangers and Mr. Ling had been there before you met them?  
A That I don't know.
- Q Just how did you happen to talk to them at that time?  
A Because I know Mr. Ling very well.
- Q Just tell us how it happened that you talked to them?  
A As I was going to my vehicle I have to walk by them very close. Naturally I say, "Hello," to Mr. Ling and I also asked him what the subject of the conversation was and they told me it was talking about overseas Chinese affairs and so forth and that's how we start.
- Q You state that you said "Hello" to Mr. Ling and then you asked him what he and the strangers were talking about?  
A Yes.
- Q Is it customary when you meet strangers and some one you know to immediately ask them what the conversation is about?  
A It is customary in Chinese way of expression. I asked Mr. Ling the English equivalent of "what's going on? What's it all about?" -- something like that.



- Q Did you notice where their vehicle was parked?  
A Their vehicle parked opposite direction and more or less kitty-corner opposite where my car was parked.
- Q Isn't it true that you met them right at their vehicle?  
A Not very far from their vehicle.
- Q Isn't it true that Mr. Ling spoke to you first at that occasion?  
A No, I spoke to him first.
- Q At that time did Mr. Ling tell you that he wanted to talk to you about something important?  
A He didn't say he want to talk to me about important matter because I asked him first. That's why he asked this President Chen to explain the thing to me.
- Q Who did the explaining to you?  
A Afterwards I know it was President Chen.
- Q They didn't tell you that this was an important matter?  
A No, they did not say that.
- Q Did you at that time feel it was an important matter?  
A No, I didn't feel anything important.
- Q If you did not feel it was an important matter why did you testify yesterday afternoon that "although I had an appointment at the time I felt that I should go"?  
A Although it is nothing important but since my appointment is personal something has to be done, has to be done, and since the Chinese want to come to appeal to Chinese Mission and I am working in the Chinese Mission, later Mr. Ling asked me to go with him. I agreed.
- Q You did keep that appointment that evening did you not?  
A Yes.
- Q And at the time you left the Mission to keep that appointment you knew that Mr. Ling had gone to appeal to the MP's for assistance did you not?  
A No, I did not know that.
- Q You knew that the Formosans had asked for escorts to take them home at the time that you left to keep the appointment?  
A Yes, they asked for it.
- Q And yet at that time you left to keep this appointment before you had enough jeep drivers to escort them home and before they actually left the Mission, isn't that true?  
A At the time I left I know there were enough drivers. I just saw one but I know the other two were around but I left before the Formosans did.
- Q Then you felt that it was more important to delay your appointment at the time that Mr. Ling first talked to you



than you thought it was later that evening when you were going to provide escorts to take the Formosans home, is that true?

DEFENSE: If it please the court, in view of the fact that it is clearly in the record that jeep vehicles were provided that night by the Mission, I object to this line of questioning by the prosecution unless the object of this line of questioning is clarified. We are at a loss to know what can be the object of the prosecution in asking these kind of questions.

LAW MEMBER: The objection is overruled.

A I felt at the later time it was less important because at that time they were very cheerful and all anxious to go home and since the Chinese Mission has satisfied their appeal. The Chinese Mission told them to select representative to settle this thing satisfactorily.

Q Were they in a better mood at that later hour when you told them to go home than when you first met them?

A Yes.

Q Describe how you mean they were in a better mood?

A For example, when I asked them whether they understand what I said and so forth, they all raised their hand without hesitation and in a very cheerful mood with smile on their face because the Chinese Mission has promised them that they will settle the thing for them and they feel satisfied.

Q How did that raising of their hands and that cheerful mood differ from their attitude when you first met them?

A There is no great difference. Later it's degree of more cheerfulness because at first they didn't know whether the Chinese Mission is going to settle the thing for them or not.

Q So when you use the expression that at the time you left to keep your appointment that they were in a better mood you merely meant that they were more happy, is that right?

A Yes.

Q Well, if they were so happy when you first met them how does it happen that you are unable to leave to keep your appointment until eight-thirty approximately that evening?

A At what place?

Q At the time that you first met them that afternoon?

A At what location?

Q The witness testified that he first met them at Shinbashi and I thought he would recollect what he testified yesterday.

A I first met them in Shinbashi, there were only two trucks, and furthermore since I already go there and taken up this thing I don't want to leave this thing unfinished, do a half-finished job.



Q Do you know anything about the report that Mr. Ling submitted to the 80th CIC Detachment in Tokyo?

A No.

Q Did he consult you about making any report whatsoever about the Shibuya incident?

A At what time?

Q This report was made two days after the incident.

A Making what kind of report?

Q A report about the Shibuya incident, about the Chinese version of the Shibuya incident, as made to the 80th CIC Detachment in Tokyo.

A I heard him say that.

Q Did you read that report?

A No, I did not read the report but I heard him say that.

Q Did you verify or check with Mr. Ling as to that portion of the report that referred to you?

A No.

Q What did these men in the garden tell you?

A At the beginning?

Q Yes.

A President Chen was the only one that talked to me and he said first, "On 14 July Chinese named Chang Yu-Shun was beaten up by the Matsuda Gumi gang, and 16 July Matsuda Gumi massed about several hundred people and attacked the Chinese stalls, several tent stalls around Shinbashi area and, third, they also destroyed the gate or archway they built for welcoming the Chinese Navy and insult the Chinese flag and also said they suffer damage, very large damage."

Q Did they tell you where this incident on the 14th of July occurred?

A No, I don't know where it was. And he said on 19 July the Chinese heard that Matsuda Gumi wanted to try to attack the Chinese again. They wanted to gather several hundred people, they want to attack the Chinese again. When the Chinese heard that they all come to the Federation of Chinese Association meeting on their own accord and President Chen asked Mr. Ling to explain the things to them and after that they dispersed. Just at that time the Chinese coming back from Shinbashi told them that when he was going through, going by Shinbashi, he was insulted by a Japanese and the remaining people there, about between two to three hundred, gathered again, they wanted to come to the Chinese Mission and appeal to the Chinese Mission, and that's why President Chen and some other Chinese came to the Chinese Mission first and talked to Mr. Ling.

Q Did they tell you that there had been any trouble at Shibuya?

A No.



- Q Was Shibuya mentioned at all in your talk?  
A No.
- Q In that talk did they mention that certain goods worth about 300,000 yen had been confiscated from Formosan stall owners?  
A They just say they suffered great damage as far as goods are concerned. They didn't say anything about confiscation.
- Q Did they explain what they meant by they had suffered damaged goods?  
A No.
- Q Did they mention the Japanese police during that conversation?  
A No.
- Q Was the entire conversation relative to the Matsuda Gumi and the Formosan stall owners?  
A While we were standing there talking the time was very short and they didn't explain everything in detail. They just said they are being attacked by the Matsuda Gumi people and they suffered great loss.
- Q You stated that the Chinese on the 19th had received a report that the Matsuda Gumi were planning to attack them again and in force, is that correct?  
A That's what President Chen told me as to what the Chinese heard.
- Q Did President Chen tell you that he had received that report that day?  
A That I don't know. He said he heard.
- Q You testified that he told you that they had had a report that day that the Matsuda Gumi were going to attack them and so they were worried and had a meeting about it, did you not?  
A You said I just said or said yesterday?
- Q You said yesterday afternoon that Mr. Chen told you that on the 19th the Chinese received a report that the Matsuda Gumi were planning to attack the Chinese again so they had a meeting.  
A According to what President Chen told me that the Matsuda Gumi people want to attack the Chinese.
- Q That's right, but did Mr. Chen tell you when or how they had received that report?  
A No, he did not say that. I don't remember it.
- Q So if you said yesterday that he had received the report on the 19th you were not positive as to that statement, is that correct?  
A What I mean I heard what they told me on the 19th of July.
- Q That's right. I am merely asking you what they told you. Now, did Mr. Chen tell you when and how they had secured that



information about the Matsuda Gumi?

A No, he did not say when or how. All he said to me was, "Today we got the report," and so forth and so forth and I thought he meant they received the report on same day.

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

The Commission then took a recess until 1015 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 Did Mr. Chen tell you who had called the meeting at the Shown School on the afternoon of the 18th?

A No, I don't know that.

Q The question was did Mr. Chen tell you?

A No.

Q Do you know who called it?

A No.

Q Do you know when it was called?

A No.

Q When did you first hear anything about this archway which had been taken down at Shinbashi area?

A President Chen told me.

Q And he told you it had been taken down on the 18th of July, is that true?

A Yes.

Q And was the taking down of that sign on the 18th his reason for stating the Chinese flag had been insulted?

A Yes, he said the two things together.

Q Aside from what Mr. Chen told you, do you know anything about that sign?

A No.

Q If the taking down of that sign had been an insult to the Chinese flag or the Chinese nation wouldn't you know something about it other than the report that Mr. Chen made to you that afternoon?

A I didn't know it beforehand. This matter belonged to Consular Affairs Section.



Q But up until this case was scheduled for trial had you heard anything else about that archway other than what you heard from Mr. Chen?

A I heard Mr. Ling say something about it.

Q Has the Chinese Mission protested to the Occupation Forces or to any one officially about the taking down of this sign?

A No.

PROSECUTION: The answer was "No"?

INTERPRETER: "No."

Q Do you consider the taking down of that sign an insult to the Chinese flag or the Chinese nation?

A As they were in the process of handling this demanding an apology and so forth the incident occurred.

Q It is now over three and one-half months since that sign was taken down and as yet has the Mission made any official demand or request for an apology from any one?

A As I said before, the time the Consular Affairs Section was in the process of investigating the report and the incident happened and the thing of submitting a protest will be handled by Consular Affairs Section.

PRESIDENT: The Commission feels that the witness has not made a responsive answer to the question before this last one. Please repeat that next to the last question and have the witness answer it.

The next to the last question was read by the reporter and interpreted for the witness.

A My personal consideration of this is if the report is true, what they said was true, it is an insult to China.

Q Have you made any investigation relative to the sign?

A No, I did not investigate the thing. It's matter belonging to Consular Affairs Section.

Q Do you know where the sign was located?

A No, I don't know.

Q Do you know who erected it?

A I don't know who erected it but President Chen said something about this sign and I think it is done by the overseas Chinese.

Q Do you know whether it was erected on public property or on private property?

A No, I don't know.

Q Do you know whether or not it was erected over a street or not?

A No, I don't know.



Q Do you know whether they had a permit to erect it or not?  
A No, I don't know.

Q Do you know whether the sign was damaged in taking it down or not?

DEFENSE: If the court please, may I offer an objection at this time on the ground this cross examination is highly improper. The witness has testified he doesn't know anything about this sign being taken down. Why ask him if he knows every possible detail that might have attended putting of the sign up or the taking of it down? The witness's answer is perfectly clear he doesn't know anything about it.

PROSECUTION: If it please the court, it is most certainly an important matter when the men who held this meeting claimed that one of the grounds of aggravation was an insult to the Chinese nation. This man is a military -- advisor to the Chinese Mission and he has stated that in his opinion it is an insult. Certainly we are entitled to know on what basis he makes that opinion, and if he knows enough about it to be able to have any opinion whatsoever.

LAW MEMBER: The objection is overruled.

PROSECUTION: Will you read the last question?

The last question was read by the reporter.

A This is, as I said before, what President Chen told me about this sign, archway that they built. I do not know the details of it.

Q On what do you base your opinion that it is an insult, if you don't know any more about it than what you have indicated here in court?

DEFENSE: If the court please, the defense objects to the question as put. It is a misquotation of what the witness has said. The witness has said that if the report that was made to him by President Chen was correct then, in his opinion, it would be an insult to China.

PROSECUTION: If it please the court, the testimony he has given is that Chen told him that a welcome archway was taken down. Chen did not tell him what was written on it; Chen did not tell him where it was located; Chen did not tell him who took it down; he didn't tell him whether it was damaged or not. Certainly if all he knows is what he has testified that Chen told him he doesn't know enough to have any opinion. It's quite obvious and that's the purpose of trying to find out if he did know anything about the sign.

LAW MEMBER: The objection is overruled.

MEMBER: Will the reporter please read back that answer given



by the witness earlier with regard to his personal opinion, whether that constituted an insult or not. Will you please repeat that answer?

The fifth answer on Page 703 of the witness was then read by the reporter.

Q Do you know whether or not up to this time the Consular Affairs Section has made any request for an apology from any one?

A No, I don't know.

Q If they had made it would you have known about it?

A Sometimes I do; sometimes I don't.

Q On a matter as important as an insult to your national flag or to your country wouldn't you have known it?

A As I said, the papers or documents coming up from Consular Affairs Section goes through the Chief of the Mission and sometimes he referred the paper to advisor and sometimes he sent it out and sometime they will be to other Mission outside Tokyo, so forth.

Q Is there investigation being made by the Chinese Mission about the tearing down of this archway?

A It is matter pertaining to Consular Affairs Section and what progress or what stage it is in I don't know.

Q Do you know if an investigation is being made?

A I think so.

Q Do you know?

A Either they are in the process of investigating it.

Q If this matter has the importance of an insult to your flag or your country do you not think that there would have been a report made by this time when the sign was torn down on the 16th of July?

A Yes, it should be. As far as my personal knowledge I don't know whether it was true or not. If it is true, it should be.

Q Do you know if even a preliminary report of this archway incident has been made to any one?

A No, I don't know. It is a matter that belongs to Consular Affairs Section. I don't know anything about it.

Q As advisor to the Mission would you not be consulted on such matters?

A It is nothing definite. Sometimes I do; sometimes I don't.

Q In a case where you were directly interested and had some personal knowledge would you not have been consulted?

A Yes, but I don't know what progress has been made so far, what stage it is in so far.



Q You say that the investigation is being handled by the Consular Affairs Section?

A Yes.

Q The chief of that section is Mr. Ling, is it not?

A Yes.

Q And he is the Mr. Ling who testified in this case immediately before you?

A Yes.

Q If Mr. Ling who is chief of that section knows no more about the sign than you do would you think that he had investigated it or was investigating it at this time?

DEFENSE: We have to interpose an objection to that question, if the court please. It may be plain to the court what learned counsel is driving at, but it is certainly not plain to the defense. I object to the question on the ground it is argumentative, calls for a conclusion of the witness, and more than that is confusing and unintelligible.

PROSECUTION: If it please the court, I will gladly ask him detailed questions but previously when I went into detailed questions that was objected to. I have no objection to asking him details rather than a complete question, and if it will please counsel or make it any more clear to the witness I will be glad to do so. I will reword the question.

Q Mr. Ling testified that he did not know what was written on that sign. If he had made an investigation or if one was being made don't you think that he would have known when he testified yesterday?

DEFENSE: The same objection, if the court please.

LAW MEMBER: The objection is overruled.

A I wouldn't know whether he should know it or not.

Q Will you repeat the question to him. Ask him to answer it.

The last two questions were then read by the reporter and interpreted for the witness.

A Please ask this question to Mr. Ling.

Q Counsel asked Mr. Ling yesterday if he knew what was written on the sign and he testified that he did not. With that explanation, I ask you to answer the question which was asked you.

A That's because I don't know what stage of investigation it was in.

Q Do you believe that any investigation is being made of this archway incident?

A I believe an investigation is being made but I don't know what stage it is in.



- Q If Mr. Ling does not know what was written on the sign, do you know any one in the Chinese Mission who would?
- A I don't know.
- Q Do you know if any mention of this incident was ever made to the CIC when they were investigating the Shibuya incident?
- A No, I don't know.
- Q Do you know if any mention of this archway incident was made to the Provost Marshal's Office when they were investigating the Shibuya incident?
- A I don't know.
- Q Do you know if any one of the defendants in this case, when they have been interrogated by either counsel or by the Japanese, have ever once mentioned the archway incident?
- A I don't know.
- Q Do you know if Mr. Ling in his report of the Shibuya incident made to the 80th CIC Detachment mentioned the archway incident?
- A I did not read that report as General Chu read the report.
- Q If I tell you that that report makes no mention of the archway incident wouldn't you think that would be odd if it was as important as an insult?
- A I don't feel anything odd about it because as I said the report has to be according to what Chinese Mission knows true before they put it on there. Anything just because the report by overseas Chinese and they have to be investigated before they put on the report.
- Q Do you know whether Mr. Ling investigated the July 14th and the July 16th incidents before he included it in his report?
- A I don't know.
- Q Do you think that the incident of the tearing down of the archway played any important part in the meetings on the 19th of July 1946?
- A I don't know.
- Q Do you know how long this trial has been in progress in this court room?
- A I didn't keep track of it.
- Q It has been in progress since the 30th of September 1946. Counsel for the prosecution have also been handling the case for some ten days prior to the opening of this trial. Counsel for the prosecution has had the opportunity to examine the investigation and reports of CIC, Provost Marshal, Japanese police, as well as investigations of their own. Now if this archway incident played any important part in the incidents of the 19th of July 1946 isn't it odd that the first inclination or the first information of the archway was when Mr. Ling testified in this court yesterday?
- A I don't feel anything odd about it. As I said, I mentioned



this incident because on that afternoon they told me something about it. That's why I mentioned in this court.

Q Did you at the time they told you think it was important?

A At that time I didn't place too much importance on what they told me because I don't know what the truth of the entire case is and the truth of what they said is, and we have to find out the truth before we place any importance on it.

Q Going back to that afternoon when they told you this at the Chinese Mission did you think that the purpose of the meeting that day had been to discuss the tearing down of this archway?

A No, the reason for they come to appeal where they wanted compensation of all the property damaged and punishment of the criminals that wounded the Chinese and also they demand apology on that, on the incident.

Q Do you know how many people were at the Showa School meeting? Did Mr. Chen tell you approximately how many people were at the Showa School meeting?

A He said several hundred.

Q Did he tell you where they were from?

A No.

Q Do you know where they were from?

A No.

Q After you had finished this talk with Mr. Chen what was done?

A After that Mr. Ling asked me to go with them because the Chinese want to appeal to the Chinese Mission and he said it's better for they to go to the Federation of Chinese Association instead of having two and three hundred people coming here and they asked me to go with him and find out what are they appealing or what is meaning of this appeal.

Q Did Mr. Chen tell you that they wanted to come out to the Mission?

A Yes, they wanted to come to appeal to the Chinese Mission.

Q Did he state that they were waiting at the schoolhouse for an answer from him?

A No, he did not say.

Q He had told you that after hearing a report that a Chinese had been threatened at Shinbashi that those remaining at the school did want to appeal to the Mission, is that true?

A Yes.

Q Did he tell you that they were waiting to hear from some one from the Mission?

A No.

Q Did he tell you, when he asked you to go, where you were going to meet these people?

A No, we went directly to Federation of Chinese Association.



- Q How long does it take you to drive from the Chinese Mission to the Showa School?
- A I can not remember it clearly.
- Q Could you approximate the time it takes one to normally drive that distance?
- A Around twenty minutes.
- Q About how long was Mr. Chen talking to you in the garden before you left to go to the Showa School?
- A I can not remember definitely.
- Q Would it be ten minutes or twenty minutes?
- A About fifteen minutes, around fifteen minutes.
- Q And Mr. Chen did not tell you that the Formosans were waiting at the school for some one from the Mission to come and talk to them, did he?
- A No.
- Q Did he tell you where you would talk to them?
- A No.
- Q If it takes you twenty minutes to normally drive to the Showa School from the Mission it probably took Mr. Chen twenty minutes to drive from the school to the Mission. That's forty minutes. Allowing fifteen minutes for conversation, that meant it would be fifty-five minutes from the time that Chen left the school until you and Chen and Ling could be back at the school, is not that true?
- A This I can not say definite because when you are talking you do not look at your watch.
- Q You have testified that you had an appointment that evening and that in spite of that you felt that you should go with Mr. Ling, isn't that true?
- A Yes, I felt I should go because I know Mr. Ling very well and Mr. Ling also hoped that somebody from the Chinese Mission, not just from the Consular Affairs Section, from the Chinese Mission would go and since there is nobody else there, also I want to find out what is purpose of meaning of this appeal, what it's all about.
- Q So that you then left the Mission to go to the Showa School, arriving there about fifty-five minutes after Chen had left there, without any assurance that there would be anybody there to hear you, isn't that true?
- A No, we have no assurance.
- Q So though you had an appointment, you left on this mission without any assurance that you would find anybody to talk to, is that correct?
- A Yes.
- Q Isn't it true that Mr. Chen wanted you to come with him to find the Formosans and take them out to the Mission and talk



- to them so that you could avoid trouble?
- A No, we went directly to the Chinese association.
- Q What route did you take?
- A I don't remember which route exactly.
- Q How long have you been in Tokyo?
- A Arrived in Tokyo on 15 April.
- Q You know where Mr. Ling's office is downtown, do you not?
- A At that time the N.Y.K. Building.
- Q And you had been there on different occasions had you not?
- A Yes, I have been there before.
- Q How far from his office is the Showa School located?
- A I don't know.
- Q Did you drive the shortest route to the Showa School?
- A That I don't remember exactly. Normally when I ride on the vehicle I am not paying too much attention which route they are taking.
- Q Wasn't Mr. Chen anxious to get back to the schoolhouse meeting?
- A We left right after we finished talking.
- Q When you drove down to the Showa School did you drive past the Imperial Hotel?
- A I don't remember exactly.
- Q Did you meet the Formosans on the way to the Showa School?
- A No.
- Q When you arrived at the Showa School who was there?
- A I don't know exactly how they were.
- Q Had you been to the Showa School prior to the 19th of July?
- A No.
- Q Have you been there since?
- A No.
- Q So the only time you called at this building which also houses this Chinese association was on this occasion, is that right?
- A Yes.
- Q Who was there when you arrived?
- A I don't know their names but President Chen knew them.
- Q What did you do at the school?
- A Mr. Chen asked them where they were and the answer was they had gone. They asked where did they go and they said they want to appeal to the Chinese Mission. They asked him which route they are taking and they say they are taking by way of Shinbashi.



- Q When you arrived at the school who was with you besides Mr. Chen and Mr. Ling?
- A There were two other persons whose names I don't remember.
- Q This person at the school told you that they had gone by way of Shinbashi, is that correct?
- A No, we asked them first where did they go. The answer, they went to appeal to Chinese Mission. Then we asked them which route they were taking and they said they going by way of Shinbashi.
- Q Did he tell you how he knew that they were going by way of Shinbashi?
- A No, they just said that to me.
- Q So relying on what this person had stated you proceeded in the direction of Shinbashi, is that correct?
- A After they thought for a while since they are going to Chinese Mission by way of Shinbashi so we took the same route they did.
- Q Did Mr. Chen know the man to whom he was talking when he secured that information?
- A I do not know but I think President Chen knows him.
- Q He did not ask the man how he knew they had gone by way of Shinbashi, did he?
- A No.
- Q Did Mr. Chen appear satisfied that the information he secured was correct?
- A At that time after Mr. Chen got the answer and he was satisfied that they are correct.
- Q Then you left in the direction of Shinbashi, is that correct?
- A Yes.
- Q Was that the same road you had been on just prior to arriving at the Showa School?
- A No.
- Q Is it necessary to go by the Shinbashi area in order to travel from the Showa School to the Chinese Mission?
- A That I don't know.
- Q In traveling from the Showa School back to the Mission you did not travel on the same route that you traveled from the Mission to the school, isn't that true?
- A Not the same route.
- Q Then why do you say that you don't know in answer to my question as to whether it was necessary to go back by way of Shinbashi?
- A I don't know whether it is necessary, the necessity of it, whether it is necessary. That was your question wasn't it?



- Q Yes.
- A I don't know whether it was necessary to pass through it.
- Q If there are other routes than it would not be necessary to go that way, is that not true?
- A Yes.
- Q You know the street in Tokyo which is commonly referred to by the Occupational Forces as the Ginza?
- A Yes.
- Q And as you left the Showa School, going in the direction of Shinbashi, did you drive on that street?
- A I don't remember.

There was a brief discussion had off the record.

PRESIDENT: Ask him again to clarify that.

The last question was then read and interpreted for the witness.

- A That I don't remember.
- Q Isn't it true that the Showa School is behind the Tokyo Central Railroad Station just across the electric lines and the canal?
- A That I don't know in detail.
- Q Do you know where the Tokyo PX was located on the 19th of July?
- A On Ginza.
- Q Did you pass that as you were traveling toward Shinbashi?
- A I don't remember. At that time I wasn't thinking which route we were taking.
- Q You do know where the railroad tracks and the canal to which I refer are located, do you not?
- A I did not study the exact location of it but I know around that direction, I know which direction.
- Q As you left the Showa School in the direction of Shinbashi you would have to at some place turn to your right in order to go to the Chinese Mission, isn't that true?
- A I don't remember the details.
- Q When you did get to Shinbashi did you not turn to your right to go to the Chinese Mission?
- A As I said, I do not recall these details.
- Q If you are on the Ginza traveling in the direction of Shinbashi and reached the corner where the Tokyo PX was located on the 19th, can't you turn to your right and drive to the Chinese Mission?



- A Ordinarily when I am riding in a car I don't remember which direction or which turn making, whether right or left, but if I am walking I remember which turns making.
- Q How far is it from the Showa School to Shinbashi area?  
A I don't know.
- Q Do you have any idea?  
A I have no idea.
- Q Can you see from the Showa School to the Shinbashi area?  
A I have never tried.
- Q As you were driving from the Showa School to Shinbashi how long did it take you?  
A At that time I did not remember.
- Q Well, would it be a half a minute or would it be five minutes or might it be ten minutes?  
A I can not recall. The best way to find out is take a car and drive down there, find out.
- Q General Li, how long have you been in the army?  
A As an army man myself I do not want to tell any time without exactness.
- Q The purpose of the question is, as an army man, would you not more or less as a matter of habit observe not only time, distance, but things as you drive along as you are going any place?  
A As I said before, I don't want to say anything that I don't know for sure, but on that date I know it was several minutes but exactly how many minutes I don't know.
- Q As you were driving along were you looking for the Formosans?  
A Yes, as we were told that Formosans has gone to the Chinese Mission on the truck that's why we were looking for trucks with occupants.
- Q So as you drove along the road toward Shinbashi you were looking for these trucks with the Formosans on, that is true. As you drove along did you not look on the intersecting streets, as you drove across the intersecting streets enroute to Shinbashi?  
A Yes, we were on the road looking for the Formosans, whether it's intersecting or whether just straight road.
- Q Approximately how many intersections were there between the Showa School and Shinbashi area?  
A That I don't remember.
- Q Isn't it true that there are approximately seven intersecting streets?  
A That I don't remember.
- Q Do you remember if there are any streets between Showa School



A and Shinbashi area intersecting the Ginza?  
A I don't remember definitely.

Q You do know there is one at the Tokyo PX, do you not?  
A Yes.

Q And the Formosans and trucks could have turned up that street could they not?  
A I don't know whether they did turn on that street or not.

Q They could have turned, could they not?  
A As I am not positive, I think they could.

Q They could have turned there and gone past the Toikoku Building and then out to the Chinese Embassy, could they not?  
A I don't know.

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

The Commission then adjourned at 1145 hours on 6 November 1948.



MR. RICHARD R. ELLIOTT  
Chief Prosecutor



Metropolitan Police Station  
Tokyo, Japan  
7 November 1948

The Commission met, pursuant to adjournment, 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. 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.

CROSS EXAMINATION  
Cont'd

Questions by prosecution:  
Answers through interpreter:

- Q Are you familiar with the Shinbashi area of Tokyo?  
A I am not too familiar with the area but I know generally which direction it is.
- Q Where did you see the first Fornosans after you left the Showa School?  
A In Shinbashi area.
- Q You know where the Dai Ichi Hotel is located?  
A Yes.
- Q Do you know that part of the Shinbashi area where the Fornosans had their stalls?  
A No, not definitely.
- Q Did you ever stay at the Dai Ichi Hotel?  
A No.
- Q As you came from the Showa School and approached the Shinbashi area, as you enter the Shinbashi area you pass under railroad tracks, is that not true?  
A Yes.
- Q And as you pass under those railroad tracks the station known as Shinbashi Station is located immediately to your left, is that not true?  
A I don't know whether it's to the left or to the right. Anyway it's near to the station.



- Q There is a station right near where the road goes under the tracks, on one side or the other, is that true?  
A Yes.
- Q Using that, can you tell us approximately where you saw the first Formosans?  
A Not very far after we passed under the railroad, met the Formosans in two trucks.
- Q Could you give us an approximation of the distance in meters or feet?  
A I don't remember exactly.
- Q Could you give us an approximation in time?  
A After passing?
- Q After going under the tracks, yes.  
A I am not too sure but it's around two minutes. I am not exactly sure whether it is two minutes but anyway it's a very short time.
- Q What did you first see when you came upon the Formosans?  
A I saw many people on the truck, other trucks not many people on them, so saw these two trucks with many people.
- Q Where were these people on the first two trucks when you saw them?  
A If I remember correctly, they were at the intersection of streets near a building.
- Q Were they moving or were they stopped?  
A At the time I met them they were in the direction going to the Chinese Mission but the car was not moving as some people were climbing on to the truck.
- Q Were both trucks stopped at the time that you first saw them?  
A I remember people climbing on the first truck and not on the second.
- Q Do you know how long they had been stopped at that place?  
A I don't know.
- Q Did you see any other trucks with Formosans on in the area which you have just mentioned?  
A No.
- Q Did you drive into the area where the stalls were located at that time?  
A No.
- Q Do you know whether or not there were any other trucks in the area where the stalls were located?  
A No, I don't know.
- Q When you saw these two trucks what did you do?  
A After we saw the two trucks and we slowed down and stopped



at that time we didn't know whether they were Formosans or not and when we got close Mr. Ling and Mr. Chen knew that they were Formosans so we pulled over and stopped right near them. The occupants of the trucks saw me and Mr. Ling and Mr. Chen. They all yelled, "We want to go to Chinese Mission. We want to go to Chinese Mission."

- Q Did you make any talk to them at that time?  
A No, as I heard they want to go to Chinese Mission so we drove off to Chinese Mission and they followed us.
- Q Did Mr. Chen tell you approximately how many Formosans there were at the Showa School when he left to go to the Mission to seek aid from the Mission?  
A He said two or three hundred.
- Q When you stopped where these two truck loads of Formosans were, how many Formosans approximately do you figure were on those trucks?  
A Between sixty and eighty.
- Q Did you inquire of them where the other Formosans were who had been at the school meeting?  
A No.
- Q Do you know why the Formosan trucks had stopped at the place where you overtook them?  
A No.
- Q These men that you saw climbing on to the first truck, do you know where they had been prior to climbing on the first truck?  
A No.
- Q Do you know whether or not those men that had climbed on the first truck had been at the Showa School?  
A I don't know.
- Q From that point what route did you take driving to the Chinese Mission?  
A I don't remember the exact route took but I remember after we met them on the way back we passed through Toranomon.
- Q Is there any reason why you particularly remember passing through Toranomon?  
A Because the characters of "Toranomon" shown very clearly.
- Q Did anything happen as you passed through Toranomon?  
A At the time we passed Toranomon we heard machine gun firing.
- Q As you came to Toranomon corner was your jeep ahead of the two trucks?  
A Yes, the trucks were far behind.
- Q As you came to that corner did your jeep begin to turn to the left or did it continue straight across the intersection?  
A We went in the direction of the American Embassy.



- Q That would mean you went straight, continued going in more or less a straight direction, would it not?
- A I don't know the turn or not but I know it's the direction to the American Embassy.
- Q Do you know what time it was that you passed Teranomon intersection?
- A I don't remember the exact time.
- Q But you do recall hearing machine gun fire, is that right?
- A I remember I heard machine gun firing from a distance and far away and continuously for a short while.
- Q So that if the Provost Marshal's Office has a record of that machine gun firing incident the time would stamp the time that you crossed this intersection, would it not?
- A Yes, if they have record of the correct time.
- Q Did you at that time know what that shooting was?
- A I did not know what it was all about at that time.
- Q On your way to the Mission did you see any more trucks with Formosans?
- A No.
- Q Approximately what time did you arrive at the Mission?
- A I don't remember the exact time.
- Q When you arrived there what did you do?
- A After we arrived there the occupants of the truck climbed down from the truck and they say there were three or four more trucks coming to the Chinese Mission and I said, "We might as well wait until they all arrive here."
- Q Did they tell you where those trucks were?
- A They didn't say where they were. They say they were coming but by a different route.
- Q Did you ask them where those trucks were and when they had left the school?
- A No.
- Q When you were at the Showa School all the Formosans had gone, isn't that true?
- A Yes.
- Q And the first Formosans that you caught up with when you traveled the route that you told us you have taken were the first two trucks you have talked about, isn't that true?
- A Yes.
- Q And these two trucks were stopped at the time that you first saw them, isn't that true?
- A Yes, they were stopped, people were climbing on.



- Q Didn't you wonder at that time why it would take other trucks longer to get there than the trucks you had escorted there?
- A I didn't wonder why they take longer time because they have more people there and they have to stop and wait, people climbing on and so forth and so on.
- Q How long did you wait after you arrived before you opened the meeting?
- A Between ten and fifteen minutes.
- Q And during that time how many more trucks arrived?
- A They arrived separately, not all together. At the end there were six trucks.
- Q That would be four more trucks arrived -- he said six -- four in addition to the two that arrived with you?
- A Yes. They did not arrive all at once. They came separately.
- Q Did you see them arrive?
- A Yes.
- Q Where were you when you saw them arriving?
- A On the steps of the Chinese Mission auditorium.
- Q Then after the members of the first two trucks had gone into the auditorium and you had told them to wait until everybody else had arrived you then went outside to wait for the other trucks, is that true?
- A No, they all waited in the garden or around that auditorium, not inside.
- Q What did Mr. Chen do during this interval?
- A He didn't say anything. We were all waiting.
- Q You testified on direct examination that you asked them all to come to the auditorium to wait until the others arrived. Now you testify that you were waiting in the garden. Which statement is the proper statement?
- A The statement I made regarding waiting in the garden is more proper.
- Q What did Mr. Ling do during the interval before the other trucks arrived at the Mission?
- A Mr. Ling were waiting with Mr. Chen and other Chinese.
- Q During the interval after you arrived at the Mission and before the meeting started did any vehicles leave the Chinese Mission?
- A No.
- Q Isn't it true that after you arrived at the Chinese Mission that vehicles were dispatched to find the other trucks and to bring them back to the meeting?
- A You mean immediately after we arrived we dispatched trucks?
- Q Yes.
- A No, not immediately.



Q When did you?

A After three more trucks arrived and they say there still one more then we figured enough time had passed that the truck should have arrived and we were afraid that maybe they couldn't find the Chinese Mission so we sent a vehicle out to wait at the intersection when you have to turn to come to the Chinese Mission to wait for the truck, but I don't know just exactly which intersection.

Q Is that the intersection you call Reppongi?

A I don't know the name of that place. I don't know exactly the intersection where the vehicle waited but I told them to wait at the intersection around the Chinese Mission they have to pass through and they have to turn.

Q If you at that time rode past the American Embassy going to the Chinese Mission, is that the intersection where you make the turn to your left, the first turn to your left?

A I did not tell them exactly which intersection to wait but I told them the one, the intersection they might easily lose themselves.

Q Previously in this case there has been testimony that one of these trucks was located at Shibuya. Do you know whether or not that vehicle that you told to wait at the intersection also went to Shibuya?

A When I sent the vehicle out I told them to wait at the intersection they might miss if they want to come to Chinese Mission. I didn't tell them exactly which intersection and I don't know actually where they went when they later came back with the truck.

Q Do you know whether any other vehicle was sent out?

PRESIDENT: Just a minute. I want to question the translator. In reference to the word "vehicle" did the witness use the plural term or the singular term for the vehicles he sent out?

The President's question was interpreted for the witness.

A Singular form, vehicle.

Cross Examination cont'd by prosecution:

Q Was a vehicle sent out to the Shibuya area?

A No, I didn't tell them where to go definitely. I told them to try to find them on the route that we came back.

Q Do you know whether any vehicles were dispatched in the direction of the Shinbashi area at that time?

A I only dispatched one and I don't know for sure where he went to meet them, but he came back later.

Q In addition to yourself who else dispatched vehicles that evening?

A No.



- Q During the time that you were waiting do you know whether or not Mr. Ling arrived at the Mission in a jeep followed by two trucks -- and I am not referring to the incident where you state you arrived with two trucks.
- A Mr. Ling and I were in the same jeep.
- Q And after you arrived at the Mission was Mr. Ling there continuously from the time of the arrival until the meeting actually started?
- A Yes.
- Q Do you know where the 80th CIC Detachment has their office in Tokyo?
- A I don't know the exact location.
- Q As you were traveling past Toranomon intersection that evening the detachment office would be three blocks to your left and a short distance again to your left from the corner. How then could you be mistaken on your route? Are you certain that you passed through Toranomon, or could you have passed on a street three blocks farther to your left?
- A I remember we passed Toranomon.
- Q Then if any truck loads of Formosans did pass the 80th CIC Detachment office it could not have been the Formosans that you were escorting, isn't that true?
- A At that time I only know of two trucks following my jeep.
- Q But if two truck loads of Formosans escorted by a jeep did pass the 80th Detachment that evening it could not have been your jeep and the two trucks following you, could it?
- A At what time?
- Q Between seven and eight o'clock that evening.
- A As far as I remember there are only my jeep and the two trucks so if the report is that they have passed through CIC office I might be wrong remembering the route I took.
- Q So you are not positive now that you did go through Toranomon junction?
- A As I said before, I don't remember exactly the route we took and since you want to know detail, as I said before, I am not too positive, but I remember also passed through American Embassy.
- Q You stated you recall distinctly Toranomon junction because of the lettering, the sign was so visible.
- A It might be I remember these characters on the way there instead of coming back.
- Q So now you state the jeep and the two trucks following you might have gone on a different route than the one you described previously, is that true?
- A I don't remember exactly the route, which route we took. As I said before, I do know this group, between seven and eight that group of vehicles, and one jeep and two trucks were us.



- Q If it was your jeep and two trucks that passed the 80th Detachment office and then passed through Toranomon and then passed the American Embassy you would have to drive directly past the office of the Matsuda Gumi, isn't that correct?
- A I don't know where the location of Matsuda Gumi office is.
- Q Do you think Mr. Ling knows where the office is located?
- A No, I don't know.
- Q Do you think that Mr. Chen, the president of the federation, knew where the office of the Matsuda Gumi was located?
- A I wouldn't know whether he knew or not.
- Q Do you think that these men if they did know where the office of the Matsuda Gumi was located would drive right by it? Let me add to it: Would drive right by it when the purpose of the meeting that day was to discuss a planned attack?

DEFENSE: If the Commission please, I don't want to interrupt the prosecution but I think maybe the Commission might agree with the defense that this line of examination just now is a little bit too speculative and for that reason we object to it. We don't see how the witness can speculate about what other people might have thought in these circumstances.

PROSECUTION: If it please the court, the first time in the testimony of the witness he does remember what road he was on. It's the first place that he remembers going by. He didn't even remember the Tokyo PK but this time he did remember the route and then when it appears that jeeps and trucks were seen on another street then all of a sudden he is not sure he even went by that corner. It certainly is vital as to whether or not a jeep and truck loads of Formosans were seen at the time when these other trucks were presumably at the Chinese Mission and in what area they were seen. It's not speculative. We have and we can produce in rebuttal evidence that a jeep and trucks were seen and this witness apparently is forgetting so that it might be apparent that it could have been the same two truck loads and the same jeep. That's the purpose of it. None of it is speculative.

DEFENSE: The question we object to is the one which is intended to draw from the witness his opinion as to what might have been in the minds of other people.

LAW MEMBER: The objection is overruled. One of the purposes of the meeting was to discuss a threatened attack by the Matsuda Gumi.

DEFENSE: If the court please, that was only one of the purposes of that meeting, just to keep the record straight.

PROSECUTION: Insert the words "one of the purposes."



The last question was then read by the reporter, substituting the words "one of the purposes" for "the purpose" in the original question.

PROSECUTION: Change the word "planned attack" to "threatened attack".

There was a brief discussion off the record and the prosecution then rephrased the question.

- Q Do you think that Mr. Ling and Mr. Chen would have driven by the Matsuda Gumi office had they known it was located there when one of the purposes of the meeting that day had been to discuss a threatened attack by the Matsuda Gumi?
- A If the office, the said office, is located on the way that has to pass through to go to Chinese Mission, have to be passed through. If it's other way naturally they wouldn't go other way to go by the office and, furthermore, at that time I didn't know where the Matsuda Gumi office is. We were just thinking going back to the Chinese Mission.
- Q If this jeep and two trucks that passed by the 80th Detachment office were your jeep and two trucks following you then it would have to make a detour between Shinbashi and Toranomon, isn't that correct?
- A I don't know the roads in Tokyo myself. As far as I know the driver of the jeep took the shortest route to the Chinese Mission.
- Q Shinbashi and Toranomon are on the same street, are they not?
- A I don't remember.
- Q If Shinbashi Station and the point some distance from there where you overtook these trucks and Toranomon are on the same street then if you pass the 80th Detachment, which is two or three blocks to the left, you would have to make a detour in order to arrive at Toranomon, isn't that true?
- DEFENSE: If the court please, keeping in mind the difficulties of translation or interpretation, in the directive which requires a question to be put in simple form, the defense wishes to object to what appears to the defense as being very involved questions, questions mostly likely not to get to the witness in the sense in which they are intended, and for that reason -- and for that reason only -- we object to them.
- LAW MEMBER: Can the prosecution employ a blackboard or sketch to assist making the witness understand?
- PROSECUTION: Strike the last question.
- Q After you left the point where you overtook the two trucks you drove toward the Chinese Mission, isn't that correct?
- A Yes, we went directly to Chinese Mission without stopping.



Q And from that point where you overtook the trucks until you reached Toranomon intersection had you turned to either the right or the left?

A I don't remember exactly which route we took as the driver of the jeep knew that we wanted to go back to the Chinese Mission and he took the shortest route.

Q You have testified that you went through Toranomon and then by the American Embassy. The question was from Shinbashi to Toranomon had you left the road on which you were traveling by turning either to the right or the left?

A As I told you before I do not remember the exact route we took but I know we took the shortest possible route. If it was necessary to turn we did, if it was not we didn't.

Q If the shortest route between Shinbashi and Toranomon is a straight road then you did not turn to the right or left, isn't that true?

A If it's a straight road that's right, we didn't turn.

Q Then if the 80th Detachment office is not located on that street between Shinbashi and Toranomon then you did not pass it at that time, isn't that true?

A As I said before, I remember passed through Toranomon on the way to the place and also the drivers of the Chinese Mission they have a habit of taking certain route to go to Chinese Mission because the shortest and also the smoothest road.

Q The driver you had that evening was a Chinese Mission driver was he not?

A Yes.

Q And on the way home you stated that you passed the American Embassy, isn't that true?

A Yes.

Q And if the shortest road between the point at Shinbashi where you overtook the two trucks and the American Embassy is a road that is straight then this driver took that road, isn't that true?

A Yes, the drivers would take the shortest road and also not the bumpiest but the smoothest one. One bumpy road might be shortest but to keep from wear of the jeep they do not take bumpy road.

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

The Commission then took a recess until 1040 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 As you drove away from the point where you overtook the two trucks loaded with Formosans who issued the order to the driver as to where he should go?
- A I told my jeep driver to drive to the Chinese Mission.
- Q With the aid of this blackboard, I am going to indicate certain points which have been mentioned in the questioning this morning. At the bottom of this blackboard I draw two horizontal lines crossed with perpendicular lines to represent the railroad tracks under which you crossed as you entered the Shinbashi area.

In the center of same I will erase approximately two inches of track to indicate the underpass. I will extend the roadway under the underpass by perpendicular lines running approximately three-fourths of the distance up the board. These two lines represent the street which runs from the Shinbashi Station underpass to Toranomon intersection. These two lines are intended to be perfectly straight to represent the road from Shinbashi Station underpass to Toranomon corner. That road in Tokyo is a straight road.

Between Shinbashi Railroad Station underpass and Toranomon intersection there are various roads leading off to the right and to the left. At this Toranomon corner we have at this corner, representing the upper right hand corner, some buildings which are known as the Japanese Educational Department.

Do you know that building?

- A I remember a large building. I don't know what it is.
- Q On that same corner of the intersection and east approximately fifty meters is a large building which is known to the Americans as The Finance Building.
- A Yes.
- Q Approximately opposite The Finance Building on the lower right hand corner of the intersection is an area which is the Motor Pool area. Do you know where that is?
- A Yes.
- Q On the lower left hand corner is a building housing a retail agency of Moritake China Shop. Do you know that building?
- A No.
- Q Space does not permit on the blackboard but the American Embassy would be past the Toranomon intersection and in the upper left hand corner and slightly to the left of the road indicated on the blackboard, and this road after you get a short distance past the Toranomon intersection curves first slightly to the right and then a great curve to the left to the American Embassy, isn't that true?
- A Yes.
- Q This road from Shinbashi up to Toranomon is a wide road, is it not?
- A Yes.



Q It has double streetcar tracks the entire length of it, has it not?

A Yes.

Q On the board I will now draw two streets in the lower left hand intersection of the Toranomon intersection. This first one is a narrow street, more properly might be called an alley in American parlance. The second one is a little larger, about average size street in Tokyo. I will now indicate on the second street the office of the Matsuda Gumi. Farther to the left on the lower left hand intersection we come to another street which is the third street removed from the Shinbashi-Toranomon Street. On here I will indicate two buildings. This first one is known as the Seiyo School, the second one is the building housing the 80th CIC Detachment.

At this Toranomon intersection there are subway stations are there not?

A Yes.

Q At this intersection there is also a police box, is there not?

A Yes.

Q If you were driving from the underpass of the Shinbashi Station, of the railroad passing through Shinbashi Station, and driving up to Toranomon by the American Embassy it would not be necessary to make any detours, would it?

A No. I remember we took the shortest and the straightest route.

Q If the jeep in which you were riding followed by the two trucks went from Shinbashi through Toranomon, past the American Embassy, you could not have passed the 80th CIC Detachment without making a detour, isn't that correct?

A No.

Q With the aid of this diagram and the explanation, did your jeep carrying you and the trucks following it go past the 80th Detachment, CIC, on your way from Shinbashi to the Chinese Mission?

A As I said before, I don't remember exactly which route we took but I know it was the shortest route, but I remember clearly we passed the American Embassy.

Q When looking at this map, if you drive from Shinbashi toward Toranomon past the American Embassy toward the Chinese Mission, the shortest way would be to go on the main road indicated hereon, is not that true?

A Yes, that's the route we took.

Q Will you step to the board and indicate on this the route that you took from Shinbashi to the American Embassy?

A (Indicating) From here I went straight past Toranomon and further on past the American Embassy to the Chinese Mission.

PROSECUTION: Subject to objections, have the record show that the



witness indicated, beginning at the Shinbashi underpass, continuing on the main road indicated on the diagram, through Toranomon, and on up past the American Embassy. Have the record further show that that route indicated does not pass the 80th CIC Detachment building, as indicated on the diagram.

You may resume your seat.

- Q Where were you when you heard the shots that you have testified you heard as you were enroute home to the Chinese Mission?
- A I remember I was around Toranomon ---
- Q Intersection?
- A Around the intersection. I remember shortly after we passed.
- Q From what direction did the sounds appear to be coming?
- A The shots seemed to be from quite distant. It seemed to be coming from left rear, from that direction.
- Q From your left rear as you were driving along, is that true?
- A Left rear of the vehicle.
- Q That evening did any one at the Chinese Mission tell you that two trucks had been located in the Shinbashi black market area?
- A No.
- Q Was Mr. Ling with you continuously from the time that you first met him at the Chinese Mission until the meeting at the Chinese Mission was over?
- A Yes, continuously.
- Q Then if Mr. Ling has ever made a statement or a report that he was in a jeep in front of the 80th CIC Detachment between seven and eight o'clock on that night he is mistaken, is that true?
- A He was in the jeep with me. I don't know what he said regarding that.
- Q Did Mr. Ling tell you what he had told the Formosans at the meeting at the Showa School?
- A He told me that he had talked to them but he didn't tell me in detail what he said.
- Q As you were driving along in the jeep with Mr. Ling and Mr. Chen were you discussing the various matters pertaining to the meeting that day and Formosan problems?
- A No, because it was not very convenient to talk in the jeep as I was sitting in the front and they were in the back.
- Q At the Mission as you were waiting for the other vehicles to appear what assurance did you have that any vehicles would appear?
- A Because the Chinese told me so.



- Q Explain a little more fully what they told you?  
A I asked them whether there were any more people coming and they said, "Yes, there are about three or more trucks loaded with people coming."
- Q Did they tell you why they knew they were coming?  
A No.
- Q Mr. Ling was with you during most of this time?  
A Yes, most of the time.
- Q Did Mr. Ling tell you that when he finished addressing the Formosans at the school he told them to go home?  
A Yes, he told me that he told the Formosans to go home.
- Q Then why were you waiting for Formosans to appear if you knew that Mr. Ling had told them to go home?  
A That's the beginning, but then President Chen came to me and told me what happened afterwards.
- Q Did any one else address the meeting at the Mission besides yourself?  
A No.
- Q About how long did you talk to them?  
A I don't remember the exact length of time. It's about between ten and twenty minutes.
- Q Did Mr. Ling take any part in this Chinese Mission meeting?  
A He was with me but he didn't make any speech or didn't talk to them.
- Q Was it Mr. Ling who suggested that you give the speech to the Formosans?  
A Yes, he requested my consent at beginning, which I did.
- Q Did he tell you at that time that he had already talked to them and that he thought it would be better if you would now talk to them?  
A At that time he has that meaning.
- Q Did he explain to you why he thought it was better that you should talk to the Formosans rather than he?  
A No, because the Chinese wanted to appeal to the Chinese Mission, since I am in the Chinese Mission, it's more appropriate that I talk to them.
- Q Isn't Mr. Ling in the Chinese Mission?  
A He is in charge of Consular Affairs.
- Q That is a section of the Chinese Mission, is it not?  
A Yes, a section of it.
- Q And your position is that of advisor to the Mission, is not that true?  
A Yes.



- Q On direct examination you stated that you suggested to the group that they should elect representatives to discuss their problems with the Mission, is that true?
- A Yes, I tell them it's no use to have such a large gathering of people -- you can't hear anything where everybody start talking -- so I told them to select representatives and talk over with the responsible people in the Consular Affairs Section -- and large gathering of people may cause misunderstanding.

- Q What do you mean by saying "a large number of people where all of them start talking"?

INTERPRETER: There was a mistake in translation.

PROSECUTION: Ask him to repeat his answer.

The next to the last question was read and interpreted for the witness.

- A Yes, I told them to select representatives to talk over with the Consular Affairs Section.
- Q You testified on direct examination that the reason for your suggesting that was that large groups of people in one place might cause some misunderstanding. What did you mean by that?
- A There are many reasons. Since the Federation of Chinese Association is more or less representing the Chinese in Japan and anything they want submit they should submit it through Federation of Chinese Association. If a large group of people come to discuss things and their various opinions and take too much time to settle the thing and, third, large gathering of people may seem to the outsider, the outsider would want to know what was the reason for this gathering and so forth.
- Q What misunderstanding could the gathering of two to three hundred Formosans at the Chinese Mission being addressed by a Chinese General possibly cause?
- A I did not say while in the Chinese Mission, but large group of people coming or going on the road and so forth.
- Q What misunderstanding could a group of Formosans assembled at a schoolhouse building used as an office for their federation and addressed by Mr. Ling, the Chief of the Consular Affairs Section of the Chinese Mission, possibly cause?
- A I did not say misunderstanding caused when addressed by Mr. Ling or me. I said large group of people while coming or going to and from the place, that if people saw large group of people moving, would like to know what reason for it, it might cause misunderstanding. Also in discussing over something it's impossible to have all the people, a large group of people there, to talk over. It's necessary to have representative and discuss the whole thing clearly, in a small group.



- Q If these people going to either the meeting at the Chinese Mission or the meeting at the Showa School had gone there in a peaceful normal manner what possible misunderstanding could it cause?
- A A large group of people coming or going might be very curious for the outsider want to know what's going on in the Chinese Mission. If not their national holiday or something they want to know why, what for all this people coming and going, and also a large group of people can not be very well entertained or show the places to go in the Chinese Mission.
- Q What harm could such idle curiosity cause either the Chinese Mission or the people so assembled?
- A From the Chinese Mission standpoint of view, the personnel of the Chinese Mission are limited, that's why, and then any discussion or anything have to be done we always want small group of people from the Chinese to discuss the thing over, not a large group of several hundred, and also a large group of people come to Chinese Mission will cause people to wonder what the Chinese Mission is doing they want to gather so many people there.
- Q Did you during your speech caution the Formosans against doing anything themselves?
- A No, I told them to select representative and talk it over with Consular Affairs Section.
- Q Other than suggesting that they select representatives did you caution them against doing anything other than that?
- A No.
- Q Did you at any time during that speech warn them against taking the law into their own hands or causing any incident?
- A In the meeting what I said, tell them to select representative and talk over with the Consular Affairs Section and also at meeting that they should -- not direct, not in the sentence -- just meaning that they should not handle the thing themselves.
- Q What did you mean by "they should not handle it themselves"?
- A Because the Chinese Mission is here and that's what Chinese Mission is for. That's why we told them to select the representatives and talk it over with Consular Affairs Section.
- Q When you made that remark were you worried that they might take this matter into their own hands?
- A No, I was not worried they going to do this thing themselves. If they had any intention of doing so they would not come to the Chinese Mission first place.
- Q And your final advice to them was that they should select representatives to take it up with the Consular Affairs Section, am I correct in that?
- A Yes.
- Q And Mr. Ling is the Chief of that Section, is he not?
- A Yes.



- Q And he also talked to the Formosans at their first meeting, isn't that true?  
A Yes.
- Q And he is the same Mr. Ling that asked you to speak to them at that meeting and suggested it was better that you talk to the Formosans at the Chinese Mission, is that correct?  
A Yes, the same person.
- Q Then your final advice was to take it up with the same Mr. Ling, is that correct?  
A Yes, select your representative and talk over with Mr. Ling.
- Q And then you told them all to go home, is that correct?  
A Yes, I told every one to go home.
- Q Why did you do that?  
A As after I finished the talking I asked them whether they understand what I said and if they do understand what I said and they can go home.
- Q And you have testified that their behavior at that time was that they were very happy, am I correct in that?  
A Yes, because the Chinese Mission promised to handle the case for them.
- Q They were very happy at your suggestion they could talk to Mr. Ling again, is that correct?  
A Yes, at the same time because the Chinese Mission promised to handle the thing for them.
- Q When the meeting was over what did you do?  
A I left after the meeting.
- Q Was any one with you or did you leave the meeting alone?  
A I left alone.
- Q You testified that as you were leaving the meeting two or three requested an escort, am I correct in that?  
A Yes.
- Q Did you agree to do so?  
A Yes.
- Q Did you ask them to where they wished to be escorted?  
A No, they say they want to go home.
- Q And you made no inquiry as to where that would be, did you?  
A No.
- Q Did you know at that time where these men lived?  
A No.
- Q Where then did you expect to have them escorted?  
A Escort to their home.



- Q There is evidence in this case that one of the defendants lived in Kobe. Did you expect to escort him there?
- A If he wanted to go to Kobe at that time that means escorted to the station.
- Q There is evidence in the record that one of the defendants lives in Nagano Prefecture. Where did you expect to escort him?
- A As the jeep can only escort to places within Tokyo, these other people live outside Tokyo have to take train. We will escort them to railroad station.
- Q What is the closest station on either a railroad or electric line to the Chinese Mission?
- A For electric train it's Hiroo Machi.
- Q You have testified there were six trucks at the time that the meeting began. How did you know how many jeeps you would need for escort unless you knew to what points the trucks were going?
- A At that time there were only three jeeps in the Chinese Mission. We couldn't have more even if we wanted to.
- Q Who handled the actual arrangements for this escorting home, you or some other person?
- A As it was late in the evening nobody in the Chinese Mission was there with the exception of this driver I saw. I told him to do so.
- Q Wasn't Mr. Ling still there?
- A Yes.
- Q Did you direct any one to arrange for the escorting of these trucks?
- A No, there was nobody there that I can direct.
- Q At the time when you left the Mission that evening to keep your appointment did you know where any of those Formosans were going?
- A No.

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

PROSECUTION: May I address the court before adjournment?

PRESIDENT: Is it necessary to be done before adjournment?

PROSECUTION: Yes, sir. If the court please, I thought we would be finished with this witness but I understand we have about an hour and one-half yet. Lieutenant Lee informs me that he will be unable to attend this afternoon. I don't know whether we can arrange for another interpreter between now and 1315 or not.

PRESIDENT: Did Lieutenant Lee give you any reasons why he is unable to attend?



PROSECUTION: Matters he has to take care of in his office.

PRESIDENT: Are you making a motion or are you going to meet the situation or what?

PROSECUTION: Well, I am just explaining to the court. I don't know whether we will be able to find another interpreter by 1315.

PRESIDENT: Do you want the court to take action relative to the problem or what? What is your suggestion?

PROSECUTION: I make a motion that we adjourn until tomorrow morning until we can secure another interpreter.

PRESIDENT: Until we can -- Can Lieutenant Lee return as of tomorrow?

LIEUTENANT LEE: I may be able to return tomorrow.

PROSECUTION: Lieutenant Lee will be able to return in the morning.

PRESIDENT: Is that agreeable to the defense?

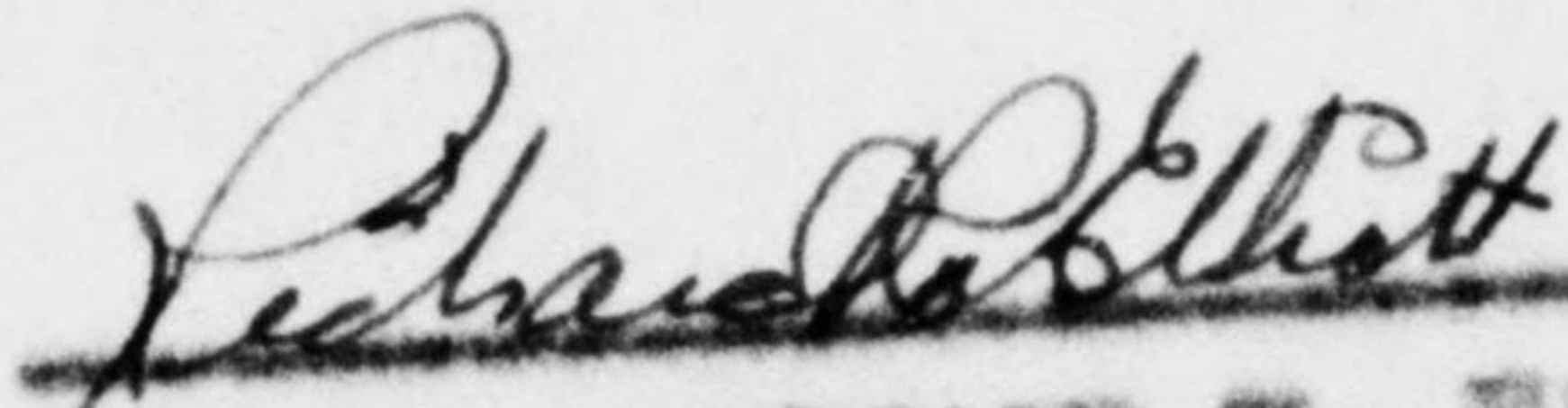
DEFENSE: Yes, sir, that is agreeable to the defense.

PRESIDENT: Would you rather have the adjournment until ---

DEFENSE: Yes, sir, I would like to have Lieutenant Lee come back tomorrow morning. I think he is getting along fine with his interpretation.

PRESIDENT: In that case the Commission will adjourn to meet at 0900 tomorrow morning.

The Commission then adjourned at 1150 hours on 7 November 1946.



MR. RICHARD H. ELLIOTT  
Chief Prosecutor



Metropolitan Police Station  
Tokyo, Japan  
8 November 1946

The Commission met, pursuant to adjournment, 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. 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.

CROSS EXAMINATION  
Cont'd

Questions by prosecution:  
Answers through interpreter:

- Q You testified yesterday that you had two or three jeeps that you could use to escort the Formosans to their homes, am I correct in that?
- A Yes.
- Q Did that include the jeep you used to make your appointment?
- A Yes.
- Q You testified earlier that it would take you approximately one-half hour to drive from the Chinese Mission to the place where you had your appointment, am I correct in that?
- A Yes.
- Q Then if it took one-half hour to drive from the Mission to the place where you had your appointment and one-half hour for the jeep to drive back, that means that that jeep could not be used for one hour after you left the Mission, isn't that correct?
- A On that evening the jeep took me first to my quarters which is about twenty minutes walking distance, for six or seven minutes by jeep.
- Q Where did the jeep go after it took you to your quarters?
- A It returned to the Chinese Mission.
- Q In that case it would be from twelve to fourteen minutes from the time you left until the jeep came back, is that true?
- A About that much.



- Q Did you give any instructions as to what jeeps should go to Shinagawa?
- A No, I told them to escort them home.
- Q Did you know how many convoys there would be leaving the Mission?
- A I didn't know then. At the time I was leaving they were still there.
- Q Do you know who it was who did make any arrangements as to the dispersal of the Formosans from the Chinese Mission?
- A Mr. Ling.
- Q Did you learn later how many convoys were sent from the Chinese Mission?
- A I learned later that two trucks went in direction of Shinagawa and four trucks went in the direction of Nakano passing through Shibuya Railroad Station.
- Q Do you know Lieutenant Colonel Crocker, the Deputy Provost Marshal, of Tokyo?
- A No, because I didn't have anything between Provost Marshal before.
- Q Do you recall talking with any officer or agent of the Provost's Office relative to this Shibuya incident?
- A Afterwards the press release made by the Provost Marshal's Office was not entirely correct and they sent somebody over and talked it over about this press release.
- Q Did you personally talk with Lieutenant Colonel Crocker or any one relative to that press release?
- A Some officer, probably it was a Lieutenant Colonel -- I don't remember the name -- came to the Chinese Mission and talked with me regarding this press release.
- Q And at the time that you had this talk do you recall mentioning that the jeeps were going to convey the Formosans home in trucks?
- A Yes, I said to convey Formosans home.
- Q Was the original plan to send a jeep and two trucks to Shinagawa, a jeep and two trucks to Nakano, and a jeep and two trucks to Shibuya?
- A I didn't make any plans and so forth as there were only three jeep drivers in Chinese Mission and I told them to escort the Formosans home. Detailed arrangements made by Mr. Ling.
- Q I believe you testified yesterday in response to a question that neither you nor Mr. Ling had made any arrangements whatsoever about sending them home, other than you told this one jeep driver to escort them home, isn't that true?
- A It was like this. At the time the Formosans were going home there were three jeeps in the Chinese Mission but I only



saw one jeep driver so I told this driver to have these three jeeps escort Formosans home. After that I left. If any other arrangement or instruction or anything that were made, Mr. Ling was there after I left.

- Q So then you are merely presuming that he made arrangements? You do not know yourself, isn't that true?
- A Yes, I don't know for sure whether he made any arrangements or not.
- Q Isn't it true that Mr. Ling at that time was not even there, that he had gone to the Provost Marshal's Office?
- A He didn't leave at time when I was leaving. I heard later that he went.
- Q Isn't it true that Mr. Ling was not even at the Mission at the time that the trucks left?
- A I don't know what happened after I left.
- Q But you know that you were not there? You know you left before the trucks left the Mission, isn't that true?
- A Yes.
- Q And if Mr. Ling left for the Provost Marshal's Office after you did, then there was nobody from the Chinese Mission in charge of or talking to the Formosans, isn't that true?
- A At that time in the Chinese Mission there were only Mr. Ling and I and I don't know what happened after I left. I don't know what happened after I left. I don't know what arrangements or how Mr. Ling handled the situation.
- Q After the incident didn't Mr. Ling tell you that when he returned from the Provost Marshal's Office to the Chinese Mission that the Formosans had gone?
- A He only told me he had been to Provost Marshal Office. He didn't tell me in detail.
- Q Did he tell you that when he came back the Formosans had gone?
- A I don't remember he told me that. He told me he been to the Provost Marshal Office. He didn't tell me what happened afterwards in detail.
- Q But he did tell you that he did leave that evening to go to the Provost Marshal's Office, isn't that true?
- A Yes.
- Q How far is the Provost Marshal's Office from the Chinese Mission?
- A I didn't pay any attention as to how far between Chinese Mission and Provost Marshal as I have never been in that place.
- Q Do you know where the Provost Marshal's Office is?
- A No, I don't. I don't remember which direction it is.
- Q Do you know where the Teikoku Building is located?
- A I don't remember name or location of buildings.



- Q Do you know where the main intersection of Tokyo is located? By that intersection I mean the intersection, the one corner is the Imperial Moat, and your one corner is the Dai Ichi Building; the other corner is Hibiya Park, and here on the other corner is the Teikoku Building. Do you know where that intersection in Tokyo is?
- A Yes, I know that intersection.
- Q Approximately how far is that from the Chinese Mission?
- A I did not calculate the distance carefully.
- Q Approximately how far is it in driving time?
- A Normally takes me about over ten minutes to go to Dai Ichi Building.
- Q So that if Mr. Ling drove from the Mission to the Provost Marshal and back it took him at least twenty minutes driving time, plus whatever time he had to talk with the Provost Marshal, isn't that true?
- A As this is movement or matter pertaining to Mr. Ling I can not speak for him.
- Q Didn't Mr. Ling tell you that when he came back from the Provost Marshal's Office that there were trucks of Formosans with wounded already back at the Mission?
- A Afterwards I heard that Mr. Ling had been to Provost Marshal Office -- that's one -- and another thing I heard was that the wounded had returned to Chinese Mission but he didn't tell me the whole thing in detail.
- Q Did he tell you that the wounded were there when he came back to the Chinese Mission from the Provost Marshal's Office?
- A No, I didn't hear that.
- Q Do you know whether Mr. Ling told the Formosans to wait at the Mission until he came back from the Provost Marshal's Office?
- A He did not tell me the thing in detail.
- Q How long is the driving time, normal driving time, from the Chinese Mission to the Shibuya Police Station?
- A I have no idea at all. I have never calculated or estimated it.
- Q You have talked this over with Mr. Ling on several occasions since the incident happened have you not?
- A No, not on several occasions.
- Q You have talked it over at least once with him have you not?
- A I don't quite understand the question.
- Q Have you discussed the Shibuya incident with Mr. Ling at any time since it happened?
- A Yes.
- Q Isn't it true that neither you nor Mr. Ling were present



at the time that the Formosans left the Chinese Mission or at the time that they first came back to the Mission?

A As I said, at the time I left the Chinese Mission I know that Mr. Ling and the Formosans were there. I don't know what happened after I left.

Q Did you tell Lieutenant Colonel Crocker that the original plan was to send a jeep with each two trucks?

A That I don't remember.

Q Did you tell Lieutenant Colonel Crocker that your original plan was to send the convoys from the Mission at ten minute intervals?

DEFENSE: If the Commission please, my recollection of the testimony is that the witness said that he didn't know whether he had talked to Colonel Crocker or not. I think that's the evidence.

PROSECUTION: He later testified that at the time of the press release he did.

LAW MEMBER: He mentioned a Lieutenant Colonel.

PROSECUTION: That's right. Strike that question. I will rephrase it.

Q At the time that you talked to this Lieutenant Colonel, American Lieutenant Colonel, about the press release did you tell him that the original plan was to send the two trucks and a jeep at ten minute intervals?

A No, I did not say that.

Q Was that the original plan?

A There was no plan. I told the driver to escort the Formosans home.

Q You testified on direct examination that as you were leaving the Mission you saw some Formosans climbing on one of the trucks, isn't that true?

A Yes, there were some climbing on the truck.

Q Then if at the time you were leaving and they were climbing on that truck it wouldn't be possible for the jeep that was away with you from twelve to fourteen minutes to escort that truck, would it?

DEFENSE: Object to the question, if the court please. It's too involved. I ask that counsel make his questions easier to be understood, taking into consideration they must be interpreted, keeping also in consideration the SCAP directive on the subject.

PROSECUTION: Strike the question. I will be glad to do it.

Q You testified that this jeep took you to your billet which



was six or seven minutes driving time from the Chinese Mission, did you not?

A Yes.

Q Then that jeep was away from the Mission from twelve to fourteen minutes was it not?

A Yes.

Q Then if your jeep was to escort that first truck, the Formosans who climbed on it as you left must have waited twelve to fourteen minutes before they left the Mission, isn't that true?

A As I said, I don't know what happened after I left. Your question is supposing the jeep that took me to my quarters has to escort the first truck. That's an assumption, is that right?

Q That's right.

A Yes, it's about between twelve and fourteen minutes.

Q Unless you knew that the Formosans were going to wait at the Mission, or at least some of them, how did you know that there would be any Formosans in twelve to fourteen minutes for your jeep to escort?

A Because Formosans asked for the escort themselves.

Q In answer to my previous question you asked me if it was an assumption that your jeep got back to escort the first truck to leave, isn't that true?

A What I mean is this: I didn't know which truck my jeep escorted them.

Q If they all left together would it make any difference whether your jeep arrived in time to escort the first truck to leave or the sixth truck to leave?

A As I said, I don't know what happened after I left. I don't know which truck my jeep escorted.

Q When you left the Mission, knowing that the jeep you had would be away from the Mission twelve to fourteen minutes, isn't it true you believed that the jeep would be back in time to act as an escort for some two trucks?

A At that time I wasn't thinking of that. I was thinking of going to the appointment and so I left and after I arrived at my quarter I told the jeep driver to go back to the Chinese Mission.

Q So your testimony is that you know nothing about what happened after you left the Mission, is that correct?

A No, I don't know anything after I left.

Q Your further testimony is that Mr. Ling, who was the only other member of the Chinese Mission there with you that evening, has told you nothing as to what happened after you left that evening, is that true?

A No, he did not tell me.



- Q Have you ever given any report as to your part in the events of the 16th of July 1946?
- A I made a verbal report to General Chu as to my part.
- Q Were you present in September when Mr. Ling, Chief of your Counselor Affairs Section, through interpreter Lee of your office gave a report of what occurred to Mr. Elliott, Chief Prosecutor, and Mr. Scott, Assistant Prosecutor in this case?
- A At what place?
- Q At the Chinese Mission.
- A What date in September?
- Q About the middle of September.
- A No, I was not present.
- Q To be certain that I have given you enough information that you may want to know, I want to advise that Mr. Chen of the Chinese association was also present. I also wish to advise you that the Assistant Prosecutor Mr. Scott, who is not at the table this morning, has red hair. Might that help you place the incident?
- A No, I was not present.
- Q To further refresh your memory, at that time Mr. Elliott was a Major in the American Army. Is your answer still that you were not present at such a conference?
- DEFENSE: I request, if the court please, that Mr. Elliott be pointed out to the witness.
- PROSECUTION: Stand. This is Mr. Elliott who at that time was Major Elliott.
- DEFENSE: May I also request the fact that Mr. Scott is not present in the court room be pointed out to the witness?
- PROSECUTION: I so stated in my question.
- DEFENSE: Yes, I know but it wasn't quite clear to me. I would like to have it pointed out again.
- Q Mr. Scott the red haired Assistant Prosecutor is not at the table this morning.
- A No, I was not present.
- Q I want to go back to previous matter. You testified that it takes you usually ten minutes to drive from the Chinese Mission to the Dai Ichi Building, which is near the Provost Marshal's Office, isn't that correct?
- A I said over ten minutes.
- Q Over ten minutes. That is, each way it takes you ten minutes from the Dai Ichi Building?
- A Yes, it takes over ten minutes to get there.



Q Would it be possible for you to drive from the Chinese Mission to the Dai Ichi Building and back in five or six minutes?

A No, that's impossible.

PROSECUTION: I wish to take up one other phase.

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

The Commission then took a recess until 1055 hours, at which hour the personnel of the Commission, the prosecution and defense, the interpreters and the accused, and the reporter resumed their seats.

PRESIDENT: The Commission is in session. We will 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 General Li, during your speech at the Chinese Mission did you state that the Formosans should leave all the matter in the hands of the Chinese Mission?

A I told them to select representative to go with the Consular Affairs Section to handle this thing, settle this thing.

Q Did you tell them that the Chinese Mission would give them what assistance it could in the matter?

A I told them it's the responsibility of the Consular Affairs Section to handle and to work for the interests of the Chinese here, so I told them to select representative and talk over with the Consular Affairs Section.

Q At that time did you tell them to keep away from trouble?

A No.

Q On the 30th day of July 1946 an agent of the CIC interviewed the following eight defendants in this case:

PROSECUTION: I will have to give some background and ask the interpreter to translate when I make a pause so that there will be no confusion by getting too involved a question. Translate that portion. (Translated)

Q (continuing) The eight defendants I have reference to are as follows: Defendant No. 11.

PROSECUTION: I ask the interpreter to give the name after I give the number.

Q (continuing) Defendant No. 11, Defendant No. 10, Defendant No. 30, No. 12, No. 21, No. 42, No. 26, and No. 20. (Interpreted)



Q (continuing) If those eight defendants stated that General Li requested the crowd to keep away from trouble and to leave all matters in the hands of the Chinese Mission, are they mistaken or General Li?

DEFENSE: If the court please, defense objects to this question. It is improper cross examination. The conclusion that two things which are different are different is perfectly obvious. These statements are not evidence in the case. What I mean suggesting is, if the court please, if the prosecution is trying to impeach the testimony of the witness they should be confined in their effort to do so by statements which have been made, contrary statements by the defendant himself. To say to him that if some one else has made a statement which is contrary to yours, is the other person right or are you right? It seems to me the line of cross examination is novel and really gets us no where at all, takes up a lot of time and is extremely unfair.

PROSECUTION: If it please the court, I think it's quite obvious to all of us that the crux of the meeting is whether or not in his speech he made any reference whatsoever to law and order or maintaining order, or to peaceful behavior. He has stated emphatically that he did not. He and Mr. Ling have both stated that at that meeting as far as anything was said there was no mention about peace, law and order, quiet behavior. The only thing they mentioned is they told them to go home. I think it's very important to this case as to whether or not he in his speech did tell them to stay out of trouble and to maintain proper behavior, and surely I am not trying to impeach him, possibly to refresh his memory. He isn't our witness. I don't care one way or the other but I do think it's a proper question.

DEFENSE: If the Commission please, I think that the defendant has answered the question.

PROSECUTION: He hasn't.

DEFENSE: Time and time again. I don't know why the prosecution should keep driving at this particular point over and over again. It's taking a great deal of time, and another point is that the statements that were made by these defendants who have been referred to, which attribute certain remarks to General Li, were interpreted to them. Whatever remarks that were made to these defendants at this meeting at the Mission came to these defendants through interpretation. I must confess that the defense is a little at a loss yet to know exactly what is the object of the prosecution, unless he is using cross examination as a means of putting certain argument before the court at this time. It seems to us that if General Li has made any statement which might be contrary to any other statements made by any other people and those other statements become a part of this case as evidence of the case the counsel can refer to that fact in his final argument. This is not a proper time to make those arguments.



PROSECUTION: If it please the court, I realize full well that these questions are not evidence and I don't see why counsel for the defense is worried. Questions are not evidence. It is only the answers that the Commission will consider and I think it is most important for the court to attempt to find out what was actually said at the meeting.

LAW MEMBER: It appears that the question is for the purpose of refreshing the witness's memory.

PROSECUTION: That's right.

LAW MEMBER: Therefore, the objection is overruled.

The last question was then read by the reporter and interpreted for the witness.

A All I said was I want them to select representative and to go with Consular Affairs Section of the Chinese Mission to handle this thing.

Q On the same date, Defendants No. 8, 34, 28, 15, 17, 18 and 19 were also interviewed relative to the Shibuya incident. (Names and question interpreted)

If those persons stated that in your speech you advised them to leave the whole affair in care of the Chinese Mission and that they should not engage in any trouble, are they mistaken or could you be?

DEFENSE: If the court please, I should like to renew the objection made before, particularly at this time for the reason that the answer of General Li to these questions is a most certain one. He said that he told the Formosans to appoint their representatives and work with the Consular Affairs Section. Now that excludes -- and this he has said time and time and time again -- it excludes the idea that he could have said anything else, so why should the prosecution take up so much time in asking if there is any variance between what he said to the Formosans and some remarks attributed to some other people which are at variance with his testimony. I think the conclusion is too obvious, if the court please, to admit without taking up so much time in following this line of cross examination.

PROSECUTION: If it please the court, I would like to call the Commission's attention to the last answer the defendant gave to the last question. He didn't answer "yes" or "no". He gave a vague response. I didn't ask that he be directed to answer "yes" or "no" but I am placing a similar question involving other defendants, hoping that this time he will give a direct answer.

DEFENSE: The witness stated what he said to the Formosans. He stated it time and time and time again.



PROSECUTION: He did not answer the question.

DEFENSE: He answered by telling you exactly what he said. What other answer do you want?

PROSECUTION: If it please the court, it is quite obvious that if the man gives a twenty minute speech he said a lot more than he said in the answer he just gave.

LAW MEMBER: The objection is sustained. However, you may ask the witness to respond to the last question.

Q You have testified that you spoke for twenty minutes ---

DEFENSE: If the court please, I think that you gave the prosecuting counsel permission to ask the witness to repeat his last answer.

LAW MEMBER: No, respond more properly to the last question.

PROSECUTION: Strike that. I misunderstood.

LAW MEMBER: The objection to the last question was sustained.

PROSECUTION: Repeat the next to the last question to the witness.

The next to the last question was then read and interpreted for the witness.

A As far as I know, all I said was I want them to select representatives and to settle the thing with the Consular Affairs Section.

Q Did you or did you not warn them to stay away from trouble?

DEFENSE: If the court please, defense objects again because that question has been asked repeatedly and answered repeatedly.

LAW MEMBER: It hasn't been answered fully. The objection is overruled.

A No.

Q Do you know Mr. Chu Jeng Kun?

A No.

Q How many of the officials of the Chinese association in Tokyo do you know?

A I know President Chen. I don't know anybody else in the association.

Q On August 5th Mr. Chu Jeng Kun was interviewed relative to the Shibuya incident. If he stated that you urged the group to keep their heads, to consider the Chinese position, to try



and be friendly with the Japanese and to peacefully return to their homes, is he mistaken or did you say that?

DEFENSE: The same objection, if the court please.

PROSECUTION: If the court please ----

LAW MEMBER: The objection is overruled.

A All I said I want them to appoint represent to go with the Consular Affairs Section to settle this thing and I wanted them to go home.

Q I know that. Answer the question directly.

A I know what I said. I don't know what other people attribute remarks that I have said that.

Q Did you state to the group that they should keep their heads?

A No.

Q Did you state to the group that they should consider the Chinese position?

A Yes, I told them about China is one of the United Nations.

Q Did you tell them to consider the Chinese position in connection with this incident?

A I told them the Chinese are United Nation nationals, are victors in this war, Chinese are national citizens of victorious country.

Q What connection --

MEMBER: He hasn't translated the second part, that they should elect representatives.

INTERPRETER: Yes. I'm sorry.

A (continuing) As the Chinese position are citizens or people of victorious country they should appoint representative to handle things with Consular Affairs Section.

Q What connection did the incidents of the 14th and the 16th and the archway incident have with the fact that China was one of the victorious nations?

DEFENSE: If the court pleases, may I interpose an objection to this question on the ground that it is not proper cross examination, unless the prosecution will explain the object of this particular question. It has very little to do with the issues of this case.

PROSECUTION: If it please the court, I would like to call attention to the letter, Prosecution's Exhibit No. 3, from the Self-Governing League which stated in its last paragraph, or next to the last paragraph, that they, the Self-Governing League, were not under the jurisdiction of the Japanese police.



I can not recall the exact phrasing, but the content of the letter was that this group behind the letter felt that they were not subject to the control of the Japanese and their actions, as contended by the prosecution, indicate that they so believed, and any statement made at this meeting to the effect as to which country was victor or which country was conquered certainly might have some bearing on throwing a light on what occurred, especially when we know that one of the defendants at least was active in the group that sent the particular letter.

DEFENSE: If the court please, I think the prosecution have explained very clearly that the answer might have some bearing upon something which might be relevant to the issues of this case. I think, if the court please, that this is a little bit too far removed from proper cross examination.

LAW MEMBER: The objection is sustained.

- Q Did you say to the group that they should try and be friendly with the Japanese?
- A I don't remember saying anything like that but what I said was after they have representative with the Consular Affairs Section they have to settle this thing reasonably, according to reason.
- Q During your speech did you state that they should peacefully return to their homes?
- A I told every one of them to go home and wait for the words of the arrangement or the settlement of this thing.
- Q Did you use the words "to return home peacefully" or not?
- A No.

PROSECUTION: That is all.

PRESIDENT: Any redirect examination?

DEFENSE: No questions.

#### EXAMINATION BY THE COMMISSION

Questions by members:

Answers through interpreter:

- Q Did the president of the association explain to you why it was necessary to have nearly three hundred Chinese go from the Shewa School to the Chinese Mission to make the appeal that you have testified to?
- A President Chen explained to me that there were between two and three hundred people coming to the Chinese Mission to appeal because after Mr. Ling talked to them, at the time they were ready to go home, dispersing, one Chinese came back and told the people that were still in the school that he has been insulted and the remaining between two and three



hundred Chinese there decided as soon as Mr. Ling has talked to them and left, went back to Chinese Mission, and they wanted to appeal to the Chinese Mission.

Q Appeal or protest?

A Appeal.

Q Appeal for what?

A Their meaning at that time was the Chinese was insulted. They were hoping that the Chinese Mission will come out and handle the case for them.

Q They were registering a complaint were they not?

A No, appeal to Chinese Mission.

Q Does it take three hundred men to make such an appeal?

A At that time that was what they were all thinking, of coming to Chinese Mission to appeal. I don't know why.

Q That's exactly what the Commission is trying to find out. Why did they go to the Chinese Mission in such a body?

A I don't know exactly why but what I think is because every one of them thought that since on 14 of July that some Chinese being beaten and on 16 of July their stalls and property have been damaged, and on 19 of July some Chinese has been insulted, and that's why they all feel they should come to Chinese Mission and appeal for help.

Q This meeting on those subjects had been held at the Showa School had it not?

A Yes, I heard Mr. Ling told me that.

Q Such meeting was held under the auspices of an association was it not?

A I didn't hear any report on that but President Chen said they all come to the meeting automatically without any notice, they just all came by themselves.

Q Do you mean to imply that Formosans from Kobe, Osaka, Yokohama, would converge on Showa School at a precise hour without any information or notice?

A I don't know where they came from.

Q Is it conceivable that five hundred men attending the meeting at Showa School had precisely the same thought and acted alike at the same instant?

A As I said, I don't know the detail of the gathering. I think because the news of the 16th of July incident might have spread out among the Chinese.

Q Isn't it a fact that you have made reference to the meeting held by Chinese association headed by Mr. Chen?

A No, according to President Chen told me they came to the meeting voluntarily, automatically, they came to the meeting by themselves.



- Q Do you believe that these people came to this meeting without being advised of such a meeting by some one person or organization?
- A Yes, I believe so because the 14th of July and 16th of July incidents, and then further on 19 July they have this word that Matsuda Oumi people are gathered and plan to attack them again, and they all come to the Chinese association.
- Q Do the Chinese in case of a threat or danger have a SOP for assembling at the Showa School?
- A No, I don't know such SOP and I don't know exactly what happened, but I think it was because at that time everybody was thinking such way.
- Q Was it entirely accidental ---
- A Came up suddenly, accidentally.
- Q Was it accidental that all these individuals were provided truck transportation?
- A I don't know about where they got the trucks.
- Q Isn't it a fact that Mr. Chen represents a federation of association that protects and looks out for the interests of all Chinese overseas?
- A Yes.
- Q Then you were dealing with a representative of that same gathering that had been at Showa School when you were talking to Mr. Chen, were you not?
- A Yes, he is one of the representative.
- Q Then what was the purpose of advising them to select representatives to discuss this matter?
- A As Mr. Chen has no knowledge of how much actual damage they suffered. What I mean select representative from the people that suffered the damage, that several tent stalls, and select or appoint representative among these group, among these people.
- Q You have repeatedly referred to the matters you discussed in your speech as dealing entirely with advising the Formosans to select representatives, have they take the matter up with Mr. Ling, and that if they understood they were to go home, is that correct?
- A Yes, I said if they understand what I said they go home and if they do understand what I said they show it by raising their hands.
- Q How long does it take you to express yourself on these subjects in your own language and have it translated for the benefit of the Formosans?
- A Before I talked to them I first asked them the reason or why they come here to appeal and they answer that which is same as President Chen said. That took up some time too.
- Q Who answered those questions?
- A I don't remember the name, about two or three person.



- Q Why did you ask those questions when President Chen of the association had informed you fully of the intents and purposes of the visitation?
- A I know what President Chen told me but since so many people there I also want to know if there is any other opinion or suggestion or any other purpose they have.
- Q How long did that take, this informative period?
- A I don't remember exactly how long but I remember the whole thing, I asked them and then I talked to them, the whole thing last about twenty some minutes.
- Q The answer is not responsive to the question. I asked you how long it took to express yourself in your own language and have it translated to the Formosans the subjects which you claim were the only ones you touched upon.
- A I can't divide the twenty some minutes exactly but I remember the whole thing last about twenty some minutes.
- Q You stated that you were informed that the meeting by the Formosans dealt primarily with the July 14th and 16th episodes and, secondly, with the gate archway incident, for which they wanted an apology, is that correct?
- A Yes, and also, thirdly, the report where they got that Matsuda Gumi are planning to attack them.
- Q All right, remembering those motives or purposes of the meeting, isn't it a fact that the meeting was then a protest meeting of people intent on seeking redress?
- A The meeting itself is not a protest. It's appeal for help from the Chinese Mission. They want the Chinese Mission to handle the thing for them.
- Q Would a gathering of people appealing to the Chinese Mission for help and assistance in a case involving the loss of considerable property and danger to their very lives be in a happy mood?
- A It's because after I told them that the Chinese Mission, the Consular Affairs Section of Chinese Mission will take up the responsibility of handling this case and they feel they have some organization responsible to handle this thing for them. That's why they all feel cheerful.
- Q In response to a prosecution question you stated that even at the beginning of the meeting the Formosans were in a happy frame of mind.
- A Yes, even at the time when I first met them on the road, when they first saw Mr. Ling and me, they were in very cheerful mood.
- Q Then if a convention atmosphere prevailed why was it necessary to provide escorts for them to go home and to appeal to the MP's for protection?
- A At the time they asked me for the escort I didn't ask them exactly why but I think the reason when we were coming back,



on the way back to Chinese Mission, at Toranomon we heard the machine gun firing and so forth and that is one reason that causing them to worry.

Q How did they know the machine gun firing had anything to do with the Formosans gathering anywhere?

A At the same time on 19th of July they have this word that Matsuda Gumi people are planning to attack them.

PRESIDENT: At this time the Commission will recess to 1315.

DEFENSE: If it please the court, General Li has informed us that he has some official appointment that will keep him until 2:30 this afternoon and at 2:30 he can be present. We are able to put on another witness at 1315 if you wish.

PRESIDENT: I would rather not. The next questions by the Commission will refer directly to these last questions and the continuity will be broken and I prefer to adjourn to meet at 1430 at the request of defense.

There was a brief discussion had off the record.

PRESIDENT: We will stand adjourned to meet at 1430 this afternoon.

The Commission then took a recess until 1430 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 The furnishing of a jeep escort was because of a fear of attack by the Matsuda Gumi was it?

A At that time the Chinese asked for the jeep escort. I didn't think anything would happen but just to satisfy their request so I agreed to furnishing jeep.

Q What were you informed was the reason for the request for jeep escort?

A Because on their way over Chinese Mission they heard this gun firing, machine gun firing, and also they got this report about Matsuda Gumi people are planning to attack them they are worried by these things and they feel better if the Chinese Mission will send jeep escort for them.

Q Then the jeeps were to provide the Formosans protection against attack by Matsuda Gumi, isn't that correct?



- A At that time I didn't think anything would happen. I didn't think anything such as this attack would happen. Since the Chinese asked for these jeep and we can satisfy their request because we do have jeeps there, so we just sent this jeep along.
- Q It isn't a question of whether an attack would occur or not. You furnished a jeep as protection of the Formosans against attack by Matsuda Gumi, isn't that a fact?
- A The reason I sent this jeep because the Formosans were worried and in order to satisfy their request and keep them from worrying that's why I sent these jeep along to escort them. I didn't believe the attack could happen at all.
- Q General Li, please do not evade the issue. The jeeps were or were not furnished because of the fear expressed by the Formosans of being attacked, is or is not that correct?
- A Yes, they were worried about that attack.
- Q This case can be expedited to considerable extent if the witness will arrive at an answer without being forced to it by six or seven questions. The answer that I have now could have been had as an answer to my first question without incriminating the witness.
- Where were the Matsuda Gumi located that the Formosans feared?
- A I don't know.
- Q Did the Formosans tell you that they were apt to be attacked anywhere in Tokyo?
- A No.
- Q Isn't it a fact that you know the Matsuda Gumi people to be located in the Shinbashi area?
- A I have no knowledge of that.
- Q As a military man I believe the first thing you would consider if some one speaks of an expected attack would be to know when such attack would be launched, is that correct?
- A No, not correct.
- Q What effect did it have on you when the Formosans told you about the massed police at the Shibuya Police Station?
- A They did not tell me that.
- Q Mr. Ling, who proceeded you on the witness stand and whom you have stated to have been with you constantly up to the time you left the Mission to go on your appointment, stated that a report was received while he was at the Mission that there were massed police and armed civilians at the Shibuya Police Station. Why didn't you hear said report?
- A Although we were both in the Chinese Mission at the same time, but after the meeting we were not very close together.



- Q Then while you were waiting for the balance of the trucks to arrive, Mr. Ling could have left the Mission could he not?
- A No, he could not have.
- Q Yet this report of the massed police at Shibuya Police Station was received by Mr. Ling while he was with you, prior to the opening of the meeting. Why wouldn't he inform you of such a report, if you were constantly together?
- A I didn't hear him tell me about that. I think it might have been after I left the Mission he received the report.
- Q Did two trucks led by a jeep arrive at the Mission while you were waiting for the balance of the trucks?
- A No, only my jeep followed by two trucks arrived in Chinese Mission.
- Q Would one or several trucks carrying Formosans down the street, if following an American jeep, be protected against an attack by Matsuda Gumi?
- A Yes, it is possible.
- Q How would the attackers know that the jeep was escorting the trucks?
- A It depends upon the distance between these vehicles.
- Q At what distance is a truck protected by the jeep preceding it in going down any street?
- A I have never studied this closely.
- Q You haven't furnished me an answer either.
- A I don't quite understand the question.
- Q In what way were the jeeps adequate protection for the occupants of the trucks as previously stated by you?
- A If the trucks are immediately following an American jeep, which means they are either part of an American or United Allied nationals.
- Q Do you mean to imply that whenever we see a jeep going down the street followed closely -- no matter how closely -- by a truck that said truck is under convey of said jeep?
- A If a truck full of Chinese or Formosans immediately following another jeep which came in the jeep is conveying the truck, which means Allied nationals are going from one place to another.
- Q At that rate, General Li, I am conveying foreign nationals and other nationals every day. Do you believe that to be the case, that every time a truck falls in behind me I am conveying said truck?
- A At that time that's what we meant to do when we sent the jeep along. We didn't study any other angle on that question.
- Q Wasn't the real purpose that in case the Formosans were stopped by some one the jeep would provide the spear-head and guarantee safe passage through such line?



- A When I sent the jeep escort what I meant is since the jeep of the Chinese Mission has the official emblem of China and immediately following it will be these trucks with Chinese, people will know they are Chinese or Allied nationals.
- Q Then the purpose of a jeep with a Chinese emblem on it was to impress any one attempting to stop the convoy that they were Chinese nationals and not subject to being stopped, isn't that correct?
- A The purpose of sending jeep along is not that, as you said. It is to send these Formosans home and anybody look at this large group of people coming would know they are Chinese, not that they are not subject to being stopped by anybody.
- Q Why was it necessary to advertise the fact this large number of people aboard the trucks were Chinese?
- A I didn't say I was advertising the fact that they are Chinese. To me if anybody stop or want to know who they are they can ask and find out that they are all Chinese.
- Q That's right. That's the question I made a while ago. That was the real purpose of furnishing the escort, was it not?
- A Yes.
- Q Whom did you expect would stop this Formosan convoy of trucks?
- A I would expect no one.
- Q Would you expect a "no one" to stop the jeep? Then the jeeps failed to serve the purpose for which you just stated the jeeps were furnished. How do you explain that?
- A At that time, at the time when they request escort of this jeep, I didn't think anything too deeply. Since they want the jeep for escort and we have the jeep I let them have the jeep for escort. I didn't think of any connection at that time.
- Q I must inform you, General Li, that this Commission is charged with obtaining all the facts in the case upon which to reach a verdict. There are many things that are not clearly explained, nor have logical reasons for action taken been given to this Commission. Those are the facts that impel me to insist upon getting answers to questions which appear to have been answered previously. Is that clear?
- A I will tell what I have seen and what I know, everything possible, but what I don't know or what I didn't see I can not say.
- Q Did the Formosans at the meeting at the Mission inform you of the confiscation of black market goods by Japanese police, assisted by MP's, on July 17th?
- A No.
- Q You have referred to a sign being removed by some one for which act the Formosans demanded an apology. Do you know



who removed such sign?

A According to the report I received from President Chen this gateway archway was torn down by some Matsuda Suni people.

Q From when was the apology for such removal expected?

A President Chen said they expected an apology for those responsible of tearing down this sign. I didn't know who they were.

Q Did Mr. Chen also tell you about receiving a notice from the Police Department to remove such sign?

A No.

Q If a commercial sign carrying a replica of a national flag is removed by any one does this in itself constitute an insult to the nation whose flag appears on said sign?

A If it is a commercial sign and it's been taken down properly, with proper understanding, it should not be considered an insult to that nation.

Q What do you mean by "proper understanding"; that a ceremony must be performed?

INTERPRETER: Sir, there might be some question on translation on that.

PRESIDENT: Well, what do you want? I will ask the question this way.

Q What do you mean by "proper understanding" then?

INTERPRETER: Sir, on this translation I had before, regarding taking down the sign, what General Li said was: "In taking down the sign, when the sign is removed with reason, not unreasonably." That's what he said. Not with "proper understanding." That was my mistake in translation.

Q Then what do you mean by the sign removed "with reason"? What is meant by that?

A Such as changing a commercial sign, the old one to new one, or the damage removed after it's damaged, taken down after its being damaged.

Q Then if a sign is placed illegally and improperly anywhere it can not be removed except for renewal, is that it, renovation?

A When we were talking before we didn't say anything about "illegally or improperly placed." Of course, if they are illegally and improperly placed of course it can be torn down.

Q Is it not a fact that before an insult to the flag can be established the facts must indicate that the motive for eliminating such a sign was to remove such flag from public view?

A Yes.



- Q You have stated that one of the main reasons for the meeting at the Showa School was the insult to the Chinese by the removal of the archway, isn't that correct?
- A That was one of the reasons reported to me from President Chen.
- Q Then the meeting was a protest meeting intent on seeking redress from whatever people who removed that sign, isn't that correct?
- A That's what they want the Chinese Mission to do, but that's what Chinese Mission told them, they have to appoint representative to find out whether the thing was true or not before they are going to do something.
- Q But people gathered together for such purposes must be at least serious, if not in a belligerent mood, at such time would they not?
- A No, I don't think the Formosan attitude at that time was very serious.
- Q Yet they were serious enough about it to demand an apology, isn't that correct?
- A They demand apology but at that time the Chinese Mission have not investigated the case, they don't know whether it's true or not. The Chinese Mission told them that they would do so.
- Q What effect would investigation that was to come by the Chinese Mission have on the mood of the people that gathered for the purpose of airing a grievance?
- A As I said at that time, as far as I can see, I didn't see any serious attitude taken by the Formosans.
- Q Regardless of whether you were informed or not, the Formosans directly concerned knew that the people who removed the sign were Japanese police, isn't it a fact then that this grievance must have been on the part of those people against the Japanese police?
- A That I wouldn't know.
- Q Were you informed as to why five hundred Formosans would be directly interested in the purposes of the meeting as stated by you, and enough so to come long distances from towns other than Tokyo?
- A No, I was not informed.
- Q Why was it necessary for you to address the Formosans after you had heard the complaints from the leaders of the association representing all overseas Chinese and you could assure them as to actions that the Chinese Mission could or would take?
- A At that time after President Chen had explained this thing to me he also said between two hundred, about three hundred people are coming to appeal to the Chinese Mission, and then Mr. Ling and I decided better if we go to their place instead of a large group of people coming to Chinese Mission.



If Chinese were not to appeal to the Chinese Mission we would not have to go there and talk to them.

- Q Is it not reasonable to assume that you had to address the Formosans for reasons other than to assure them of a sympathetic consideration of their complaints?
- A No, there were no other reasons.
- Q If Mr. Ling had told the Formosans that the Chinese Mission would handle their complaints, what could you add to that in view of the fact that he is the Chief of the section who would handle such complaints?
- A At that time it was like this. After Mr. Ling talked to them at the first meeting in Showa School and they began to go home they were all satisfied with the answer and then one of the Chinese came back from Shinbashi and reported that he has been insulted and then they decide to come to the Chinese Mission to appeal. Then Mr. Ling said that since I belong to the Chinese Mission -- I am an adviser to Chinese Mission, one step higher authority in the Chinese Mission -- it would be better if I talked to them again.
- Q Then the reason for going to the Chinese Mission was the fact that some Formosan had been insulted in the Shinbashi area, was it?
- A The Chinese insulted around Shinbashi area went back to the Showa School where there were between two and three hundred remaining people there and they told the remaining people the reason and the incident and since Mr. Ling has already left for the Chinese Mission and they feel it's necessary to go to Chinese Mission to appeal to the Chinese Mission.
- Q How we are getting to the real reason for the Formosans going to the Chinese Mission. You have stated that the Formosans who were insulted at Shinbashi area went back to the Showa School and enlisted the aid of two or three hundred remaining Formosans and started for the Chinese Mission, isn't that correct?
- A That's one of the reasons.
- Q You have previously stated that the Showa School meeting broke up. They were satisfied with Mr. Ling's explanation, isn't that correct?
- A Yes.
- Q And that two or three hundred remaining at the Showa School did not go home as planned but listened to the complaint of some one who had been insulted in Shinbashi area and then elected to go to the Chinese Mission. If that is the case, what was the purpose of going to the Chinese Mission?
- A I think the reason, the purpose or the reason, they came was right after they asked the Chinese Mission to give them help and another Chinese has been insulted again so they hope the Chinese Mission will handle the case right away for them.



- Q The two or three hundred remaining Formosans at the Showa School had no intent of going to the Mission until they received the complaint of mistreatment in the Shinbashi area, is that correct?
- A Yes.
- Q And you mean to state that they arrived at the Chinese Mission in a happy mood when they traveled there for such purposes?
- A That's what I saw. That's what I saw when I met them on the road and when they saw me and they all cheerfully say that they want to appeal to Chinese Mission. That's what I saw.
- Q When you went in search of the Formosans at the Showa School and were told that they were already on their way to the Chinese Mission and had left some time previously, why did you not drive right straight to the Mission so as to be there to greet them, at least?
- A As the original purpose was to go to talk to the Formosans in the school instead of having them come over here, after we got there we learned they had left and we didn't meet them on the way over so we asked them which route they took to come to the Chinese Mission. That's why we followed them on the route.
- Q When you did meet up with the trucks why did you not tell them to go back to Showa School since you didn't want them in the Chinese Mission in the first place?
- A The time I met the two trucks and all the occupants of the truck they all express they want to go to appeal to the Chinese Mission and since there were only several ten's people there, not everybody there -- there's still some more -- and if I told them to go back to Showa, there would be some in the school and some in the Chinese Mission.
- Q Since you were sure they were on their way to the Chinese Mission why did you have to hunt for truckloads of Formosans and send out jeeps to guide them?
- A After most of the trucks arrived and there's only one left, and we asked if enough time has passed that should have arrived we were afraid that they might lost somewhere and couldn't find the Chinese Mission, we sent a jeep to look for them in the intersection.
- Q It has been told here in court that the Formosans were complaining about the failure of the Japanese police to protect them against Matsuda Gumi. What do you know about that?
- A I don't know.
- Q You have in your testimony referred to the fact that at least one Japanese policeman was involved in an incident and used as a possible connection between the Japanese police and Matsuda Gumi, is that correct?
- A No, I didn't say anything about Japanese policemen.



Q You have referred to the incident which involved a Japanese policeman, did you not?

A No.

Q What were you told by the Formosans as to their relations with the Japanese police?

A No, nothing.

Q You testified that when you met the two trucks in the area of Shinbashi when you left the Showa Primary School in the late afternoon or evening of July 19th that the occupants on the truck were yelling to the effect that they wanted to go to the Chinese Mission. Did you observe at that time whether any occupant or occupants were having any disorderly or unruly or otherwise unlawful attitude or action done at that place or any other place that you know of?

A No, all I saw they said they want to go to Chinese Mission.

Q Do you have knowledge if any occupant on those two trucks or of any other truck that subsequently also came over to the Chinese Mission had earlier perpetrated any attack or other act of violence against anybody in the Shinbashi area that day?

A No, I heard nothing about that.

Q You testified to the effect that while you were with a group of the people in the Chinese Mission you told them to select representatives to take the matter up with the Consular Affairs Section, Mr. Ling, and to avoid the large gathering of a large number of people, in order to avoid misunderstanding. Well, at the time you made such a statement, particularly when you referred to avoiding a misunderstanding, did you have anything concrete in mind or sense any impending danger of something -- of some untoward incident would occur, that you would use, would make such a statement and such a phrase, with a view to avoiding such occurrence?

PRESIDENT: Since this is a very lengthy question, if there is no objection by the prosecution or the defense, the Commission member may ask the question himself in the Mandarin dialect in order to get the exact question over to the witness. Any objections?

PROSECUTION: No objections.

The Commission member then asked the last question in the Mandarin dialect.

A No, I have nothing in mind when I said that "Do not cause any misunderstanding." This phrase "Do not cause misunderstanding" is used very frequently in Chinese way of expression. It may mean different in English but in Chinese it's frequently used and, as I said before, we don't want large group of people there because large group of people would not accomplish anything whereas a small body of people can discuss the things and settle things more swiftly.



Q While you were in the Chinese Mission with a group of Chinese, more specifically referred to as Formosans in this trial, and after you addressed them, did you observe any of them having a defiant or dissatisfied attitude towards your speech in spite of the fact that they made a show of hands?

A No.

Q What was the reason that you saw fit to attend to your personal private appointment after you addressed the group rather than to wait until everybody left and went home, as you have indicated?

A Because I saw they were all in a cheerful mood and at that time I didn't think the thing was important and I didn't see where any incident would have occurred and I was already late to my appointment and there was nothing left to be done there, that's why I went to my appointment.

Q Yet Mr. Ling saw fit to go down and enlist the aid of the Provost Marshal and ask for protection, isn't that correct?

A That was after I left. I don't know what happened after I left.

Q Then you admit the situation could have changed rapidly, is that right?

A What I mean is I wouldn't know what happened or what developed after I left.

PRESIDENT: Does the prosecution or defense feel any new matter has been brought up that wasn't on cross examination?

DEFENSE: No.

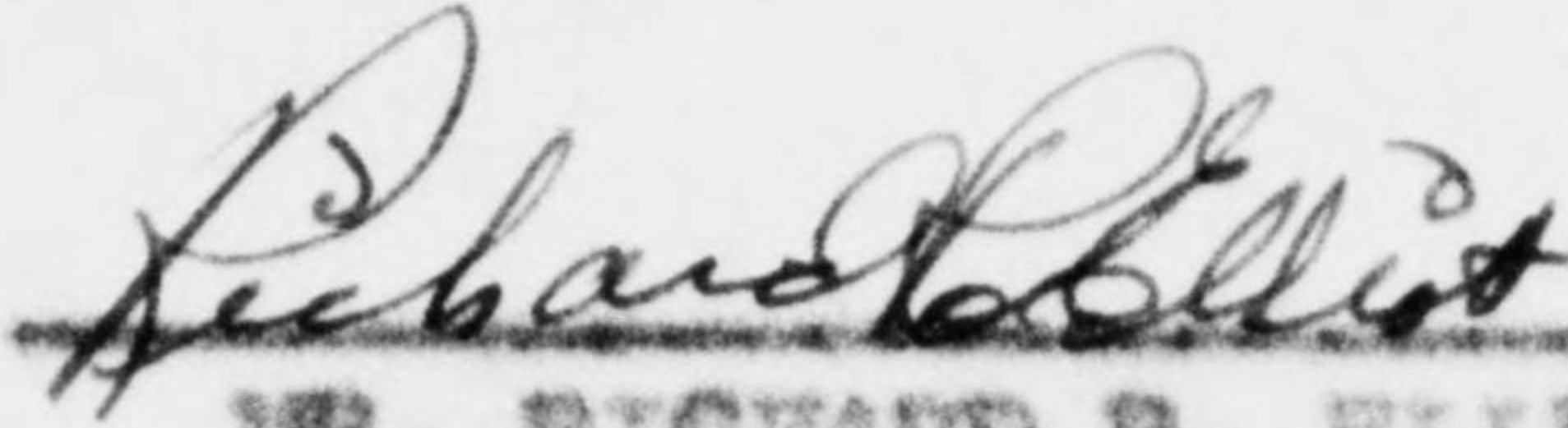
PROSECUTION: No.

PRESIDENT: If there is no further questioning, the witness is excused.

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

PRESIDENT: In view of the fact that Monday, November 11th, is declared a legal holiday the Commission will adjourn to meet at 0900 Tuesday, November 12th.

The Commission then adjourned at 1620 hours on 8 November 1946.

  
MR. RICHARD R. ELLIOTT  
Chief Prosecutor



Metropolitan Police Station  
Tokyo, Japan  
12 November 1946

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

The accused, interpreters, and the reporter were also present.

DEFENSE: Defense calls as its next witness Low, Chee Kain.

Low, Chee Kain, a witness for the defense, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with my conscience I swear to tell the truth. I will withhold nothing, I will conceal nothing.  
A. (Through interpreter) I do.

PROSECUTION: Do you understand if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?  
A. Yes.

PROSECUTION: State your name to the Commission.  
A. Low, Chee Kain.

#### DIRECT EXAMINATION

Questions by defense:

Q. Are you employed by the Chinese Mission?  
A. Yes.

Q. In what capacity?  
A. I am a driver.

Q. How long have you been so employed?  
A. 11th April of this year.

Q. Were you at the Chinese Mission on the evening of July 19th, 1946?  
A. Yes.

Q. Did you receive any special instructions that night as to driving your jeep?  
A. I did not receive any special instructions.

Q. Did you drive the jeep that night at any time around 2000 for the Mission?  
A. I was called about 2020.

Q. By whom?  
A. Another driver told me to move the jeep which was parked in front of the Mission.

Q. Was there any meeting that night in the auditorium at the Mission at about this time?  
A. Yes.



- Q. Were you instructed to drive your jeep from the Mission at about that time?  
A. Yes.
- Q. And from whom did you receive those instructions?  
A. Another driver.
- Q. And what were the instructions?  
A. The driver told me that General Li gave the orders to escort the men to the point where they would return home.
- Q. Did you receive any instructions directly from General Li that night?  
A. No.
- Q. How many trucks did you observe in the courtyard of the Mission that night with these men?  
A. Six.
- Q. And can you give any estimate of the number of people that you observed attending this meeting?  
A. I cannot.
- Q. At the time that you moved your jeep, what were these people doing?  
A. They were already on the truck.
- Q. Did you observe whether any of them were carrying any pistols or clubs?  
A. No.
- Q. Did you talk to any of these people on these trucks?  
A. No.
- Q. How did you determine which way you were to escort these trucks, in what direction?  
A. At that time I asked the driver of the truck.
- Q. And what did you ask him?  
A. I asked him, "Where are you going?"
- Q. What was his answer?  
A. The Shibuya Railroad Station.
- Q. And then what did you do?  
A. There were four trucks, and I escorted the first two to the Shibuya Station. I told the second two trucks to wait because there will be another jeep that would return to the Mission, and that jeep will escort the other two trucks.
- Q. Did any people who attended this meeting ride in the jeep with you?  
A. Yes.
- Q. How many?  
A. Four.
- Q. Do you know who they were?  
A. I know two of them.
- Q. What were their names?  
A. One is Shu and another was Sha.



PROSECUTION: If it please the Commission, may I ask the defense if the men just named by the witness are defendants in this case?

DEFENSE: No, they are not defendants in this case.

Q. What road did you take toward Shibuya Railroad Station?

A. The road that we always use.

Q. Is that the road which passes near Ebisu Station?

A. Yes.

Q. Why did you take that particular road?

A. I always use this road, and this is the best and the nearest road to the Shibuya Railroad Station, so I used that.

Q. Is there another road from the Chinese Mission to the Shibuya Railroad Station?

A. Yes.

Q. Is it as good a road as the one you took?

A. The road is very bad on the way.

Q. Did anyone instruct you to take the particular road you took?

A. No.

Q. You took that of your own choice?

A. Yes.

Q. When you left the Chinese Mission did anyone tell you that there were Japanese police assembled in goodly number in the area around Shibuya Police Station?

A. No.

Q. On the way from the Chinese Mission did you hear any of the occupants that were in the jeep with you say that they were planning to attack the Shibuya Police Station?

A. No.

Q. Did you observe whether any of these occupants in the jeep with you were carrying any pistols or weapons of any sort, or clubs?

A. No.

Q. Were they carrying anything?

A. They had nothing.

Q. How many vehicles were following you?

A. Directly behind me was a sedan and two trucks followed.

Q. Now as you approached the area near the Shibuya Police Station, did you see any Japanese police?

A. I did not.

Q. When did you first observe Japanese policemen in the area of the Shibuya Police Station?

A. You mean the time?



Q. On the opposite wall we have plaintiff's Exhibit No. 1. Please step to the map. This is the map of the area around Shibuya Police Station. This arrow indicates the direction of Ebisu Railway Station. This building indicates Shibuya Police Station. Can you state with reference to this map in what direction you were approaching that night?

A. On the map I cannot point out the direction, but if I go there I can tell.

Q. Were you stopped by Japanese police that night?

A. Yes.

Q. Where were you stopped?

A. Way this side of the police station.

Q. You mean towards Ebisu?

A. Yes.

Q. But about how far from the police station were you stopped?

A. About 120 or 130 meters.

Q. Who stopped you?

A. The police.

Q. Did you see any of these policemen with lanterns?

A. I did not.

Q. How far ahead of the spot where you were stopped did you first observe Japanese policemen?

A. At the point about 15 to 20 meters before I stopped.

Q. And after you stopped did you hear anything unusual?

A. As I stopped I saw a policeman with a pistol in front of him, and they shouted the word "hassha".

INTERPRETER: That can be taken both ways, to shoot or to go ahead. The witness says the word is "to shoot".

PROSECUTION: If the Commission please, there is some question about the translation.

A. (Continued) The police on both sides of the road ordered stop. Then about four or five police with pistols in front of them started moving backwards and said, "shoot".

Q. Did you hear any whistles at that time?

A. And as I stopped I heard a report in front of me, and at that moment I heard a police whistle.

Q. By "report" do you mean a pistol report?

A. Yes.

Q. From what direction did that report come?

A. In front.

Q. Were any of these police carrying lanterns at this time?

A. I did not see.



- Q. Did you observe policemen on both sides of the street?  
A. Yes.
- Q. Were there a large number of policemen?  
A. Yes.
- Q. On what side of your jeep did these police approach that you referred to?  
A. On both sides of the jeep.
- Q. About how many policemen would you estimate were around your jeep?  
A. About five or six surrounded the jeep.
- Q. How many of them had their weapons drawn?  
A. All the police that were in that vicinity had their pistols out and were pointing at us.
- Q. What color uniform were the policemen wearing that night?  
A. Black uniforms.
- Q. Could you hear whether these policemen were saying anything as they approached your jeep and stood there?  
A. I did not hear anything in particular. I just heard them say shoot.
- Q. How many of them said shoot?  
A. About five or six.
- Q. Did any of these policemen who approached your jeep at that time speak to anyone in your jeep?  
A. Yes.
- Q. To whom did he speak?  
A. When the police said shoot, Shu who was on the jeep said, "Wait a minute," and he went down and spoke to the police.
- Q. Do you mean when you say "went down" that he got out of the jeep?  
A. Yes.
- Q. And do you know the policeman to whom he spoke, what his official capacity was?  
A. I do not know.
- Q. Did you hear this conversation?  
A. Yes.
- Q. What was the nature of what was said?  
A. Shu said that we were at the meeting at the Chinese Mission, "and now we are on our way home to the Shibuya Railroad Station. We are on our way home to the Shibuya Railroad Station, so please let us pass."
- Q. Did he get back into the jeep?  
A. Yes.
- Q. Was there any further conversation with any police?  
A. Yes.
- Q. What was that?



- A. After his conversation he came back to the jeep and on the side opposite the driver I saw a lot of policemen approach, and one of them seemed like the police chief.
- Q. Did the police chief say anything at this time?
- A. When the police chief approached, the one who got off the jeep and spoke to the policeman told the police chief the same story that he had told the police formerly.
- Q. Did the police chief make any reply to this?
- A. After the chief heard the story he said, "I understand." Then he said, "I'll let one of my police escort you," and a policeman got on my jeep.
- Q. What side did he get on?
- A. On the right side, the opposite side of the driver.
- Q. Well, then what did you do?
- A. Then I shouted to the rear vehicle, "I'll start." Then I moved ahead.
- Q. And after you started did you hear any shooting?
- A. Yes.
- Q. From where was the sound of that shooting?
- A. The rear.
- Q. Did you hear that shooting before or after you passed the police station?
- A. After I passed the police station.
- Q. At the place you were when you heard the shooting begin, were there police still on both sides of the street?
- A. Yes.
- Q. And when the shooting began did you hear a few shots or did you hear a burst of gunfire all of a sudden?
- A. I heard a burst of shooting.
- Q. When you heard this shooting, what did you do?
- A. I thought that something serious has happened and I thought of reporting this to the MPs right away.
- Q. Did the policeman riding on your jeep do anything when this shooting started?
- A. Then the policeman riding on the jeep said, "Something has happened in the rear, so let me off."
- Q. Did you let him off?
- A. Yes.
- Q. Then where did you go?
- A. I proceeded toward the Shibuya Railroad Station.
- Q. Did any of the occupants of your jeep say or do anything when this shooting began, or shortly thereafter?
- A. They did not do anything.
- Q. And when you approached the Shibuya Railway Station, did any other vehicle approach your jeep?



- A. As I passed near the station I glanced back often and I saw all the vehicles that I had escorted following me, so I proceeded on.
- Q. Did any vehicle that was not among the vehicles you were escorting stop you or come along side you about this time?
- A. Yes.
- Q. Who was driving this vehicle?
- A. A GI was driving this jeep.
- Q. Did you ever speak to him?
- A. He stopped me.
- Q. Did he talk to you?
- A. Yes.
- Q. What did he say?
- A. He talked too fast, so I did not understand.
- Q. Did you ever have an opportunity to talk to him when you could understand him?
- A. And I believe that at that time I thought that he had stopped me because he thought that I was in trouble. I thought that the jeep was in the same predicament as I was, and I told him to follow me, and we proceeded on.
- Q. Did he follow you?
- A. The jeep stopped on the right side of me, and at that time another truck stopped on the left side of me. Then I heard someone on the truck shout, "I've been hit on my leg." Then when I glanced on my left I saw blood on his leg.
- Q. Was this one of the trucks that was following you earlier?
- A. Yes.
- Q. Where did you go then?
- A. Then I turned right and proceeded on.
- Q. What had happened to the jeep with the GI?
- A. It followed me.
- Q. Where did you go?
- A. On the way he went ahead of me and proceeded on.
- Q. And where did you go?
- A. At that time I thought of going to a police station, but there wasn't any around there so I went to the Chinese Mission.
- Q. About how far were you past the police station when you heard this burst of gunfire?
- A. After I had passed a little at the point where there were many policemen on both sides of the road.
- Q. About how long did this shooting continue, in your opinion?
- A. About forty seconds.
- Q. From what direction or directions did it seem to come, the sound?
- A. To the rear of my jeep.



Q. Did it sound as though it were coming from the side of the road or directly behind you or both sides of the road?

A. On both sides of the road.

Q. When you first stopped did you hear any shouting from these trucks?

A. I did not.

DEFENSE: No more questions.

#### CROSS EXAMINATION

#### Questions by prosecution:

Q. I believe you said that the route you selected past the Shibuya Police Station was a better road. Why did you say that?

A. Because I always use this road and it is the better and nearer road. It is also wider.

Q. As a matter of fact don't you know that the alternate road, while being three-tenths of a mile further is wider than the route you took?

A. No, you are mistaken.

Q. You are quite sure of that?

A. Yes.

Q. And don't you know that it has a U. S. designate, a U. S. route designation as being one of the main thoroughfares in the city of Tokyo?

A. That may be true, but in front of the Aoyama car barn, the road is pretty bad.

Q. The road is pretty bad in front of the Shibuya Police Station too, isn't it?

A. Yes, just a little.

Q. Pretty narrow there too, isn't it?

A. As I recall, about the same width.

Q. Same as what?

A. Both roads are about the same width.

Q. Were you leading this convoy?

A. Yes.

Q. Were you in charge of it?

A. Yes, I led them the way.

Q. Who started you from the Chinese Mission?

A. A driver named Chen.

Q. Who is Chen?

A. He is a driver.

Q. Did he also drive a jeep convoying trucks that evening?

A. Yes.

Q. Where did Chen get his orders?

A. From General Li.



Q. What time was that?

A. About 2010.

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

The Commission then took a recess until 1010, at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats.

PROSECUTION: The witness is reminded he is still under oath. Will the reporter read back the last question and answer?

The reporter read back the last question and answer.

Q. General Li was not there at that time, was he?

A. Yes, he was there.

Q. What time did you come on duty that day?

A. I live at the Chinese Mission and I am always on duty.

Q. Where were you immediately prior to this time?

A. I was in the park in the rear of the Chinese Mission.

Q. Were you present during this meeting?

A. No.

Q. If you were at the Chinese Mission, can you tell us why shortly before when General Li was looking for jeeps and drivers he couldn't find you?

A. I do not know.

Q. Isn't it a fact at the time General Li was looking for you, you were out in your jeep trying to round up trucks of Formosans?

A. No, I was not out.

Q. Where was your jeep?

A. In the Chinese Mission.

Q. Where in the Chinese Mission?

A. The parking lot for the jeeps.

Q. Was it with Chen's jeep?

A. Chen's jeep was in front of the porch of the Chinese Mission.

Q. Your jeep was in the parking lot?

A. Yes.

Q. How many more jeeps were there?

A. Three jeeps, including Chen's.

Q. You still don't know why when General Li was looking for you and your jeep he couldn't find you or your jeep?

DEFENSE: If the court please, we object to the question on the ground that it assumes two facts which are not in evidence; that General Li was looking for him and that his jeep was not at the Mission. I think those are the two facts which are incorporated in the question, which are not in evidence.



PROSECUTION: If the court please, it assumes nothing. General Li testified that when he was going to have these Formosans in these trucks escorted, he looked around and could only find one jeep and one driver.

LAW MEMBER: That's true.

DEFENSE: Then I have to withdraw my objection.

A. I believe that he couldn't find me because I was in the park.

Q. Did anyone summon you from the park?

A. Yes.

Q. Who was that?

A. A driver named Miao.

Q. It still doesn't account for why your jeep couldn't be located, does it?

A. It is my opinion that since there are only three jeeps, I believe that Chen asked Miao to look for us.

Q. Please answer the question, which called for a fact and not an opinion.

DEFENSE: I ask that the question be rephrased. I think the word "it" is rather confusing there. It might refer to a number of different things.

Q. That still doesn't account for why your jeep couldn't be located.

DEFENSE: The same objection, if the court please.

Q. I'll rephrase the question. The fact that you were in the park doesn't account for why your jeep couldn't be located, does it?

LAW MEMBER: That question might confuse the witness. Ask him why couldn't his jeep be found.

Q. If your jeep was in the motor park as you just testified to, why couldn't it be found when General Li was looking for jeeps to escort these Formosans?

A. I do not know.

Q. Are you assigned to that one particular jeep as a driver?

A. Yes.

Q. Nobody else drives it?

A. Sometimes the other driver may drive my jeep.

Q. If when you were in the back of the Mission in the park when General Li was looking for you and your jeep, and your jeep which was supposed to have been in the motor park could not be found at that time, the only reasonable assumption is that some other driver had it out of the Mission, isn't that correct?

DEFENSE: If it please the court, may I object to that question as being too involved to be made intelligible to the witness?

LAW MEMBER: Can the interpreter interpret that intelligently?



PROSECUTION: If the court please, there's nothing involved about it. It's just a little long. I'll withdraw that.

Q. You stated that the route you took to Shibuya Station was the better of two routes, is that correct?

A. Yes.

Q. Can you tell us just where the other route is bad?

A. Yes, I can.

Q. Where?

A. In that area in front of the Aoyama car barn.

Q. Is that the only place?

A. And many other places.

Q. Give us a few examples.

A. From that portion of the road where you turn off from Zaimoku-Cho there are many hills. The road is very bad where there are hills and downgrades.

Q. By the road being very bad, do you mean there are holes, the road is rough?

A. There are places where there are holes, and places where it's rough.

Q. Will you describe any particularly bad holes in the road?

A. In front of the Aoyama car barn, and the road going down the hill.

Q. I take it then that you are pretty familiar with this road?

A. Yes.

Q. On the night that you led this convoy to Shibuya via the other route, how long prior to that time had you traveled this other route, this alternate route which you didn't take?

A. I do not know when, but I have passed on this road.

Q. Can you tell the court why it is you are so familiar with this route, being able to tell in details where the rough spots in the road are, when you stated on oath a while ago that the road that you did take was the one you took all the time and took naturally?

DEFENSE: If the court please, defense objects to the question as being involved, probably will become very confusing to the witness, will not understand, will not be able to give an intelligible reply.

PROSECUTION: I agree with the defense that it probably will be confusing to the witness, but I also don't think the question is involved.

LAW MEMBER: Objection overruled.

A. I passed on this road about two or three times, so I can tell.

Q. You state you passed on the road two or three times. Yet you are able to tell in detail where the rough spots are and where the narrow and wide spaces in that road are, is that correct? Is that what you mean to convey to the court?

A. That is correct.

Q. What was your destination in this convey?

A. Shibuya Railroad Station.



Q. Will you tell us again how far from the station you were when you stopped by the police?

A. About 120 or 130 meters away from the police station.

Q. Then when you started to proceed again you had traveled over 120 or 130 meters before you heard the first shot, is that correct?

A. I do not know exactly, but I believe in general about that distance.

Q. Didn't you state that you were past the police station when you heard the first shots?

A. Yes.

Q. How far past the police station?

A. I do not know what the distance from the station to my jeep was when I first heard the shot, but it was about 180 meters after I had traveled from the spot I had stopped.

Q. Do you remember talking with a CIC agent regarding this incident?

A. I have not spoken with a CIC agent.

Q. Do you remember talking with any American soldier, officer or civilian employee regarding this incident?

A. Yes.

Q. Who was it?

A. I have spoken to the defense counsel at the Chinese Mission.

Q. But you do not remember talking to a special agent of the CIC or CID?

A. I have not talked with them.

Q. And you don't remember telling them that after proceeding 20 meters from the place where you were stopped by the Japanese police, you heard these shots?

DEFENSE: If the court please, object to the question. The witness says he has not talked to the CIC. How can he remember anything which he hasn't said?

PROSECUTION: I'm merely asking him to refresh his memory, if the court please.

DEFENSE: The witness said very plainly that he hadn't talked to the CIC.

LAW MEMBER: Objection sustained.

Q. Do you remember talking with Mr. Scott, the assistant prosecutor here, at the Chinese Mission?

A. Yes, I have.

Q. Was General Li present at that time?

A. I saw General Li speaking to Mr. Scott before Mr. Scott questioned me.

Q. As you approached these Japanese policemen, in what manner were you stopped?

A. I do not know how I was stopped, but when I approached the line of the policemen they shouted "stop".

Q. As a matter of fact, didn't you pass one group of policemen who tried to stop you?

A. When I saw the police, they were lined up on both sides of the road.



Q. I hand you Prosecution's Exhibit No. 5 and ask you if you know what it is.  
A. This is a lantern, Japanese lantern.

Q. Are you familiar with that type lantern?  
A. Yes.

Q. Can you tell us what it is?  
A. The word "Metropolitan Police Board" is written on the lantern.

Q. How many of these lanterns did you see that night?  
A. I did not see any.

Q. What happened after you were stopped?  
A. As I was stopped four or five policemen had their pistol near the chest pointed at us, and they shouted, "shoot, shoot," and stepped about two or three steps backwards.

Q. Doesn't the Japanese word "hassha" mean to proceed or depart, as well as shoot?  
A. Yes.

Q. What makes you think that they were shouting shoot?  
A. Their attitude when they shouted hassha.

Q. Was there any shooting at that time?  
A. I heard.

Q. You heard shooting at that time?  
A. Yes, I did.

Q. Well, didn't you just state a while ago that the first shots you heard were past the police station?  
A. I testified that when I heard the word "shoot" I heard a report and a police whistle.

Q. Oh, so you heard a police whistle now?  
A. Yes.

Q. Now, do you realize you are under oath?  
A. Yes.

Q. Did you understand when I said that if you did not tell the truth as you have sworn to do, you are liable to punishment by this Commission or any other American court or commission?

DEFENSE: I object to that question as threatening the witness. The witness did testify to what he said on direct examination.

LAW MEMBER: Objection sustained.

Q. So you heard one shot at this point, is that correct?

DEFENSE: If it please the court, I wish that the prosecuting attorney would explain clearly what point he is referring to.

PROSECUTION: Well, I don't think there is any question of what point this is. I'm speaking of the point where he first stopped.



LAW MEMBER: The Commission would like to have that explained too.

PROSECUTION: Perhaps we could have the witness tell us better.

Q. What spot were you in when you heard this first shot?

A. At the spot where I was stopped.

Q. Will you step to the map and point it out?

A. I do not know if I do not go to the actual place.

Q. But it was about 120 to 130 meters before you arrived at the police station, is that correct?

PRESIDENT: What was the answer to that last question, please?

The reporter read back the last answer.

PRESIDENT: Does the witness mean to say he cannot use the map?

A. (Continued) It was dark that night and on the map I could not tell where. However, if I go to the actual ground I can point out.

PRESIDENT: The defense used the witness to point out places on the map. I don't see any reason why the witness shouldn't comply to the request of prosecution and point out on the map to the best of his ability the place where he was stopped. The Commission is desirous of knowing where he thinks he was, at least.

DEFENSE: If it please the court, the witness gave me the same answer when I did take him over there, that he has given to Mr. Elliott. He never indicated any places on the map. He said precisely what he said just now; that if he went to the spot, he could indicate. Mr. President, the witness is not familiar with this map, and obviously it is confusing to him.

PRESIDENT: That's the first question I asked. Is the witness stating that he is unable to use the map? Then I get a long harangue, prolonged answers, beating around the bush. If he said, "Yes, I am not familiar with the map," that would have been the end of it. Okay, proceed.

Q. If you went out to the spot you said you could indicate on the road, is that correct?

A. Yes, in general.

Q. What land marks would you use to aid you to locate this spot, if you were on the location?

A. At the spot where I stopped it was dark. However, I could see the red light at about the point where the police station was.

PRESIDENT: I believe the witness testified to distance from the station approximately 130 meters, isn't that correct?

PROSECUTION: Yes, sir.

PRESIDENT: I would like for the prosecution and the defense both to determine on the map from the scale the distances shown thereon approximately where 130 meters is from the police station.



PROSECUTION: It should be further clarified, from what part of the police station.

PRESIDENT: He spoke of the red light.

PROSECUTION: If the court please, it is approximately at the point marked NX on the map.

Q. How many shots did you hear fired at this time?

A. One.

Q. Who fired it, do you know?

A. I do not know.

Q. Do you know from what direction it came?

A. Quite a ways in front of my jeep.

Q. Did you see the flash?

A. No.

Q. Were you stopped at this time?

A. Yes.

Q. Did you tell Mr. Scott and myself at the Chinese Mission that you stopped because you heard someone fire in the air which you thought was a signal to stop?

A. I believe I did not make such a statement.

Q. How many policemen did you state were at the point where you stopped?

A. I do not know how many, but there were many police on both sides of the road.

Q. What happened immediately after you stopped?

A. When I heard the orders "stop" I stopped, and as soon as I stopped about four or five policemen surrounded the jeep and said, "shoot".

Q. You actually don't know whether they said shoot or proceed, do you?

A. I could tell by their attitude.

Q. You mean you assume that they were shouting shoot?

A. Yes, by their attitude.

Q. Then that is an assumption or merely a deduction on your part?

A. When I stopped they had a pistol up to their chest and they shouted the word "hassha" so by their attitude I assumed that they said shoot.

Q. You assume they said shoot, is that correct?

A. Yes.

Q. Now where were these policemen who were shouting "hassha"?

A. On both sides of the jeep.

Q. And when they shouted hassha, you state that you heard this report of a gun, is that correct?

A. Yes.

Q. Do you know whom they were shouting hassha to?

A. Yes.



- Q. Who to?
- A. Toward our jeep.
- Q. Ask the witness to explain that.
- A. The police had surrounded our jeep and they shouted toward us, "hassha."
- Q. Do you think that they meant for you to shoot?
- A. Yes.
- Q. You think they meant for you to shoot?
- A. No. They just shouted shoot at us.
- Q. And then you heard this shot?
- A. Yes.
- Q. Well, how do you explain the fact that while there were policemen surrounding your jeep shouting hassha, with drawn pistols, yet at that moment when you heard this shot it came, as you describe, from way in front of your jeep, so far in front that you couldn't see who fired the shot?

DEFENSE: The question is objected to, if the court please. We can't see why the witness has to explain why the shot came from a great distance, in the circumstances. Clearly it is not within his power to explain. It's merely confusing, I suggest.

PROSECUTION: I meant by that for the witness to reconcile the fact. He states that the police surrounded the jeep with drawn pistols shouting "hassha" or "shoot" and at that time he heard a pistol shot, but it was so far in front of him he doesn't even know who fired it, couldn't see him.

LAW MEMBER: You may ask the witness if he connects what the police said with the shot he heard. Objection is sustained.

- Q. Can you estimate how far in front of you this shot came from?
- A. I think somewhere near the police station.
- Q. Was it a pistol shot?
- A. Yes.
- Q. How do you know it wasn't a rifle shot?
- A. Because they all had pistols.
- Q. Can you distinguish a pistol shot from a rifle shot or a shotgun shot?
- A. No, I cannot.
- Q. As a matter of fact, can you distinguish a shot at a great distance from a vehicle backfiring?
- A. Yes, I can, in general.
- Q. Can you state whether it was 500 meters or 1,000 meters in front of you?
- A. I believe it was about 150 meters in front of me.
- Q. Why do you believe that?
- A. Because I heard this at a distance.



Q. Were you in the army during the war?

A. No.

Q. Are you familiar with firearms?

A. Yes.

Q. What firearms are you familiar with?

A. Rifles and pistols.

Q. How did you become familiar with them?

A. I have only seen these.

Q. Have you ever had any military training?

A. No.

Q. All right, what happened after you heard this shot?

A. I just thought that someone fired in front of me.

Q. I say, what happened after you heard this shot?

A. Soon after I heard the shot, I heard the police whistle.

Q. All this took place after you were stopped, is that correct?

A. Yes.

Q. Are you sure you didn't hear the police whistle before you stopped?

A. No, you are mistaken.

Q. What happened then?

A. Then Shu, who was on the jeep with me, went down and spoke to the policeman.

Q. Who is Shu?

A. One of the occupants of the jeep.

Q. Do you know his full name?

A. I only know his name.

Q. Do you know his position?

A. I do not know his position, but he always comes to the Chinese Mission.

Q. When he got out of the jeep, what did he do?

A. He talked to the police.

Q. Where was he when he talked to the police?

A. In front of me.

Q. You stated a while ago that you were in charge of this convoy. That being the case, why didn't you talk with the police instead of Shu?

DEFENSE: If the court please, our recollection is that the witness stated that he did not state that he was in charge of the convoy. He merely stated he was the driver.

PROSECUTION: If the court please, on cross examination one of the first questions I asked him was whether he was in charge of the convoy and he said yes, he was in charge of the convoy and he was leading the convoy.

DEFENSE: Our recollection is at variance with that of the prosecution, if



the court please. We think that the witness testified only that the jeep was leading the convey, and I think it's perfectly obvious that this witness was not in charge of the convey in the sense which is implied by the prosecution.

LAW MEMBER: It appears that the record will have to be examined.

Q. Who was in charge of and had control of that convey at the time it left the Chinese Mission for the whole trip?

A. I was.

Q. You had charge of the convey and you had control over it?

A. Yes.

Q. You were the person in authority?

A. I was not the man of authority but I led them to the point where they were to return home.

Q. Who was the man in authority?

A. There wasn't anybody in charge. I was told to see them home, so I was taking them home.

Q. And you received no orders from anyone in that jeep, is that correct?

A. I did not.

Q. Then to the other persons there in the convey you were the person in authority, is that correct?

DEFENSE: Objected to, if the court please, as being apt to confuse the witness again. I think the witness has already answered the question two or three times to the best of his ability. I think any further questioning along this line will probably confuse him.

LAW MEMBER: Objection is overruled.

A. I do not have the authority over the occupants of the vehicle. However, I was told by General Li to lead them to the place where they were to go home, and they told me it was the Shibuya Railroad Station, so I was leading them there.

Q. You say General Li told you?

A. He did not tell me directly.

Q. Was Mr. Chen in that jeep?

A. Do you mean my jeep?

Q. Yes.

A. No.

Q. Where was this Mr. Chu, what position in the jeep?

A. Behind me.

Q. Who was riding in the front seat with you?

A. I do not know this person, but he was a Formosan.

Q. How do you know he was a Formosan?

A. Because I could not make him understand.



Q. Then you were the personal representative of the Chinese Government protecting that convoy, is that correct?

DEFENSE: If the court please, the question is objected to on the ground this witness has testified that he was merely a jeep driver. Of course it might be possible to that extent he might be a representative of the Chinese Government, but certainly in no other sense, and the question is apt to be misleading to the witness.

PROSECUTION: If the court please, it's in the record that they sent these jeeps along so the convoy would be under the protection of the Chinese Government, the Chinese Mission. It appears that this witness was leading the convoy in his jeep and that there were no other personnel from the Chinese Mission--

LAW MEMBER: The witness may not know that his mission was that of protection. Therefore the objection is sustained.

Q. Do you know why your jeep went along with this convoy?  
A. I do not.

Q. You don't know whether it was to show the tracks where the railroad station was?  
A. I do not know whether that was the purpose, but since General Li had given orders to see them to the station, I did.

Q. How close was the policeman to the jeep that Mr. Chu pushed out of the way when he got out of the jeep?

DEFENSE: If the court please, the question is objected to. This witness has not testified that Mr. Chu pushed the policeman out of the way.

PROSECUTION: If the court please, I didn't say he did. I'm just asking him, and it is in evidence in this case that the person who got out of the jeep pushed the policeman Miyachi as he got out of the jeep.

DEFENSE: If the court please, if the counsel wishes to put that proposition to the witness, he should first inform him that it has been so testified to here.

PROSECUTION: If the court please, this is cross examination and I am permitted to ask leading questions.

LAW MEMBER: Objection is overruled. However, what is the point of this? Make sure the witness understands.

PROSECUTION: I'll rephrase that question.

Q. At the place where you first stopped and you were surrounded by policemen with drawn pistols and Mr. Chu crawled out of the back seat, how close was the policeman to him that he pushed?

A. He just got down from the jeep and talked to him.

Q. Talked to who?

A. Talked with the police.

Q. (To interpreter) Did he say talked to him or talked to them?



INTERPRETER: He didn't say. He just said "the police." There is no number in Japanese.

Q. How many police did he talk with?

A. One.

Q. How far from the jeep was he when he had this conversation?

A. About one meter away.

Q. Of course the Formosans riding on the trucks were quite indignant at being stopped by the police, weren't they?

A. I do not know.

Q. You seem to know the attitude of the police. Can you give us any reason why you wouldn't know the attitude of your passengers?

A. Because I was frightened and I did not see behind.

Q. Why were you frightened?

A. Because they were pointing the pistol in my direction.

Q. How many pistols did you see?

A. I saw about four or five police with pistols who surrounded the jeep, and about thirty on both sides of the road.

Q. And the policemen all had on blue uniforms, is that correct?

A. Yes.

Q. None of them had on white uniforms?

A. I did not see any.

Q. You are quite sure of that?

A. Yes.

Q. You are positive?

A. Yes.

Q. How long have you been in Japan?

A. I was born in Yokohama.

Q. And you were in Tokyo all this summer, is that correct?

A. Yes.

Q. And you saw policemen off and on all summer?

A. Yes.

Q. But you didn't see any summer uniforms?

DEFENSE: If the court please, does he mean during the entire summer or at this particular time that he is referring to, the night of July the 19th?

PROSECUTION: Well, it's quite evident that I meant all during the summer. I've asked him if he saw any summer uniforms this summer.

PRESIDENT: Is the prosecution rephrasing that question? What seems to be the holdup?

PROSECUTION: I'm waiting for the answer, if the court please.



A. Yes, I have seen.

Q. What color are the summer uniforms?

A. White.

Q. Yet on the night of July the 19th practically in the middle part of the summer you saw no summer uniforms?

A. I did not see any white uniforms at that time.

Q. How many policemen would you estimate were in the area altogether?

A. You mean in all?

Q. Yes, in all.

A. About two or three hundred.

Q. Out of two or three hundred policemen on the 19th of July you didn't see any summer uniforms?

DEFENSE: If the court please, the witness didn't say that he saw two or three hundred policemen that night. He was asked by the prosecuting attorney how many policemen he would estimate were there. At the time I thought the question was a little confusing.

PROSECUTION: If the court please, I asked the witness if he could estimate the number of policemen there. He said two or three hundred. I said out of two or three hundred policemen there, by his own estimation, I asked him if he didn't see any white uniforms.

LAW MEMBER: Rephrase the question to inform him.

PROSECUTION: Will you read the original question back, please?

The reporter read back the last question.

PROSECUTION: Strike that question.

Q. On the 19th of July at Shibuya area, the area of the Shibuya Police Station you testified that there were an estimated two or three hundred policemen, is that correct?

A. That is correct.

Q. And of these two or three hundred policemen in the area of the Shibuya Station on the night of 19th of July around 9:00 o'clock in the evening you saw none of them wearing white uniforms, is that correct?

DEFENSE: If the court please, the question is objected to on the ground that it's already been answered two or three times, and is purely argumentative.

LAW MEMBER: Objection is overruled.

A. Yes.

Q. At the place where you were first stopped by these police and were surrounded by policemen with drawn guns and Mr. Chu got out of the car, he stepped one meter away from the jeep and started a conversation or engaged in conversation with the police, how many police were engaged in that conversation with Mr. Chu?



DEFENSE: The question is objected to as confusing, if the court please. If the prosecution would simply ask the witness how many policemen he spoke to or Mr. Chu spoke to, he'd get his answer, but the question combines with it and is a prelude to a number of factual statements which it is very probable the witness himself has not testified to.

LAW MEMBER: Objection is overruled.

A. One person.

Q. Did you hear the conversation?

A. Yes.

Q. How long did that conversation last?

A. About one minute.

Q. Who started the conversation?

A. Mr. Chu.

Q. What did he say?

A. Mr. Chu said there was a meeting at the Chinese Mission and it has ended, "and we are on our way home, so let us through."

Q. Do you know who this person was he was engaged in conversation with?

A. I do not know who, but he was a policeman.

Q. What did the policeman say?

A. Then as he was saying this a person who seemed to be the police chief came on the other side of the jeep, so he got back on the jeep.

Q. What happened then?

A. Then Mr. Chu told the same thing as he had told the police to the one who seemed to be the police chief.

Q. What did the one who seemed to be the police chief say?

A. I heard the police chief say that, "I understand your story, and I will send a policeman with you and see you through."

Q. Were either one of the policemen belligerent or act belligerently?

A. No, their attitude was not belligerent. However, they had their pistol pointing at us.

Q. Did these two particular policemen that Mr. Chu engaged in conversation have drawn pistols?

A. The policeman had his pistol out.

Q. Which policeman?

A. The first policeman that Mr. Chu spoke to.

Q. He got on the jeep, is that correct?

A. He did not.

Q. Who was it that got on the jeep?

A. The one who seemed like the police chief ordered one of the policemen to get on the jeep, and so he got on.

Q. Did he get inside the jeep?

A. Outside the jeep.



Q. On the front or the side, the rear, or what?

A. He held the windshield frame and was facing toward the front.

Q. Was he on the right side or the left side?

A. On the right side as you ride the jeep.

Q. And did he hold the windshield frame in his right hand?

A. I did not see.

Q. But he was holding on to the windshield with one hand, is that correct?

A. I did not see this clearly.

Q. What did you mean when you said he was hanging on to the windshield?

A. I did not see this clearly, but I saw him get on the side of the jeep.

Q. You mean you didn't know what you were talking about when you said he was hanging on to the windshield?

A. I just saw him when he got on.

Q. Well, how did he get on, where was he?

A. In the ordinary manner that one gets on a jeep. He held the jeep and got on.

Q. Is it the ordinary manner for a person to get on a jeep to hang on the side?

A. Yes, it is natural to put a foot on the plate on the side of the jeep and get on the jeep.

Q. What did you mean a while ago when you testified that he was hanging to the windshield frame?

A. Since he had no place to hold, he held the windshield frame when he got on the jeep.

Q. How do you know he held the windshield frame?

A. Because he rode in the jeep in the ordinary manner.

Q. Was he inside the jeep or outside the jeep?

A. As I recall I think he had one foot in the jeep.

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

The Commission then took a recess until 1320, at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats.

PROSECUTION: The witness is reminded that he is still under oath.

Q. I don't believe you have yet stated whether the policeman who got on your jeep was on the inside or the outside. Can you tell me whether he was on the inside or on the outside?

A. He was hanging on the outside.

Q. How was he hanging?

A. He was hanging on the outside as one ordinarily hangs on the jeep.

Q. Did this policeman have a pistol?

A. He had.



- Q. Was it drawn?  
A. Yes.
- Q. Will you describe to the court how one normally hangs on the side of a jeep?  
A. I believe ordinarily one has his both hands on the windshield frame with one foot outside on a step of the jeep and one inside the jeep.
- Q. And that's the way this policeman was hanging on the jeep that evening?  
A. Yes, I believe so.
- Q. How many hands did this policeman have?  
A. He had two hands.
- Q. He had a drawn pistol. In which hand did he have his drawn pistol?  
A. When I saw him he had his pistol out. However, when he got on the jeep I believe that he had already put it in his holster.
- Q. What makes you believe that?  
A. Because when one hangs on the jeep it would be dangerous to use just one hand.
- Q. Then you don't know whether this policeman had a drawn pistol or not, do you?  
A. I saw the pistol drawn before he got on the jeep. However, after he got on the jeep I do not know whether he had his pistol drawn or not.
- Q. Did you observe him when he got on the jeep?  
A. I saw the policeman just as he got on the jeep, just as he hung on the jeep.
- Q. Where was his pistol then?  
A. I did not see.
- Q. As a matter of fact, you didn't see his pistol at all, did you?  
A. Before he got on the jeep I saw him pointing the pistol in my direction, but when he got on the jeep I do not know whether he had his pistol drawn or not.
- Q. If he had the pistol pointing in your direction, you naturally were scared, weren't you?  
A. Yes.
- Q. And being scared you naturally would keep your eyes on him, wouldn't you?  
A. Because the policemen had surrounded the jeep at that time, I was not looking only at him. I was looking on both sides of the jeep.
- Q. Approximately how many policemen were surrounding the jeep?  
A. Four or five policemen.
- Q. Did you observe this policeman put his pistol back in his holster before he got on the jeep?  
A. I did not.
- Q. And you saw him when he got on the jeep?  
A. Yes.



Q. Where were you looking just before he got on the jeep?  
A. Toward the police chief.

Q. Which side of the vehicle was the police chief on?  
A. On the right side.

Q. That is the same side that this policeman was on, is that correct?  
A. Yes.

Q. Was this policeman standing next to the chief?  
A. Yes.

Q. How long had you been watching the chief?  
A. About one or two minutes.

Q. Well, when did you see this particular policeman with the pistol?  
A. When I was stopped.

Q. You mean when you were first stopped?  
A. Yes.

Q. Don't you know that that policeman wasn't out there when you were first stopped?

A. You mean the policeman that got on the jeep?

Q. Yes.

A. At first I did not notice him, but when the police chief told him to get on the jeep, that's when I first noticed him.

Q. Did he have a pistol in his hand at that time?  
A. Yes.

Q. Did he get on the jeep when the police chief told him to?  
A. Yes.

Q. Were you observing him at this time?

A. When the police chief had finished what he had to say, I looked toward the police who was standing on my side of the jeep. Then I glanced back toward the police who got on the jeep, so I did not see everything clearly.

Q. What fraction of a second was that?

A. It was only about one or two seconds.

Q. Now let's get this straight. You stated that you were observing the policeman who was standing next to the chief when the chief told him to get on the jeep, and that at that time this policeman had a drawn pistol and that he immediately got on the jeep. Now what did he do with the pistol? In which hand was he holding the pistol as he got on the jeep?

DEFENSE: If the court please, permit the defense to object to that question. It contains more than one question. Premises leading up to the question contain many different statements that may or may not be an accurate citation of the evidence. For that reason I think the question should be simplified so that the witness will not be tricked into giving an erroneous answer.

PROSECUTION: If the court please, the statements leading up to that question are statements given by this witness on the stand. I'm trying to clarify a point.



LAW MEMBER: If the interpreter can translate that, the objection is overruled.

A. Before he got on the jeep he had the pistol in his right hand, but when he got on the jeep I did not see in which hand he had the pistol.

Q. But he was hanging on to the jeep with both hands?

A. Yes, I believe so.

Q. How long were you stopped there at that point altogether?

A. From the time I stopped to the time I started it was about four or five minutes.

Q. From the time you heard this first shot fired in front of you while you were stopped at this initial point until the time you heard the next burst of shots, how much time, how many minutes had elapsed?

A. From six to seven minutes had elapsed.

Q. You stated on direct examination that you didn't hear many shots but that you heard a single burst at first. How many shots were in this burst?

A. I do not know how many shots I heard, but I heard many.

Q. Were you ever interrogated by members of the Chinese Mission regarding this incident?

A. Yes.

Q. And did you tell them that an occupant of the jeep when stopped by the police said, "This is a dispersed group on its way home, escorted by the jeep?"

A. Yes, I did.

Q. State what you mean by the statement "a dispersed group."

A. I do not know the meaning of this.

Q. I'm speaking of the time at the point the jeep was initially stopped. In regards to that did you state that after the jeep had proceeded about twenty meters a volley of shots was heard from behind?

A. No, I did not make such a statement.

Q. If such a statement was made, was it true?

A. I never made such a statement.

Q. I understand, but if such a statement were made by somebody else, was it true?

A. I did not make such a statement, so I do not know.

PROSECUTION: I think the witness is evading the issues. Will the court direct him to answer the question.

PRESIDENT: I think the question can be framed in such a way to ask him are those facts correct or are they not, regardless of what has been said about it or not.

Q. If in an official report by the Chinese Mission made to the Allied military authority to the effect that after stopping at the initial point and starting again--



PRESIDENT: I might personally direct the prosecution on that. You have an "if" and including statements presumably obtained by you in some form of report. When you requested a while ago the chair to direct the witness to answer the question, my recommendation and suggestion was that you phrase the question including the facts as you believe you have them, and ask him are those facts correct or not, without reference to any report or statements you may have in your possession and not available to the witness or to the Commission.

Q. How far had the jeep proceeded when the first volley of shots was fired?

A. From the point that I first stopped to the point that I heard the first volley of shots is about 180 meters.

Q. Therefore a report containing the statement that the convoy had proceeded twenty meters before the first volley of shots was fired would be incorrect, would it not?

DEFENSE: If the court please, there's no evidence in the case that such a report has been made. It seems to me that if the prosecution wishes to introduce any evidence to that effect, they can do so without incorporating it in the questions made to this witness.

LAW MEMBER: Objection is sustained. Clarify what you mean by convoy, the head of the column, the rear of the column, and omit the term "report".

PROSECUTION: If the court please, it is our position that it is quite proper to ask him if a report contained thus and so, is it or is it not correct. It's a question which the witness is capable of answering.

LAW MEMBER: The witness knows nothing of any report.

PROSECUTION: That's true, I agree with you, sir, but he may or may not know it, but he certainly knows if a report or any report containing such and such a statement, whether it's true or false. After all, he was the driver of this jeep.

LAW MEMBER: Can't you ask the same question without referring to the report?

PROSECUTION: If the court please, what I'm laying a foundation for, we have a report which we intend to introduce on rebuttal that the Chinese Mission furnished the CIC Detachment. It is an official report. The reason it was not introduced in the direct testimony was for the reason that facts have come up which are conflicting. The report contains facts which on the face of it are uncontradictory. However, since defense has taken the stand we have found out that there are a number of contradictory statements in the report and the testimony.

DEFENSE: If the court please, if the prosecution intends to introduce a statement made by a third party which contradicts testimony of this witness, it seems to me he might presume that the court will see that that report does contradict the evidence of this witness and will give it such credence as it may be entitled to receive.

PRESIDENT: The remarks made by the prosecution will be more explanatory rather than an objection or a motion, is that correct?

PROSECUTION: That's correct, sir.