

- Q Captain, did you give Major Dwyer a statement on 12 February 1946, at Ward Road Jail?
- A Yes.
- Q Now, I will ask you if this question was asked you by Major Dwyer and this answer given? This is the question: "Who gave the command to fire?" Answer: "Major Hata gave the command to Captain Tatsuta to carry out the execution. I think it was Captain Tatsuta who gave the order."
- A At that time that the statement was taken, the interpreter told me that since somebody else had said that at the execution Tatsuta had given the command, therefore I think you should give that statement that Tatsuta was the one and at that time I thought that I would correct the statement after consideration, if it was necessary at the trial.
- Q Do you mean to tell this Commission that the interpreter that was with Major Dwyer told you to make that statement?
- A The interpreter told me that somebody else had said that Tatsuta had given the order and therefore it would probably be allright if you said Tatsuta gave the order. My memory was not so good.
- Q Isn't it a fact that you can understand quite a bit of English?
- A Some, a very little.
- Q Isn't it a fact, Captain, when you were going out from Sugamo Prison to the airfield in Japan, when you came over here to Japan--to Shanghai, that you conversed with Major Dwyer about the directions to the airfield, in English?
- A I can say a few words put together. Those which amount to short phrases.
- Q But you can understand a lot more words in English than you can speak in English, isn't that a fact?
- A Many words I do not know. Not complicated ones.
- Q Then your mind has changed about who gave the order to execute the fliers since Major Dwyer talked to you the last time here in Ward Road Jail, hasn't it?
- A I tried to recall the various phases and gradually it became clearer.
- Q Now this fellow Ooka who was head of the Nanking Prison, he was sick when the Doolittle fliers were shot, wasn't he?
- A Whether Ooka Takijiro was sick or not I do not know.
- Q Well he didn't attend the shooting of the fliers out here at the cemetery, did he?
- A Ooka Takijiro had not come here.
- Q Well Captain Tatsuta acted for him, didn't he, that day?
- A Yes.
- Q Have you ever read the record of the execution of the fliers -- the record of putting them to death?
- A I did glance through it after it was prepared.
- Q Well it states in that paper that Tatsuta was the executioner, doesn't it?
- A In which it is written that he prepared the place of execution?

Q He signed that paper, didn't he?
A Do you mean Tatsuta?

Q Tatsuta signed it, didn't he?
A I believe that the signature of Ito and reporter were on it.

Q Now do you remember giving me some papers written in Japanese when I was at Sugamo Prison in Tokyo?
A Yes.

Q Do you remember a telegram received from the Chief of Staff to the 13th Army, dated 22 October, about a proclamation to be issued on enemy airmen?

(There was some difficulty in explaining this question in the translation and the prosecutor then spoke up.)

Q Let me rephrase the question. Was there a public announcement made after the fliers were shot as to what would happen to enemy airmen who raided Japan?
A I think there was an announcement in the newspaper.

Q Did you give me a copy of that announcement among the papers you gave me in Tokyo? Was there a copy of the announcement in the papers you gave me in Tokyo?
A I would like to see that document at the present time.

Q Did you give me a copy of the proclamation which reads as follows: I will read it to you then maybe you will remember. Here it is: "Proclamation. All enemy airmen who raid the Japanese homeland, Manchukuo, or our zones of military operations, and come within the areas of our jurisdiction, or who violate the provisions of International Law governing warfare shall be committed to trial by military tribunal and shall be subjected to death or severe punishment as war criminals."
A I remember that there was such a proclamation and that it was also out in the paper.

Q Was that proclamation issued by the Commanding General of the 13th Army?
A I remember that it was an order from the Imperial -- Grand Imperial Headquarters that the Grand Imperial Headquarters would make all necessary announcements and therefore the 13th Army need not make any announcements.

Q Well didn't that announcement appear in the Shanghai papers?
A I do not remember whether it was a Shanghai paper or a paper that was sent from Japan.

Q Wasn't that announcement made over the radio?
A I did not listen in -- I did not hear it over the radio therefore I do not know whether it was announced over the radio or not.

Q Wasn't the purpose of that announcement to keep enemy airmen from flying over Japanese territory?

DEFENSE: (Capt Fellows) Defense objects to that question because it calls for a conclusion of the witness and a conclusion that he does not know the answer to. He did not issue the proclamation himself.

PROSECUTOR: Withdraw the question.

- Q You said this morning or this afternoon that General Shimomura's chop was placed on this order of execution, is that right?
A Yes.
- Q Do you know what day General Shimomura arrived at the 13th Army Headquarters?
A I do not know whether it was the 11th or 12th of October, but it was about that time.
- Q Did you hear General Shimomura's statement read to this Commission a day or so ago?
A I heard it.
- Q Well, didn't he state in his statement that he didn't get here until the 14th of October and had a conference at the Headquarters of the 13th Army on the 15th with General Sawada? Didn't he make that statement?
A In my memory I remember that General Sawada and General Shimomura had transferred their duties on or about the 11th or 12th and that General Sawada had left Shanghai on the 14th or before then.
- Q Well did you see General Shimomura out at the 13th Army Headquarters on the 14th, the day these boys were out there, and the 15th, the day these boys were shot?
A On that day I went to Lieutenant General Shimomura to get his signature and chop on the document.
- Q And you saw General Shimomura sign it himself, did you?
A Yes.
- Q What time did you go to his office to get him to do that?
A I believe it was in the morning of the 18th. That is before noon.
- Q What time did you shoot the fliers out here at the graveyard?
A I think it was between four or five o'clock in the afternoon.
- Q Did you see General Sawada there that after -- that morning?
A He was not there.
- Q Well General Shimomura said he had a conference with him that morning about ten o'clock, is that right?
A I don't think that it was so. I remember that particular time especially because of the fact that it was the only time that I had gone to General Shimomura's and received his signature and chop and also remember that his chop was one centimeter square.
- Q General Shimomura isn't telling the truth then when he says General Sawada was here on the 15th, is that right?
A I am very certain that I received the signature and chop of General Shimomura on the morning of the 15th.
- Q At the time you were deliberating, you and the other two judges, on this verdict on the evidence on the 28th of August, you stated you were thinking about it for two hours, was Colonel Ito there at that time?
A Colonel Ito was not present.
- Q Well at the deliberation, what did you say?
A After discussing the records and the various military laws and deciding that they were guilty, I said that the only penalty for their guilt is death.

Q Did you tell them that you had seen the papers that came over from Japan?

INTERPRETER: He does not understand what papers.

Q Did you tell them that you had seen these various letters that came over from the Imperial Headquarters in Japan, and from General Hata in Nanking, about the case?

A I think that there was something in the record about something.

Q Something in the record about something? Was there anything in the record before the judges about the letters that had come over from the Imperial Headquarters in Japan?

A If it is the request as to the punishment of the defendants by the prosecutor, I don't think that there was anything mentioned.

REDIRECT EXAMINATION

Q (By Capt Fellows) Captain Wako, on cross examination you said the record of trial had been taken to Tokyo and burned, is that right?

A I did not know -- I do not know whether it is the truth or not but when I went to the Omuri Penitentiary, a Major Inoue came in. According to what he said, he said that "I have been apprehended and concentrated here for the reason that I brought the record from Shanghai to Japan. I have been brought here for the reason that I brought the record from Shanghai."

Q Did he explain how the record was burned?

A Major Inoue said that after borrowing the document from Shanghai and taking it to Tokyo it was burned during the great air raid on Tokyo.

Q Was the burning of the document on purpose or as a result of the fires left by the air raid.

A He said it was burned at the time of the greatest air raid on Tokyo.

Q Major Inoue wasn't trying to destroy it, was he?

A He did not say anything along that line.

RECROSS EXAMINATION

Q (By Lt Col Hendren) Captain, what happened to all the records out at 13th Army Headquarters?

A I had been transferred to the mainland of Japan.

Q You weren't out there at that time? I mean at the end of the war?

A I was transferred to Kyoshu and the records were left behind at the Headquarters, 13th Army.

Q Do you know whether there is a record of this trial at the Headquarters, 13th Army, now?

A I think there isn't any record at the present time.

Q Isn't it a fact that those records were all burned at the end of the war?

A I was in Kyoshu therefore I don't know anything about it.

DEFENSE: Has the court any questions to ask this witness?

COLONEL MC REYNOLDS: There appear to be no questions by this court.

DEFENSE: We ask the witness be excused.

COLONEL MC REYNOLDS: The witness is excused.

(Whereupon the witness withdrew from the witness stand and resumed a seat in the court room, among the accused.)

DEFENSE: At this time the defense desires to call to the stand, Captain Okada.

OKADA RYUHEI

one of the accused, took the stand in his own behalf, was examined and testified (through Sgt Arita, interpreter) as follows:

DIRECT EXAMINATION

Q (By Maj Dwyer) The prosecution desires to ask one or two questions of this witness before he is affirmed. What is your religion?

A Buddhism.

Q Do you know the difference between truth and untruth?

A Yes, I do.

Q Will you be bound in your conscience and by your religion to tell the truth and nothing but the truth to this Commission?

A Yes, I will.

(Whereupon the witness was given the oath of affirmation.)

Q State your name?

A Okada Ryuhei.

Q Are you in the Japanese Army?

A Yes.

Q What is your rank?

A At the present time, Army Captain.

Q Are you taking the witness stand and giving your testimony before this Commission voluntarily?

A It is voluntary.

Q (By Capt Fellows:) Captain Okada, how long have you been a member of the Japanese Army?

A Approximately four years.

Q What was your profession prior to coming into the Army?

A Previous to coming into the Army I was a lecturer at a school, and on the side, a writer.

Q You were a school teacher?

A Yes.

Q Where did you teach school?

A At Tokyo Higher Agricultural School.

Q Were you at one time a member of the 13th Army in China?

A Yes.

- Q In August of 1942, what duties were you performing in the Army?
A I was serving as one of the members of the staff.
- Q What type of duties did you actually do?
A A list of the duties, the most important ones, are: first, the supervision of American and British buildings, property outside of Shanghai, and helped in preparing the monthly bulletin which was issued at the Headquarters called the "Nippo" or monthly bulletin. At that time the officials of the Foreign Missionaries were being repatriated and therefore I took part in the matters concerning the repatriation.
- Q Were you in any way connected with the legal department of 13th Army?
A There was no direct relationship with that.
- Q Were you appointed in August 1942 to a military tribunal for the trial of the Doolittle fliers?
A Yes.
- Q When were you notified of your appointment?
A I think it was about three days before that.
- Q How were you notified?
A I being a person outside of the Judicial Department, it was announced in an order from the Headquarters.
- Q Was that in the Daily Bulletin?
A Yes, in the daily orders.
- Q Did you sit as a member of that tribunal?
A Yes.
- Q Captain Okada, prior to the meeting of the court, did you have any advance notice as to what the trial was about?
A Yes.
- Q When did you receive that notice?
A When I received the order.
- Q That was the only notice that you had?
A At the time I received a document with the charges against the persons written on it.
- Q Prior to the trial did anyone come to you and tell you how you had to vote?
A No.
- Q When was the trial held?
A 28 of August.
- Q Will you tell the court what happened at the trial?
A First when we entered the court room the defendants were standing there. Then Chief Judge Nakajo announced that the court was in session. Then there was an interpreter, therefore the interpreter was sworn. Then the Chief Judge asked each of the defendants their name, their nationality or citizenship, their rank, and so forth, and so forth. Then the prosecutor read the charges. I do not know whether it was the entire document or the important parts of the document but it was read.

- Q Did the prosecutor read the charges in Japanese?
A The prosecutor read it in Japanese and then the interpreter translated that portion.
- Q Who was the prosecutor?
A It was Major Hata.
- Q After the charges were read, what happened?
A Then 1st Lieutenant Wako, basing his questions on the statements of the fliers, questioned each of the fliers.
- Q What was the nature of those questions?
A He asked them when they left the United States; how they approached the mainland of Japan and questioned them concerning the bombing of Tokyo and Nagoya.
- Q Captain Okada, what is your best recollection as to how many questions Captain Wako asked the fliers?
A I cannot remember accurately as to how many questions he asked, however, he asked all of them.
- Q Did the fliers make any statements indicating that they had bombed Tokyo or Nagoya?
A They mentioned that during the questioning.
- Q Did the fliers admit doing any machine gunning in Tokyo or Nagoya?

PROSECUTOR: (Maj Dwyer) Before this answer is translated we wish to object to the question upon the grounds that in the first place that it is a leading question and secondly it is a leading question asked of their own witness on direct examination. "Did the fliers admit"? We have no objection to this witness testifying as to what the fliers said but to suggest the answer by saying the fliers admitted to something is highly improper. We object to it.

DEFENSE: (Capt Fellows) It was leading. I will rephrase it.

- Q Were the fliers questioned by Captain Wako as to whether or not they had machine gunned Tokyo and Nagoya?
A Yes.
- Q What answers did they give?
A The personnel of the plane over Tokyo denied that and the gunner of the plane that went over Nagoya did say that he had fired the machine gun.
- Q Then what did Captain Wako do?
A Then he questioned them more close -- in detail, concerning that.
- Q What answers did the fliers give?
A Then the Tokyo personnel in the air raid said, Captain Wako said, "you had incendiary bombs and you bombed out many objects. Since you had incendiary bombs didn't you intend to bomb heavily populated areas?"
- Q What answers did the fliers give to that statement?
A To that question they admitted that they had bombed this heavily populated area.
- Q Captain Okada, were the fliers ever asked if they wanted to make a statement?

A At the end there is always occasion for that.

Q Did the fliers have any statement to make at that time?

A I think they didn't say anything.

Q Did the Chief Judge give the fliers a chance to tell their own story?

PROSECUTOR: (Maj Dwyer) We object to this question upon the ground that counsel is leading his own witness. He may ask the question as to what the Chief Judge said. We object to this business of continuously suggesting the answers to their own witness.

DEFENSE: I will withdraw the question.

Q Captain Okada, you are charged with having failed to afford these fliers a chance to defend themselves. Did they have a chance to defend themselves?

A I believe they were given an opportunity to defend themselves.

Q Tell the court what opportunities they had.

A That at the end -- toward the end of the trial they were given an opportunity to say whatever they desired. Then it was stated by the Chief Judge at the end. Moreover I believe that when Captain Wako questioned them individually they had ample opportunity to either deny or correct the questions placed by Captain Wako.

Q Captain Okada, did you believe at the end of the testimony that the fliers were guilty?

A Yes.

Q Did you believe that sincerely and honestly? Did you?

A Yes.

Q When did the case end?

A You mean the trial?

Q Yes.

A I do not remember the hours accurately, but I think it was about noon because we had our noon meal immediately after the trial.

Q At what hour did the case start?

A I think it was about ten o'clock.

Q Captain Okada, at the close of the interrogation of the fliers, was any argument made by Major Hata?

A He made his closing statement.

Q What did Major Hata tell the court?

A I do not know the exact words that he did say but he first mentioned the names of the eight fliers, then named the various evidences and questioning of the fliers and said that it is evident that they are guilty in a view of military law therefore I request that the penalty be death sentence. That was said in his closing argument.

COLONEL MC REYNOLDS: At this time the court will adjourn until nine o'clock in the morning.

(Whereupon at 1705 hours, 5 April 1946, the Commission adjourned to reconvene at 0900 hours, 6 April 1946.)

MORNING SESSION

... Pursuant to adjournment the Commission reconvened at 0900 hours on 6 April 1946 ...

COLONEL MC REYNOLDS: The Commission is in session.

LT COL HENDREN: Let the record show the Commission, the accused, counsel for prosecution and defense, reporter and interpreters were present in the courtroom, and the witness is reminded he is still under oath.

OKADA RYUHEI

a witness testifying in his own behalf, resumed the stand, was examined and testified (through Interpreter Arita) as follows:

DIRECT EXAMINATION (Resumed)

Q (By Captain Fellows) Captain Okada, at the close of yesterday's session I believe you had just testified that at the end of the trial of these fliers, Major Hata made a closing argument, is that right?

A Yes.

Q Did Major Hata ask for any particular penalty in that argument?

A Yes.

Q What penalty did he ask for?

A Capital punishment.

Q Did Major Hata make any statement as to why he asked for the capital punishment?

A He stated that the evidence, the interrogation report in Tokyo by the gendarmerie and the damage report and also the confessions of the prisoners also at court proves they are guilty. It is very clear that they are guilty, they violate the International Law and in accordance with a certain paragraph in the military law, I request the capital punishment.

Q In regard to that certain paragraph did he make any statement as to whether or not the sentence of death had to be given?

A I believe he did say something about it.

Q Captain Okada, about how many times have you been a judge in a military tribunal?

A Four or five.

Q Did the proceedings in this trial differ from the proceedings of any other trial you sat on?

A I took part in the trials but there was no difference in the procedure of the trial.

Q Captain Okada, it has been brought out in this trial that there was a second meeting of what appears to have been this tribunal. At that tribunal the fliers were notified of the sentence. Did you ever attend a second meeting?

A I was not present. That was because on the 1st of October that year I left the headquarters and was attached to the army ministry.

Q Did you ever see these fliers at any time prior to the trial or after the trial?

A No.

Q Were you present at the execution of any of these fliers?

A No.

Q Okada, what is your age?

A 43 in American court.

Q Are you married or single?

A I am married.

Q Do you have a family?

A Yes.

Q What does your family consist of?

A Two children makes up my family and my wife.

Q What are their ages?

A 16 and 11.

Q Are your wife and children dependent entirely on you for their support?

A It is so.

Q Captain Okada, prior to closing the direct examination, I'd like to remind you that you have been charged with having failed to afford a fair trial to these fliers. Do you have any statement you want to make to the court either in denial or explanation of that charge?

A Do you mean just on the incident? I feel that two or three important points have not been given up till now therefore I'd like to explain those points at the present time. First, is my attitude toward this trial of the Doclittie fliers. Is it all right if I take a little time?

Q Go ahead.

A I was transferred to the staff of the 13th army and took over the work of my predecessors. Among those duties there was one duty which was to be judge in military court. I requested at that time that since I had not had any legal education and that it was not appropriate for me I requested that the duty be delegated to someone else. This officer that told me about that duty was a graduate of the Imperial University and law student, and he said as far as the legal matters and the procedures of court will be taken care of by the judicial department members. Then he said therefore it is only necessary that you go and sit in the trial and decide the guilt or innocence of the accused in accordance with your conscience. He said therefore please take over the work, it can be handled, so I thought there was reason enough for me to take over the duties and accepted it. And also, in this particular case, the Doclittie case, in the trial the same thing occurred. Since I had not studied the various documents sent by the gendarmerie nor the laws, the chief judge, Major Nakajo, said as follows: Since you do not know legal procedure nor law, I would like you to serve in the court deciding the fate of the fliers in accordance with your conscience.

The second point I'd like to discuss is why I came to the conclusion that they were guilty. In regard to the investigation report from the gendarmerie at Tokyo I heard the gist of the documents from Captain Wako. On these documents there were the individual signatures and thumbprints of the defendants. I do not know whether it was the prosecutor, Major Hata, or another person in the gendarmerie but I understand from that person that the interrogation report of the fliers had been verified individually with the fliers and therefore as a judge I could not doubt the truth of that document. Also I saw the damage report which Colonel Ito had taken the trouble to get from

Tokyo. Looking through this damage report it was evident - it showed that civilian homes and non-military objects like schools and hospitals had been bombed and strafed and that there were casualties among the civilians including school children. I thought that after looking over the report it was a general damage report and it would be almost impossible to decide what damage was done by this particular plane No. 6. Therefore I believed it helped - that had they not flown over Tokyo this report would not indicate anything. Hearing the statements of the defendants at the trial they had flown over Tokyo from the northeastern part southwards and had dropped bombs. Since they had used cluster incendiary bombs I believed that those bombs were bombs ordinarily used against heavily populated areas and that since it was used in a heavily populated area I believed it was used against the civilian population. Hearing such confessions as to the use of such bombs it was evident that one of the planes that raided - or any of the planes that raided Tokyo had dropped those bombs and although it was not possible to prove which bomber dropped what bomb on what part of the city according to the report.

I'd like to relate another point and that is concerning the point as to whether the trial was a fair one or not. The trial at the 13th army lasted approximately two hours and as a trial it was a rather short one. However, the point that we paid the most attention was the following: There were eight defendants and each defendant was questioned individually by Lt. Wako. The defendants involved were from the two planes, one which raided Tokyo and the other that raided Nagoya. That particular point to which we paid the greatest attention was to find out whether these two planes had bombed and strafed objectives other than military objectives and whether they had bombed civilian homes, schools, hospitals, attacked the civilians and school children. And on that point I do not think that we were in error. Wako's opinion as to the matter was the same as mine. According to his testimony here yesterday he had questioned the two men of the plane that raided Nagoya, mainly the pilot and the gunner as to their strafing. And also at the time of our discussion after the trial Chief Judge Nakajo said as follows: When the problem as to the guilt of the fliers was discussed he said something to the effect that each and everyone of the plane was guilty for the act of one of the members and I believe that he based his decision on each plane was guilty in itself for the act of one individual among the two.

- Q Captain Okada, you mentioned statements by Wako and Hata, were those statements made during the trial?
- A Concerning Wako's statement which I quoted, that pertained to the time that he questioned the defendants during the trial. And as to the statement of Hata I heard that from him previous to the trial.
- Q Is that all you have to say?

CAPTAIN FELLOWS: Your witness.

CROSS EXAMINATION

- Q (By Major Dwyer) Are you a university graduate?
- A Yes.
- Q What university?
- A Tokyo Imperial University.
- Q What kind of a degree?
- A Bachelor of Arts.
- Q You majored in philosophy didn't you?
- A Yes.

Q What year did you graduate?

A 1927.

Q When did you begin teaching?

A It was in 1929.

Q How many years did you teach before you came into the army?

A Twelve or 13 years.

Q What did you teach in this school?

A Ethics and the German language.

Q That was the Tokyo High Agricultural School?

A Yes.

Q Do you know what is meant by fair trial?

A I don't know what is the definition from the standpoint of law, however, I interpreted as being this way.

Q A trial like this?

A A trial like the trial you are in now. This might be another form of a fair trial.

Q In voting the death penalty you say you were convinced the fliers violated International Law, is that correct?

A I believe that they were guilty.

Q I ask you again, you say you were convinced these Doolittle fliers violated International Law, is that correct?

MAJOR DRYER: (After a lengthy explanation by the witness) Just a moment, that question can be answered yes or no. I ask you, didn't you make that statement?

INTERPRETER: Yes. He wants to explain.

Q He can explain later. He has answered the question. Now in reaching your finding of guilty for violating International Law did you consider that your court was bound by International Law? Or rather your military tribunal was bound by International Law?

CAPTAIN FELLOWS: If the court please, I believe that answer calls for a legal conclusion from this witness. He has testified he is not a lawyer. He went in the court with a fair conscience and gave what he thought a fair decision. That is a question he can't answer.

MAJOR DRYER: Probably he can answer for himself. This is proper cross-examination.

COLONEL MC REYNOLDS: Objection overruled. Proceed.

(The reporter read back the last question.)

A As to that point, I do not know, but I know as far as my conscience goes.

Q All right now, I will ask you again this question. You held the fliers guilty of violating international law, didn't you?

A Yes.

Q When you did that, did you consider that your military tribunal and yourself were bound by International Law?

MAJOR DWYER: You understand English, don't you? Yes, I thought so. Give him the question. Would you rather speak in English?

THE WITNESS: Only little.

INTERPRETER: Only a little so I'd rather have it done by interpretation.

THE WITNESS: I'd like to say something on that point.

MAJOR DWYER: I'd like to have you answer the question yes or no. It is susceptible to that answer.

CAPTAIN FELLOWS: If the court please, any lawyer that can answer a legal question yes or no is a darn good lawyer. This witness is not a lawyer. I'd like to see if Dwyer can answer a legal question yes or no.

MAJOR DWYER: I can answer yes or no whether I am bound by International Law.

Does the Commission desire this question read back to pass on the objection?

(Whereupon the reporter read back the last question.)

COLONEL MC REYNOLDS: Objection overruled. Proceed. The witness will answer the question.

MAJOR DWYER: (to Interpreter) I am asking you to instruct the witness to answer this question yes or no.

A I did not believe it was in violation of International Law.

Q Now I will ask you the question again. Withdraw that. You are a university graduate?

A Yes.

Q And you taught ethics and German in a school of advanced education from 1929 until you entered the army, is that correct?

A Yes.

Q And you know enough International Law to have found the Doolittle fliers guilty of violating the law and sentencing eight of them to death, didn't you?

A I didn't know that.

Q Now I ask you again, did you consider yourself and your tribunal bound by that same International Law?

A Yes.

Q Do you remember Lt. Hallmark in that courtroom on August 28?

A Yes.

Q He came in that courtroom on a stretcher, didn't he?

A I do not remember that he had come in on a stretcher.

Q You're sure of that?

A Yes.

Q You sat on an elevated bench, didn't you?

A Yes.

Q The eight fliers were directly in front of you, weren't they?

A Yes.

Q How far away from you were they?
A From the wall to myself.

MAJOR DWYER: For the record indicating 30 feet.

Q Was there anybody between you and the fliers?
A The interpreter.

Q He was the only person?
A Yes.

Q Could you see the eight fliers?
A Yes.

Q Now I am asking you again, isn't it a fact that Lt. Hallmark was on a stretcher?
A I don't remember him lying on a stretcher. I think it was a blanket or a mattress of some kind.

Q Was he lying down?
A Yes.

Q He was lying down during the whole trial, wasn't he?
A I don't think it was through the entire trial. I think that during the questioning he sat up.

Q As a matter of fact, he couldn't talk, could he?
A He did talk.

Q As a matter of fact, he couldn't stand, could he?
A The other fliers stood up and walked forward individually and spoke and he sat up and spoke when his turn came.

Q You remember me don't you?
A Yes.

Q And not just because I am big either. I'll withdraw that.
A Yes, that is one point.

Q Did I ask you this question and did you give me this answer when I took your statement: "Did he (I am referring to Hallmark) make one of the statements that you speak of? A. I think he said something, but not as much as what the other fliers said. He was very weak and had no strength to talk. He couldn't stand." Did you say that?
A He was weak. That is a fact.

Q And you made that statement to me, didn't you?
A Yes.

Q Did you give Lt. Hallmark a fair trial?
A I believe I did.

Q You gave him what you considered a fair trial, is that correct?
A Yes.

Q You weren't thinking much about International Law then were you?
A I did not always keep International Law in mind.

Q And you didn't keep it in mind when you saw Lt. Hallmark lying on the floor being tried for death, did you?
A As I answered previously, I felt sorry for him.

Q You felt so sorry for him you voted the death penalty, didn't you?
A I didn't think of such a thing.

Q Did you ask him whether he was married?
A I do not remember.

Q Did you ask him whether he had any children?
A I don't remember.

Q Did any one of these eight fliers have a defense counsel?
A No, they did not have.

Q Did you suggest to anyone that they have one?
A I did not pay any special attention to that for the simple reason that there is no defense attorneys in a military court or tribunal.

Q But there is a defense counsel required under International Law, what do you say to that?
A That I do not know.

CAPTAIN FELLOWS: Unless the prosecution will qualify his questions - he refers to International Law as a whole. A lot of International Law we intend to dispute. If you will say International Law provided for prisoners of war, we will have no objection.

MAJOR DRYER: I am asking the question now, the way I worded it I seemed proper. We will accept a ruling from the Commission.

COLONEL MC REYNOLDS: Objection sustained.

MAJOR DRYER: I move to strike the answer.

COLONEL MC REYNOLDS: The answer will be stricken.

Q You say each one of the eight fliers was questioned.
A Yes.

Q How long did it take to question each one?
A As I mentioned before they were asked concerning important points, therefore the length of time for each varied.

Q All right. How long did it take to question all eight?
A The interrogation by Lt. Wako I believe took over half the period taken by the trial.

Q One hour?
A Hour or more.

Q Well, would you say more?
A I do not remember exactly but I remember it as having taken over half the time required by the trial therefore it must have been over an hour.

Q Was everything interpreted just the same as it is being interpreted in this trial?
A Yes.

Q It takes just about as much time to handle the Japanese questions and answers as the English questions and answers, isn't that correct?
A Yes.

Q So that the actual questions and answers that were asked and given really took about a half hour, isn't that correct?
A The questioning by Lt. Wako was based on the interrogation report

of the gendarmerie and the questioning was "Did you see or did you not see such a thing?"

Q Is that all that was asked the fliers?
A Not only that.

Q All right, what else?
A There were questions like, Describe the conditions at the time of the bombing?

Q So that you want the Commission to believe that in addition to being questioned on their Tokyo statements they were also questioned by Captain Wako on other phases of the bombing, is that correct?
A I do not remember exactly as to what other questions there were at that time.

Q Now isn't it a fact, Captain Okada, that there never was an interpreter in that courtroom who translated a single word from Japanese into English?
A There was an interpreter.

Q I am asking you whether anything was translated from Japanese into English?
A Of course it was interpreted.

Q Do you know Captain Nielsen?
A Yes.

Q You saw him in this courtroom, didn't you?
A Yes.

Q Did you hear Captain Nielsen say that nothing was translated into English?
A Nielsen I think said that but there is no doubt as to the Japanese having been interpreted into English.

Q You heard George Barr's statement read, didn't you?
A Yes.

Q And you heard him say that there wasn't any translation into English, didn't you?
A I do not remember clearly.

Q Isn't it a fact, Captain, that it is impossible to take the statements of eight people about a transaction that is as lengthy as the Doolittle raid on Tokyo and have it all translated for everybody in one hour?
A The entire raid on Tokyo was not interpreted to them.

Q As a matter of fact there wasn't anything that was interpreted to them was there?
A Absolutely not. That it was interpreted.

Q Captain Okada, it took you considerably more than an hour just to tell your own story about that two hour session in the courtroom, didn't it?
A Yes.

Q And the same goes for Captain Wako, isn't that true?
A Yes.

Q Now in view of the experience of interpreting in this courtroom, do you still want to say to this Commission that you could have tried that case in two hours and still interpret anything to these boys?

A I don't think there is any other answer that I can give other than the answer I gave to the questions put to me previously.

Q Isn't it true that these fliers insisted to the tribunal that they should be treated as war prisoners and not as war criminals?

A I do not remember that.

Q You told me they did, didn't you?

A I didn't say such a thing.

Q Did I ask you this question: "Q. Isn't it true that they insisted that they should be treated as prisoners of war and not as war criminals? and you gave the answer, "I think there was something like that."

CAPTAIN FELLOWS: I object to that. I wish the prosecutor would read the question and answer correctly.

MAJOR DYER: Now I confess to fallibility. Maybe I did read it incorrectly. I will withdraw the question.

Q Did I ask you this question, Captain Okada: "Q. Isn't it true that they insisted that they should be treated as prisoners of war and not as war criminals?" And you gave the answer, "I think there was something about that."

A I do not remember that.

Q How long before the trial was it that you talked this case over with Captain Wako?

A I spoke to him about it the morning of the trial.

Q You went over all the evidence with him, didn't you?

A As I stated previously, I had not read any of those documents.

Q Did Wako tell you whether these men were guilty or not guilty?

A Is that before the trial?

Q Yes.

A No.

Q Wako, in his statement in evidence, Prosecution's Transcript Exhibit No. 29, which you have already seen, says this, on the top of page 3: Question to Wako. Did you talk to the other members of the court prior to the day of the trial? And Wako says this: "We discussed it up to the point where we said that the evidence against these airmen was already gathered and all that was necessary was for it to be presented in court." What do you say to that?

A I never talked about it previous to the day of the trial.

Q Wako says he talked with you.

CAPTAIN FELLOWS: If the court please, I don't think you can draw that inference. It says we discussed it. It doesn't say who.

MAJOR DYER: It says members of the court.

CAPTAIN FELLOWS: Ask him that way.

MAJOR DYER: I asked him. I will withdraw the question.

Q Would you say Wako was telling the truth or not when he made that statement?

A I think that he thought wrong. Will you explain further what kind of question it was?

Q You understand English, don't you?
A A little.

Q You heard me read the question and answer, didn't you?
A I did.

Q And you know that Wako says in this statement that he talked it over with you - he discussed it with you - you know what that means, discuss?

CAPTAIN FELLOWS: We object again. We can't consider the four questions together. - take part of one group of questions and take inference from them.

MAJOR DRYER: I submit that on cross examination we are entitled to the latitude sufficient to question this witness about any phase of a transaction between him and Captain Wako in advance of trial. He says he talked it over with him in the morning. I am trying to find out from him now whether this isn't what was discussed, and by this I mean what is in this question and answer in Wako's statement. If the Commission please, I can make that a little more lucid perhaps by one or two other types of questions.

COLONEL MC REYNOLDS: You withdraw your question?

MAJOR DRYER: Yes, I will withdraw the question.

Q You discussed the case with Captain Wako before the trial, didn't you?
A I did not discuss it.

Q Well, didn't you just say a few minutes ago that you talked with Captain Wako about this case in the morning before the trial?
A We did not discuss it. That I heard about the interrogation report of the gendarmerie and I saw the damage report that morning, that is all.

Q Did Wako show it to you?
A I think it was him.

Q Wako showed you the damage report from Tokyo and the gendarmerie questioning, is that correct?
A Yes.

Q And in that conversation did you and Wako agree that all that was necessary was just to present it to the court?
Do you think this is funny?
A I don't remember in that manner. I don't understand "only necessary to present it."

Q I will withdraw it. I will ask you one more question before we recess. After you read the gendarmerie questions and answers and the damage report, now after you read those two things, did you think the fliers were guilty then?
A When I read it I didn't think anything like that.

MAJOR DRYER: If it is satisfactory with the Commission shall we recess?

COLONEL MC REYNOLDS: The Commission will recess at this time until 1045.

(Whereupon the Commission took a recess at 1030 hours.)

COLONEL MC REYNOLDS: The Commission is in session. (1045 hours.)

LT COL HENDREN: Let the record show the Commission, the accused, counsel for the prosecution and defense, reporter and interpreters are present in the courtroom after the recess, and the witness is reminded he is still under oath.

Q (By Major Dwyer) There weren't any witnesses brought before your tribunal, were there?

A No.

Q Did Major Hata read the damage report to the tribunal?

A I do not remember whether it was Hata or Wako but someone read it.

Q You read that report before you came into the courtroom, hadn't you?

A Yes, I did.

Q Was the Tokyo gendarmerie investigation read to the tribunal?

A Not everything but that part which concerned the raid and the casualty was read.

Q You've read General Ito's personal copy of that report, haven't you?

A That which concerns the casualty of the raid.

Q Withdraw the question. You have read General Ito's report which is Defense Exhibit No. 14 and which he brought into this courtroom, haven't you?

A I have not.

Q You have not read it?

A I do not know if this is Exhibit 14 but I have read that which concerns the casualty of the raid.

Q You have been in the courtroom during this whole trial, haven't you?

A Yes.

Q Didn't you hear read to you and to everyone in this court the question and answer report of the Tokyo Gendarmerie which was brought in here by General Ito?

A Yes, I know it was read.

Q You have made a statement to this Commission through your counsel that it was not necessary to read this report in Japanese because you all had read it before, isn't that correct?

A Yes.

Q Was this report read to the tribunal at the trial?

A As I said, not everything, not all was read.

Q Do you know what was read?

A It was read the part which concerned the raid.

Q Well, it all concerned the raid didn't it?

A I believe there was something else than that which concerned the raid but I do not remember very well.

Q Well, was all of the report that concerned the raid read to the tribunal?

A It might not have been all.

Q Well, you were there weren't you?

A Yes, I was.

- Q And you have read this Exhibit 14, haven't you?
A I did not personally read it but I heard the contents from Captain Wako.
- Q When did you hear that?
A On the day of the trial before the court.
- Q That is on August 28, 1942?
A Yes.
- Q Do you want to say to this Commission that you don't know whether all of the statements made in Defense Exhibit 14 were read to the tribunal?
A A part of it was read but not all.
- Q Would you say that just the gist of it was read?
A Yes, I think so.
- Q And before the trial you had read the whole gendarmerie report, is that correct?
A I did not read it.
- Q Didn't you say before a few minutes ago that Captain Wako showed you the gendarmerie investigation from Tokyo?
A I saw it but I did not read the contents of this document.
- Q Well, how do you know what you were looking at if you didn't read it?
A He explained to me therefore I knew it.
- Q Didn't you tell this Commission before the recess that before the court met that that morning you read the Tokyo gendarmerie report and the damage report from Tokyo?
A If I did say so I meant it by saying that I looked it through.
- Q You looked it through?
A I saw it but I did not read it through.
- Q You looked at it, didn't you?
A Yes, I looked at it.
- Q Well, when you looked at it did you read any language on the pages?
A If you mean it so I looked at it but I just looked through it and not actually read it.
- Q Why did you look through it? Didn't you want to know what was in it?
A I was explained the contents by Wako therefore I took this document in hand and just looked it through.
- Q You knew it was going to be used in the trial in an hour or two, didn't you?
A Yes.
- Q And you say that just the gist of it was read at the trial?
A Yes.
- Q Well now you must have read this through before the trial if you can say to this Commission that at the trial all that was read was the gist, isn't that correct?
A I read it through but just as I have said, I looked it through.
- Q You have told the Commission you saw the fliers' thumbprints on that document, is that correct?
A Yes.
- Q And you also said you saw their signatures?
A Yes.

- Q Now I am asking you again, isn't it a fact that you read this whole report through before you went into the courtroom?
A As I have said, I did not read entirely but I just looked it through.
- Q In the courtroom, the prosecutor read the charges?
A Yes.
- Q Then the damage report was introduced?
A Yes.
- Q And then the gendarmerie investigation was introduced?
A Yes.
- Q No witnesses were brought in?
A No.
- Q And you say that the fliers said that they had made these statements in the gendarmerie report?
A Yes, I did.
- Q Now was that the entire evidence before the tribunal upon which you based your finding?
A Besides that, the affidavits of the fliers.
- Q Aren't the affidavits of the fliers the statements that are in the gendarmerie report?
A Yes, there is.
- Q Now was there anything else that was brought before the court?
A There was another document from the gendarmerie headquarters but I do not remember what it was.
- Q Do you have any recollection about that at all?
A Yes, I remember but I do not know the contents of this document.
- Q Well, was that about the same as what the other gendarmerie report said?
A Yes, it resembled that of the other document.
- Q Did Major Hata say that the Doolittle fliers had signed these gendarmerie papers?
A I saw the signatures.
- Q You saw them before you entered the courtroom, didn't you?
A Yes, before the courtroom.
- Q Would you know Nielsen's signature if you saw it?
A I do not remember what kind of a sign that was.
- Q Would you know any of the fliers signatures if you saw them?
A I can't clearly recognize them.
- Q Did you or any member of the tribunal ask any of these fliers to write out their signatures so you could compare it?
A I do not know anything about this.
- Q Was that done at all?
A We never did.
- Q So that you don't know whether the signatures that you saw on that gendarmerie report were the signatures of the fliers or not, do you?
A The only thing I could do was to believe the words of Major Hata.

- Q Now Captain Okada, isn't it a fact that these fliers never admitted bombing or strafing or otherwise attacking any school, church, civilian or non-military objective - make that statement in the courtroom?
A That is not the fact.
- Q Do you want this Commission to believe that each one of these fliers testified before your tribunal, that they bombed and strafed schools and other non-military objectives?
A I have said regarding that point before.
- Q Well, what do you say?
A Shall I explain it again?
- Q I am asking you a question that can be answered yes or no.
A Yes, they admitted.
- Q Did Captain Nielsen get up and tell your tribunal that he had bombed and strafed non-military objectives?
A I do not remember if this was Captain Nielsen but one of the fliers that raided Tokyo has admitted that he has bombed the residential section of the town.
- Q I am asking you again, did Captain Nielsen tell your tribunal that he had attacked churches, schools or any non-military objective on the raid on Tokyo?
A I know that he admitted in saying that he had bombed non-military objectives.
- Q Captain Nielsen you say admitted bombing non-military objectives, is that correct?
A I can't say whether it was Captain Nielsen but there was somebody who said it, that admitted it.
- Q Did Hallmark get up off the floor and say that too?
A Yes, I believe he admitted.
- Q How about Spatz?
A I do not remember who was Spatz.
- Q Don't you know who Spatz was? Don't you know who Spatz was?
A Yes, I know.
- Q Did he make a statement to the tribunal that he had attacked non-military objectives?
A Yes, he admitted it.
- Q And did all the others say the same thing?
A Captain Wako assured us through interrogation on the pilot and the gunner who participated in the Nagoya raid.
- Q Now I am going to ask you once and for all, Captain. You understand English. You were a professor of ethics and you are a highly educated man and I am going to ask you to answer my questions directly. Did Lt. Farrow stand up in front of that military tribunal and say that he had attacked schools, churches and non-military objectives?
A He had not admitted it as you have said.
- Q What did he say?
A To the question which Lt. Wako imposed on him he replied that he had dropped incendiary bombs on congested residential areas.
- Q Did Hite state to your tribunal that he had bombed or attacked schools, churches or other non-military objectives?
A He also did not admit it in these words.

- Q Well, what did he say?
A I believe this was the plane which raided Nagoya.
- Q Just a moment now, I don't want to know your opinion about a plane. I am asking you what these men said and you understand it. Now give me the answer.
A But they did not admit as you have said.
- Q As a matter of fact, they didn't admit anything, did they, any one of them?
A Yes, they did.
- Q So that you want this Commission to believe that each one of these fliers stood up in front of your tribunal and said that they had attacked schools, churches or non-military objectives, is that correct?
A They did not admit by saying they bombed schools, churches or non-military objectives, but they said something else.
- Q All right, please tell this Commission what they said?
A I do not remember and can not explain what they said individually.
- Q All right, try to remember and tell the Commission what they said collectively?
A As I have said that which concerned those who raided Tokyo, but regarding the pilot and the gunner that raided Nagoya they were pulled before Lt. Hako and asked this question, whether they had strafed innocent people and bombed a school. To this they have admitted that they did not know whether this was a school but they have strafed a gathering of people in a place that resembled school.
- Q Anybody else say anything?
A I think somebody else admitted something else.
- Q Captain Okada, were you any clearer on the day of the trial about what happened than you are right now?
A I can't compare that.
- Q So you want this Commission to believe that Lt. Farrow and Sergeant Spatz stood before your tribunal and said they had strafed innocent civilians and attacked a building that looked like a school, is that correct?
A Yes, that is true.
- Q And you want this Commission to believe that some others whom you don't remember got up and said the same thing, is that true?
A I remember clearly that which concerned the previous answer but this point I do not clearly recall.
- Q You are not too clear about what anybody else said other than Farrow and Spatz, is that correct?
A I remember some points which the others admitted.
- Q As a matter of fact, you have testified that it was impossible for the tribunal to tell which plane had done anything in that raid, isn't that correct?
A Yes.
- Q And isn't it a fact that all you really know about the fliers admitting anything about this raid is what Hako and Hata told you, isn't that correct?
A That was meant for the affidavit which was given in the court at that time.
- Q I show you Defense Exhibit A. When did you first see that?
A I saw it one week ago in this court.

Q When you sat on the tribunal that tried these Doolittle fliers, did you ask the prosecutor to produce any evidence like this?

A I have never done so.

Q Did anybody ask for such evidence?

A I heard this from Wako but Colonel Ito told Wako that it was unnecessary to go to Tokyo to investigate and look for evidence.

Q Why was it unnecessary? Were you afraid you wouldn't find anything?

A I do not understand the reason why it was not permitted.

Q It would have been very easy for you to have gotten evidence in Tokyo if there was any to be had, isn't that correct?

A Yes, I think so.

Q But you never asked for any such evidence, did you?

A No, I never did.

Q Did you or any one on the tribunal, - strike that.

This was the first raid on Japan, wasn't it?

A Yes, it was.

Q And wasn't it your idea that in punishing these Doolittle fliers you would serve notice on the American air forces that the same treatment could be expected in the future, isn't that correct?

A I did not especially think of that matter.

Q You heard General Miyano testify here, didn't you?

A Yes, I remember.

Q Didn't you hear him tell this Commission that the purpose of the Enemy Airmen Law was to accomplish just that result which I have just mentioned?

A That must be a mistake. I do not remember.

Q Well, did you hear General Ito say it?

A I do not remember.

Q As a matter of fact, you know yourself that was the purpose of the law, don't you?

CAPTAIN FELLOWS: Defense objects to that question. It calls for a conclusion as to what was in the minds of the people who passed the law.

MAJOR DWYER: I will withdraw the question.

Q You heard Captain Wako testify yesterday?

A Yes, I remember.

Q You heard him questioned about the proclamation issued in October, 1942?

A Yes, I remember.

Q I will read you the proclamation. "All enemy, ---

CAPTAIN FELLOWS: If the court please, I don't know what is being read.

MAJOR DWYER: It's already in the record. It's proper to ask him, --

CAPTAIN FELLOWS: Tell us what it is.

MAJOR DWYER: This is the proclamation that was read to Captain Wako yesterday afternoon.

CAPTAIN FELLOWS: I make the same objection I made yesterday for the sake of the record. I think the court overruled me. This time I make the same objection. It is not proper to read it without putting it in evidence.

COLONEL MC REYNOLDS: I don't remember it was objected to yesterday.

MAJOR DWYER: The record will show.

CAPTAIN FELLOWS: I withdraw my objection. I am not sure myself.

Q I will read you the Japanese proclamation as follows: "All enemy airmen who raid the Japanese homeland, Manchukuo or our zones of military operations and come within the areas of our jurisdiction or who violate the provisions of International Law governing warfare shall be committed to trial by military tribunal and shall be subjected to death or other severe punishment as war criminals." Now I ask you, Captain, isn't it a fact that this proclamation is a statement of what you as a judge of that tribunal regarded as the proper meaning of the Enemy Airmen Law?

LT COL BODINE: I object to that question. That proclamation that the prosecutor just read, we don't know the date of it. It hasn't been submitted in evidence, and I couldn't even answer the question as the prosecutor put it to the witness.

MAJOR DWYER: I am not asking you, Counsel.

LT COL BODINE: I state this: It is confusing, and trying to confuse the witness.

MAJOR DWYER: Withdraw the question.

Q Did you ever hear that proclamation before?

MR. KUMASHIRO: If the Commission please, may I ask the prosecution to clearly mention which proclamation; there are many proclamations made concerned to the enemy airmen. This question is very confusing to the witness.

Q Did you ever hear the proclamation which I have just read to you before?
A Yes, I have.

MR. KUMASHIRO: Excuse me. The proclamation which Major Dwyer just said before is also very unclear.

MAJOR DWYER: Now are you referring, counsel, to the proclamation being confusing or the question confusing? Which are you talking about?

MR. KUMASHIRO: The question is very confusing because there is no date of the proclamation or which proclamation.

Q Captain Okada, did you hear the prosecutor read a proclamation to Captain Fako yesterday afternoon?
A Yes, I remember.

Q Did you hear the proclamation which I read to you just a couple minutes ago?
A Yes.

Q Now Captain Okada, they are both the same proclamation and I am asking you, did you ever see or hear that proclamation before?
A Yes, I have heard.

- Q When?
- A I do not remember when.
- Q You heard it back in 1942, didn't you?
- A I can not clearly state so but I believe that was the year.
- Q Isn't it a fact, Captain, that you heard or read that proclamation at the time the Doelittle case was being, - at about the time the Doelittle fliers were being punished?
- A I can not remember which.
- Q Had you read the Enemy Airmen's Law before you went into the courtroom on the day of the Doelittle trial?
- A I did not read.
- Q Have you read it since?
- A I haven't read it but I heard of its contents from Captain Wako.
- Q When?
- A I heard of this explanation after the trial during our discussion among the judges.
- Q Isn't it a fact that this proclamation which I have just read to you is a statement of the meaning of the Enemy Airmen Law?
- A Yes, I believe I can say so.
- Q Now, Captain Okada, the evidence upon which you based your finding was the gendarmerie investigation and the damage report, the reading of the charges and the so-called statements made in court by the fliers, is that correct?
- A Yes, that was all.
- Q So that except for these statements which you claim the fliers made in court, you had already seen all of the evidence in this case before the trial even took place, isn't that correct?
- A Yes, I knew about it.
- Q Did you hear Captain Nielsen tell this Commission that in the courtroom the fliers didn't say anything?
- A Yes, I heard that.
- Q You heard George Barr's statement too, didn't you?
- A Yes, I heard.
- Q You heard him say the same thing Nielsen did?
- A Yes, but I think he said something different from what Captain Nielsen said.
- Q Didn't you hear George Barr's statement say that the fliers didn't say anything in the courtroom?
- LT COL BODINE: I object to that question. First of all, the prosecution is asking the witness something that isn't so. Nielsen did say he spoke up in court.
- MAJOR DWYER: All right, let me rephrase the question.
- Q Didn't you hear Nielsen say that he never made a statement in that courtroom to the effect that he or any one else had bombed or strafed civilian schools or any other non-military objective?
- A I want to know if he said that in this court.

- Q Didn't you heard Captain Nielsen tell this Commission in this courtroom that he never made any statement to your tribunal that he or anyone else had bombed or strafed or attacked any schools, churches, civilians or any none-military objective?
- A I do not exactly remember those words but I believe he said in that meaning.
- Q And the same is true of Barr, Hite, and Deshazer, isn't it?
- A There is a little difference in the meaning, but I believe they said that as a whole.
- Q They said the same as Nielsen, didn't they?
- A I can't recall that clearly.
- Q All right, as between you and Nielsen, are you telling the truth?
- A Yes, I remember him saying that in this court.
- Q I am not asking you that. I will ask you another question. Are you telling the truth or was Nielsen telling the truth?
- A I am certain that I am telling the truth even now.
- Q Even now. Well, weren't you then?
- A As I have said before, I have been always telling the truth.
- Q Would you say Nielsen was telling a lie?
- A I can't say anything regarding that point.

COLONEL MC REYNOLDS: At this point the Commission will recess until Monday morning at nine o'clock.

(Whereupon the Commission adjourned at twelve o'clock noon on 6 April 1946 to reconvene at 0900 hours on 8 April 1946.)

###