

Q Will you say that if the Assistant Provost Marshal in the Tokyo area will state, give sworn testimony in this court room, to the effect that you asked him to provide military police patrol vehicles to escort these Formosans home from the Chinese Mission, he is perjuring himself?

DEFENSE: May the defense object to the form of that question? The only thing that the witness can testify to is what he knows about the case. He can't say that any testimony that might be contrary or might be different would be perjury. For that reason we object to the question.

PROSECUTION: If the court please, I am laying a foundation, a possible discrediting the testimony of this witness, and always remember the Chinese diplomatic corps as such enjoys certain immunity and privileges but once he takes the witness stand he is stripped of any immunity he may have had because of diplomatic reasons.

LAW MEMBER: The objection is sustained insofar as the use of the word "perjury" is concerned.

PROSECUTION: Would you read that question back?

The last question was read by the reporter.

PROSECUTION: Change that "he is perjuring himself" to "he would not be telling the truth".

A No, what I said was I want to know how they are going to handle the case. Either they sent patrol cars to escort Formosans back to their home or they sent people out to Shibuya area because there were Matsuda Gumi and armed police there and what they did they sent people out to Shibuya area.

Q When did they send people out to Shibuya area?

A After I arrived at the NF station a little after eight and talked to them a little over ten minutes and then they made a few phone calls and then they say, "All right, I have already sent people out to Shibuya area."

Q What time was this?

A After eight or around eight-thirty. I do not know the exact time.

Q Where were these Formosans when you left the Chinese Mission?

A I do not know after I left Chinese Mission.

Q Where were they at the time you left?

A They were at the Chinese Mission, part of them in the truck, part of them was standing around in Chinese Mission.

Q When you left there didn't you leave word to hold the Formosans at the Chinese Mission until you came back from the

- Provost Marshal with NP's to escort them?
- A I asked them to wait for me to come back after I talked over with the NP.
- Q Where did you go when you left the Provost Marshal's Office?
- A I went back to the Chinese Mission.
- Q While you were at the Provost Marshal's Office to whom did you speak?
- A I do not remember names as it was translated.
- Q I will ask you if it wasn't Lieutenant Colonel Crocker?
- A I vaguely remember some name like that but I am not sure.
- Q Do you know what his rank was?
- A I think it was Captain or something like that. I don't remember exactly.
- Q What happened when you returned to the Chinese Mission?
- A After I arrived at the Chinese Mission the two trucks, jeep and sedan had also returned carrying wounded people. One person was already dead and another one seriously wounded, and many people wounded.
- Q Do you know who the jeep belonged to?
- A Chinese Mission.
- Q Who sent this convoy out from the Chinese Mission?
- A General Li.
- Q Do you know why General Li sent them on when he knew you were going to the Provost Marshal's Office to ask for help from the NP's?
- A These vehicles left before I did because the Formosans wanted to go home and at the same time they were afraid that somebody might attack them. That's why General Li sent a jeep along to escort them.
- Q They were afraid that they were going to attack them at the Chinese Mission?
- A They were afraid that they might be attacked on the road.
- Q Why didn't they wait until you came back from the Provost Marshal asking for military police aid?
- A I asked them afterwards why they left before I did because they say it near nine o'clock many Formosans are anxious to go home because they haven't had anything to eat and since the Chinese Mission is sending a jeep to escort them they feel safe that they can get home all right.
- Q Then you did expect trouble on that evening?
- A No.
- Q You didn't expect trouble but you went to the military police,

the Provost Marshal's Office, and had them escorted by Chinese Mission jeeps?

A It's because, first, I thought that minor incidents such as one in Shinbashi caused by misunderstanding, such minor incident would not happen if the Chinese Mission sent a jeep along to escort them here and, second, I heard that there are many armed Japanese police around Shibuya and also the Matsuda Gumi people around them and it's because I thought always better to be cautious. Of course I was not expecting any trouble. If I did I would not have sent them here.

Q Then it was known that there were police in front of the Shibuya Police Station, armed police in front of the Shibuya Police Station?

A The report I received was there were armed police around Shibuya area, not just near the police station, just armed police around Shibuya Station and also there are armed people not police, armed mobs around that area.

Q Don't you know that you can go through Shibuya without passing in front of the police station and that it's only three-tenths of a mile longer that way?

A No, I don't know that.

Q If there was such a way and these Formosans were trying to avoid trouble doesn't it seem reasonable that they would have taken this other route?

DEFENSE: If the court please, we object to that question as being purely argumentative, calling for a conclusion of the witness.

LAW MEMBER: The objection is overruled.

The last question was read by the reporter.

A When they reported to me they say they have to pass through that place. They did not say how many routes there were.

Q Did you see the beds of any of the trucks while they were at the Chinese Mission?

A I didn't look closely. I just saw trucks there.

Q Did you see any weapons on these persons or in these trucks?

A No.

Q Did you make any search or cause any search to be made?

A I did not search them. I did not cause any search to be made. I saw them all empty-handed.

Q Didn't it occur to you to have a search made in view of the fact that they had been threatened by the Japanese in the Shinbashi area, that they would have weapons to defend themselves against such an attack?

- A It did not occur to me as the Shinbashi incident was individual threatened by Japanese, not a truck full of people.
- Q Wasn't it brought to your attention sometime before that gangs of Formosans had attacked Japanese police individually?
- A No, I did not receive such report.
- Q How many Chinese are in the city of Tokyo, Mr. Ling?
- A Around six thousand.
- Q How many of these are Formosans?
- A A little over half.
- Q What percentage of this number have ever been to Formosa?
- A I did not investigate each individual.  
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- Q What is the occupation of most of the Formosans in Tokyo?
- A The occupation varies quite a bit, people running restaurants or engaged in small business, and merchandising on a small scale.
- Q By "merchandising on a small scale" do you mean running open air street stalls?
- A It is one of the small scale merchandising.
- Q When you returned to the Mission from the Provost Marshal you stated there were already some wounded Formosans there. How many were wounded?
- A I do not know the exact number of how many people wounded. I saw one dead and another one very seriously wounded and many wounded.
- Q Would you say approximately how many there were wounded?
- A I saw about over ten people wounded.
- Q How many of these ten died as a result of these wounds?
- A As a result of wounds six people died.
- Q What did you do when you returned to the Mission?
- A After I arrived at the Chinese Mission I saw many people wounded, seriously wounded, and one dead. I went back to the MP office and asked them to get doctor to tend these wounded people.
- Q What time was that?
- A Around nine o'clock.
- Q Did you talk with the same person at the Provost Marshal's Office as you did on your first visit there?
- A I remember it was the same person.
- Q And didn't you tell him it was too late to send the MP patrol cars to escort the Formosans home because they had already left the Mission without them?
- A At which time?

Q On your first visit there.

A No, not the first one.

Q No, your second visit.

A The second time I said they were wounded and I was asking to get some doctor.

Q How much time had elapsed from the time you left there on your first visit and the time you arrived on your second visit?

A About thirty minutes.

Q Do you know who is the occupant of this sedan in this convey that went through the Shibuya Station?

A I do not remember names but I know they were Chinese.

Q Do you mean Formosans?

A Not necessarily all Formosans.

Q On the 20th of July did you sit in on a conference in the Chinese Mission with several American officers, representatives of the Provost Marshal, regarding this incident, at which this incident was discussed?

A No.

Q Did you ever sit in on such a conference?

A No.

Q By what authority does China extend citizenship to former subjects of Japan, namely, the Formosans?

A According to the orders published by the Executive Yun, State Department.

Q Is there any written proclamation published?

A Yes, it was publicly announced.

Q On what date was this proclamation issued?

A I don't remember the date now but I can look it up.

Q Can you produce a copy of that proclamation?

A Yes.

PROSECUTION: If the court please, that's all I have at this time. I would like to reserve the right though to recall this witness for further cross examination tomorrow for the reason that the defense, my adversaries, have certain papers which they haven't returned yet and before I stop my cross examination I would like an opportunity to look over this material.

PRESIDENT: Is it in the form of a motion?

PROSECUTION: Yes, sir.

DEFENSE: No objection.

PRESIDENT: Does the defense possess documents that have not been returned by the men to the prosecution with regard to this witness?

DEFENSE: Yes, sir, we have some documents that have been loaned to us by Mr. Elliott and he appreciates why I am keeping it. It's a perfectly friendly situation. I want to complete more work on them.

PRESIDENT: What time can you return them?

DEFENSE: This evening I can get them back to him.

PRESIDENT: Will you be ready to proceed with this witness, continue the cross examination?

PROSECUTION: In the morning, if the court please. I just want to reserve the right. I don't want to state there will be further cross examination and I don't want to state there will not be until I have had a chance to look them over.

PRESIDENT: Do you think it advisable to continue with redirect at this stage of the game?

PROSECUTION: I have no objection to it.

PRESIDENT: And then you use your recross examination.

PROSECUTION: Yes, sir.

DEFENSE: No objection.

PRESIDENT: I don't think it is necessary to grant a reservation of right. You will have your opportunity for recross, if that is acceptable to you.

PROSECUTION: Well, the thing is he may not cover on redirect the substance that I may wish to continue the cross examination on.

PRESIDENT: That is, the matters you refer to were brought up in the direct?

PROSECUTION: Yes, sir.

PRESIDENT: The motion is granted. You will refer back to his redirect. Is that all you have at this time?

PROSECUTION: Yes, sir.

PRESIDENT: Any redirect examination by the defense?

DEFENSE: A few questions, sir.

## REDIRECT EXAMINATION

Questions by the defense:

Answers through the interpreter:

Q You testified that there were approximately five hundred at Showa School in the afternoon and approximately two hundred at the Mission. With reference to the three hundred who did not come to the Mission did you receive any reports as to whether they were involved in any incident with the Japanese police?

A No, they all went home.

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

The Commission then took a recess until 1440 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 You testified that of the six trucks at the Mission two went back toward Shinagawa. With reference to those people who went back to Shinagawa did you ever receive a report of any of them being involved in an incident with the Japanese police thing?

A No, nothing happened to them.

Q Was or was not a Mission vehicle assigned to escort that group?

PROSECUTION: If the court please, I object unless he knows of his own knowledge. He stated that he was not present when he left the Mission and when he returned they had already gone.

LAW MEMBER: I didn't quite get the question.

DEFENSE: I can rephrase the question.

Q Do you know whether a Mission jeep was assigned to escort these two trucks toward Shinagawa?

PROSECUTION: I reiterate my objection.

LAW MEMBER: The objection is overruled.

A Yes, there was Chinese Mission vehicle escorted them.

Q Why did you request General Li to speak at the Mission instead of some one else who might have been at the Mission?

A Because when I first received the report it was at six

o'clock and the office hour was to five o'clock, everybody had gone except General Li, so I went with General Li and later when we returned to the Mission since General Li is an advisor of the Chinese Mission naturally he addressed the Chinese gathered there.

DEFENSE: Nothing further.

PROSECUTION: No recross.

PRESIDENT: Until ---


PROSECUTION: I said, "No recross" but I understand the court granted the motion allowing me to continue cross examination in the morning.

PRESIDENT: Then you are unable to proceed at this time?

PROSECUTION: Yes, sir.

PRESIDENT: In order to grant the prosecution the time necessary to continue examination of the witness, the Commission will adjourn to meet tomorrow morning at 0900.

The Commission then adjourned at 1445 hours on 4 November 1948.

  
MR. RICHARD R. ELLIOTT  
Chief Prosecutor



Metropolitan Police Station  
Tokyo, Japan  
5 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 and we will proceed with the hearing.

**PROSECUTION:** At this time the prosecution would like to recall Mr. Ling, Ting-Ping to the stand for a few more questions on cross examination.

The witness Ting-Ping Ling 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 the interpreter:

- Q Mr. Ling, yesterday you stated that you did not sit in on a conference with several members, officers, from the Provost Marshal's Office and several members from the Chinese Mission regarding this Shibuya incident. Do you want to change that statement at this time?
- A I do not want to change my statement now. Regarding this conference I was not present but I know all this conference. General Ferrin, the Provost Marshal, issued a press release regarding Shibuya case which did not show the whole incident quite truthfully so Major Chen and I went over to Provost Marshal to negotiate and talk to them regarding the points on the press release.
- Q Mr. Ling, that is not the conference of which I am speaking. I am speaking of a conference between a Chinese Major, yourself, and perhaps other representatives of the Chinese Mission with a CID agent, Lieutenant Colonel Crocker, and Captain Miller of the Tokyo Provost Marshal's Office at 1500 on the 20th of July 1946.
- A I was not present. I have talked to the Provost Marshal on quite a number of occasions regarding Shibuya and Shinbashi incidents but as far as there was no conference,

not when the Chinese Mission and Provost Marshal having conference I was not present on those conferences. I have talked to them and not in conference.

Q When you were on your way back to the Chinese Mission with the two trucks following you were you stopped by members of the CIC?

A No.

Q Did you hear any shots on the way back?

A Yes.

Q Isn't it a fact that at this conference you first denied hearing any shots, denied being in the vicinity of Seiya School down next to the headquarters of Matsuda Gumi, and you later admitted to hearing ten shots?

DEFENSE: If the Commission please, I think Mr. Ling has testified that he was not present at any conference.

PROSECUTION: Very well. No more questions. We are satisfied. That's all. Withdraw the last question.

PRESIDENT: Any further questions by the defense?

DEFENSE: No further questions.

#### EXAMINATION BY THE COMMISSION

Questions by members:

Answers through the interpreter:

Q You have testified as to several reports of violence by Matsuda Gumi against the Formosans, is that correct?

A Yes.

Q Did you make any record of such reports?

A Some have been recorded and some not.

Q Are any of the persons that made such reports to you present here as the accused?

A No.

Q Did these persons making reports come to you as individuals or representing associations?

A They sent representative.

Q Representatives of associations?

A Yes, representatives of associations.

Q What associations were they representing?

A Representing the Federation of Chinese Association.

Q Does the Federation of Chinese Association operate any open air stalls?

A No, the Federation of Chinese Association is organization

representing all the overseas Chinese in Japan for the benefit of all Chinese in Japan.

- Q Is the association headed by Sai Ryu To, a member of this federation?
- A No, I don't know the name Sai Ryu To.
- Q Do you know the name Chinese Youth Self-Governing League or Association?
- A No, I only know of the Youth Charity Service Association.
- Q Before that Youth Charity Association adopted that name what was the name of the same organization?
- A As far as I know the name is Youths Charity Service Association.
- Q And it acquired that name when?
- A I do not remember the date but I can look it up because they acquired the name before I was appointed as the Consular Affairs Section Chief.
- Q When you received the first report as to Matsuda Oumi violence what action did you take?
- A When I first received the report on 17 July I sent Lieutenant Chao and Mr. Lu, reported to Provost Marshal. At the same time I sent a person to investigate the truth of the report.
- Q What action followed such procedure on your part?
- A While in the process of finding out the truth on the report the 19th of July incident occurred.
- Q Was the meeting at the Showa School a sort of community meeting?
- A It is the ordinary meetings of this organization of Chinese association.
- Q An ordinary scheduled meeting?
- A No, it was not scheduled.
- Q Does this association to whom you refer have memberships throughout Japan?
- A There are two organizations here. One is the Chinese Federation Association, which includes the whole Japan; under that is the Tokyo Federation of Chinese Association, which just includes Tokyo members. The president of the Tokyo organization is also the president for the whole Federation of Chinese Association in Japan.
- Q Who sponsored the meeting at the Showa School on the 19th?
- A At that time I did not ask who sponsored meeting but the people who came and reported to me were the president of the association, Mr. Chen, and another Mr. Tsai.
- Q Is the association with headquarters at or near the Showa School a part of this federation that you speak of?
- A The Federation of Chinese Association for Japan, the main

office at fourth floor, Marunouchi Building. However, the Tokyo section of the association is in the Showa School.

Q You have previously told us what the purpose of this meeting was as stated to you. Did they also state why it was necessary to have Formosans from Osaka, Kobe and Yokohama attend such complaint session?

A At that time they did not report to me where they came from. They just stated that a meeting was to be held.

Q Since the chief complaint was abuse at the hands of Matsuda Gumi, had all five hundred people at this meeting also met with abuse, beatings and threats by Matsuda Gumi?

A I did not investigate each and every one of the five hundred people.

Q Did they tell you whether or not all those that attended the meeting were directly interested in securing protection against the Matsuda Gumi and to protest against the ineffectiveness of the Japanese police?

A Of course what they said was said to me through their representatives. I take that at least the majority of people are of that opinion, that is, first they want to have protection from the threatened attack of Matsuda Gumi and, second, they want compensation on property damaged and so forth and, third, they want punishment of all the criminals that did the actual damage and attack, and also they want the apology from Japanese through SCAP that they destroyed this gate they built for welcoming the Chinese Navy.

Q Were the people present at that meeting directly interested in securing the redress you speak of by virtue of being financially interested or because of their nationality?

PRESIDENT: What is the word you are looking for?

INTERPRETER: "Redress."

PRESIDENT: Use the words "righting of a wrong" in place of "redress".

A This is two-fold: The first, the properties and goods damaged, they request compensation; second, the gate they built for welcoming the Chinese Navy with the Chinese flag on there which was destroyed is insulting China, which they demand apology.

Q The answer is not responsive to the question unless -- I must make the inference that the meeting was held by the five hundred people because of their nationality rather than financial losses.

A The meeting was held not because of nationality but because of the things happened, the incident itself, the things happened, the people being beaten up and also the property and goods damaged, lost.

- Q You have stated clearly on several occasions what the purpose of the meeting was but you have failed to state in what way the five hundred Formosans of various cities, why they were present and interested in such meeting?
- A I think the answer can be best obtained from the responsible people, namely, Mr. Tsai Fu-Chiang and the president of the association, Mr. Chen Li-Wie.
- Q The Commission is not satisfied with the witness's answer. It is absolutely evasive. You claim to have investigated this case and I want to know what you learned of the reason for so many Formosans being present.
- A When I investigated this case I received the report that only people from Yokohama was there. The first time that I heard people from other cities were also present, as I said yesterday, afterwards, after the incident, that the Provost Marshal's Office reported that there are Formosans coming from other cities in the station and the Assistant Provost Marshal went down to the station and screened them or asked them questions.
- Q Do you know whether or not the defendants in this case are citizens or residents of the Tokyo area?
- A No, I don't remember. I looked over list of names but I don't remember.
- Q Is it not a fact that you warned the Formosans against doing anything drastic and told them that the Chinese Mission would take care of their complaints?
- A No.
- Q If General Li in his speech stated that the Chinese Mission could settle this thing legally then General Li admits that the Formosans present were intent on settling this matter in their own way, isn't that correct?
- A No, because they want request how from Chinese Mission they appealed to Chinese Mission. That's why General Li said the Chinese Mission will settle the thing legally.
- Q What was the necessity for qualifying the manner in which the Chinese Mission would settle these complaints by using the word "legally"?
- A What I said was the Chinese Mission will settle the thing according to reason. I did not say "legally".
- Q Does the witness want to change his previous testimony in which the answer was repeated at my request and the word "legally" used?
- A All the time I said was settled "according to reason" not "according to legally".
- Q Then if the answer given and now in the record used the word "legally" is it a question of erroneous translation?
- A Yes, I said it was "according to reason".
- Q Since you have stated that General Li's speech was similar

- to yours you must have likewise made such a statement, is that correct?
- A On the whole it's similar but the phrase or the words, sentence, might be different.
- Q Without quibbling over words, isn't it a fact that you feared violence on the part of this large group of Formosans?
- A No.
- Q Then why was it necessary to tell the Formosans to go home?
- A Because they were at the Chinese Mission, naturally after the thing is through I told them to go home.
- Q I am speaking of the Showa School meeting at which the witness addressed the meeting of five hundred Formosans or Chinese.
- A The same meaning because after I talked to them and they understood what I said, so I told them to go home.
- Q Is it usual for a speaker at a meeting to tell his audience to go home?
- A It's not ordinary speechmaking. In this case they came and requested me to handle case and I talked to them and they understood it, naturally I told them to go home.
- Q Then your speech was for the purpose of pacifying the audience, was it not?
- A No, since I have answered their request there is no necessity of these people there.
- Q All these questions are propounded for the expressed purpose of determining just what did you think of such a large gathering. Can you give me your thoughts as to the possible repercussions from such a large meeting?
- A I never thought of that at that time. After I talked to them since I answered their request I just told them to go home.
- Q When the occupants of the six trucks came to the Chinese Mission did the occupants state that the purpose of their visit was merely to report the danger at or near the Shinbashi Station?
- A Yes, first they would like to report the incident at Shinbashi and, second, because I told them that the Chinese Mission will settle it according to reason, but they are still worried because they think the thing is very pressing as they are facing with another threatened attack.
- Q If the danger to the Formosans of attack laid in the Shinbashi area why did not the Formosans avoid that area in going home?
- A On their way home I didn't ask them which route they will take and they took this route themselves.
- Q When the meeting at the Mission broke up did all six trucks, these trucks, pass through the Shinbashi Station area on the way home?
- A No, I don't know whether they have to pass through Shinbashi or not.

- Q But you know now that the four trucks involved in the Shibuya Police Station incident did not pass through the Shinbashi area, do you not?
- A Returning home after the meeting was broken up at the Chinese Mission they did not pass through Shinbashi Station.
- Q If that is correct, then what was the necessity of those four trucks going back to the Chinese Mission or the Showa School to seek protection against the threat at Shinbashi?
- A The drivers of these trucks are not too familiar with the roads in Tokyo and, for instance, one truck that went from Showa School to Chinese Mission even passed by way through Shibuya, one of the trucks.
- Q Did the Formosans tell you that in going home they had to go by the Shibuya Police Station and the Shibuya Railroad Station?
- A They did not say police station or railroad station. They said they had to pass through Shibuya on their way home.
- Q Is Shibuya a ward?
- A They said pass through Shibuya.
- Q Is the Chinese Mission located in the Shibuya Ward?
- A Yes, Asabu, next to Shibuya.
- Q Was there danger to the Formosans throughout the entire Shibuya Ward?
- A No, I think when they mean Shibuya means Shibuya Railroad Station.
- Q Then you furnished a jeep escort as protection against what group of people at the Shibuya Station?
- A It's not against any group particularly. It's because the Formosans are very worried. Sent this jeep along to keep them from worrying.
- Q You have stated you asked for MP escorts. Against what danger would you require MP escort?
- A As I said, one truck that went from the Showa School to Chinese Mission took the wrong road and passed through Shibuya. When they passed there they saw many armed police and civilians there so at the Chinese Mission just at the time they were leaving for home they know that there were armed police and civilian at Shibuya Station. That is why I sent to the Provost Marshal after I received that report.
- Q What did the Formosans have to fear from the Japanese police?
- A Because the first truck that passed through there, it seemed that the police want to attack them.
- Q Wanted to catch them?
- A The police attitude not friendly, not arresting them.
- Q What connection is there between the Japanese police force and the Matsuda Gumi that you know of?

Q I don't know of any direct relation between them but on 16 July where a group of Matsuda Gumi people attacked Formosans one of the criminals arrested turned out to be a Japanese policeman in civilian clothes.

Q If that statement were correct, would the arrest of one such individual involve the entire police department?

A No.

Q Then why refer to such incident---

A I know of only this connection between the Matsuda Gumi and the policemen.

Q Then why refer to this one incident as the basis of fear of the Japanese police on the part of Formosans?

A Because they have received reports that Matsuda Gumi people are planning to attack them and since it had happened before, the case of that Japanese policeman, that's why they feared them.

Q And you have stated the danger laid in the area of the Shibuya Station, isn't that correct?

A I was afraid of any misunderstanding. I was afraid any misunderstanding may be caused, I was cautious so I went to the Provost Marshal's Office.

Q That answer is not responsive to the question. Please repeat the question.

The last question was then interpreted for the witness.

A I said I was afraid of danger around Shibuya Station.

Q Correct. If you were so anxious to avoid trouble or misunderstanding why did you not insist on a different route for trucks in going home?

A The Formosans stated it's necessary to pass through there.

Q Necessary to do what? For what purpose was it necessary to pass through a danger area?

A Necessary to go home.

Q The best preventive would have been to avoid contact would it not?

A I didn't think of that at that time because of my being misunderstanding. That's why I notified the Provost Marshal.

Q The answer is not responsive to the question. Please repeat the question.

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

A Yes, that is one of the preventive method. At that time



they told me in order to go home they have to pass through Shibuya. I didn't think of going another way because I don't know Tokyo too well. That's why I notified the Tokyo Provost Marshal.

Q You have admitted that to avoid a clash would have been advisable. Wouldn't it also have been advisable to go miles out of the way to avoid such a clash?

A I didn't think of that at that time.

Q But you did think of the use of MP's to force the police lines at the Shibuya Station, did you not?

A No, at that time I was afraid that it might cause misunderstanding. That's why I report to Provost Marshal stating that these after a meeting at Chinese Mission going home and the Provost Marshal suggest they send MP out to Shibuya Station and I agreed with them.

Q Then the Formosans were insistent on going through that area, were they not?

A They did not insist on going that area. They told me that in order to go home they have to pass through Shibuya. I don't know of any road because I don't know Tokyo. That's why I notified the MP.

Q But any city is a network of roads, is it not?

A As I explained before, at that time, at that moment they told me in order to go home they have to pass through Shibuya and then my cause of misunderstanding Shibuya that's why I notified the military police, and there are people live in Shibuya.

Q Then the failure to think of avoiding this clash by circuitous route is partly responsible for the incident of July 19th, is it not?

A I don't think it should be put that way because you can see a thing clearer afterwards but at that time you don't know that anything will happen.

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

The Commission then took a recess until 10:45 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 You have testified that the officials of a Chinese association came to you and discussed black market activities, isn't that correct?

A They mention because some of the Chinese have been arrested.

- Q Did you not also state that the complaint referred to Matsuda Gumi and Japanese police interfering with black market operation?
- A The only report I received was they came and told me that some of the Chinese have been arrested and goods confiscated but they released the Chinese later.
- Q Is it not a fact that you told them that you would not support them in their black market activity?
- A Yes.
- Q Then this association does have an interest in the black market operations does it not?
- A The association is not interested in the black market activities but because some of the Chinese have been arrested and later released they reported that to me.
- Q Why should the association take up the cudgel for a few law-breakers?
- A The Chinese Association is not interested in his activities but at the first all they knew the few Chinese disappeared suddenly -- they didn't know where -- and later they were released. They reported that to me.
- Q The chief difficulties that this association had was with the Matsuda Gumi was it not?
- A What association?
- Q The one you are referring to.
- A Which one I referring to?
- Q I don't want a question answered by a question. The association that I am speaking of is the one you have been referring to, by whatever name you wish to call it.
- A Is it Federation of Chinese Association?
- Q As I have stated before, I don't want a question answered by a question. The witness understands full well what association I am speaking about, the association which came to you with a complaint about the Matsuda Gumi.

The fifth question on this page was then read by the reporter and interpreted for the witness.

- A The purpose of the association is for the benefit of all Chinese in Japan. The question which the Matsuda Gumi is only a small one, is only a part of it.
- Q You have repeatedly referred to seeking redress and so forth from the Matsuda Gumi. Then that must have been the chief complaint, was it not?
- A The association represent the opinion of the Chinese in that case and the opinion of the Chinese in the Matsuda Gumi case is they request compensation on the property and goods damaged,

and so forth, and punishment of the criminal.

Q You previously stated that you investigated or caused to be investigated the incident reported to you prior to July 19th, is that correct?

A Yes, I sent somebody to investigate.

Q As the result of this investigation or investigations did you learn of the real reasons why the Formosans and the Matsuda Gumi were having shootings, beatings and so forth?

A The whole thing involved the granting of piece of land.

Q Isn't it a fact it can be summed up as difficulties between black market operators?

A Not as difficulty between black market operators but because the Matsuda Gumi rented this piece of land to the Formosan, later on they tried to cancel the contract.

Q That hardly appears to be a valid excuse for shootings and beatings of individuals, does it?

A That is what I learned from my reports and the question of the issue involving this piece of land have start some two months ago before that.

Q During your investigation did you also learn of the Formosans having recovered goods confiscated by MP's and Japanese police on July 17th?

A That I don't remember.

Q Evidence has been introduced in this court room that weapons such as pistols were passed out at the Showa School. Do you have any knowledge of such action?

A No, I have no knowledge of it.

Q How much do you know about the organization known at one time as the Chinese Youth Self-Governing Association?

A I don't remember any organization by such name after I was appointed as the Consular Affairs Section. The only organization I know of is the Chinese Youth Charity Service Association.

Q Were the Formosans beyond the scope or reach of the police authorities at the time of this incident?

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

MEMBER: To make the question clear I will repeat it in another form.

Q Were the Formosans subject to Japanese police authorities at the time of the incident, July 19th?

The last question was read and interpreted to the witness.

MEMBER: In view of the apparent difficulties of translation and the witness not understanding, I will phrase it another way.

- Q Did the Japanese police authorities have authority to arrest and punish Formosans on July 19th?
- A If the Formosans have acts violating the law the Japanese police can arrest the Formosans but they have to turn over to Allied Forces.
- Q Was that true on July 19th?
- A It should have been true all the time under the Allied Occupation. Any Allied national violating the law should be arrested ---
- Q That's not responsive to the question. The question was was it true on July 19th that the Japanese had no authority to arrest and punish Formosans.
- A The question needs a little explanation. As I understand is if at that time the Formosans is committing act violating the law they should be arrested. It's not a question whether the Formosan -- if they didn't do anything naturally they should not be arrested. It's not a question of whether they should or should not, whether determining what they have done.
- Q The witness is again dodging the issue. I shall put it this way. Did the Japanese have authority to search, arrest, and punish Formosans as of July 19th? The answer could be "yes" or "no".
- A The answer is as I said, the Japanese policemen can search and arrest but not punish Formosans.
- Q Did the local military authorities agree with that as of that date?
- A I do not know whether the local military authority agreed to that or not.
- Q Isn't it a fact that one of the defendants in this case is also a prisoner of the Japanese police force at this time?
- A Yes.
- Q Isn't it a fact that even at this time all except Allied Forces vehicles going into and out of Tokyo are searched by the Japanese police?
- A As to the exact terms on these laws and regulations I do not remember.
- Q Are Chinese or Formosan operated trucks today immune to search by the Japanese police authorities?
- A This I don't remember as what the directive Allied Forces put out. It should be done according to the directives.
- Q By sending Chinese Mission jeeps with the convoy on July 19th, was this to render the convoy immune to search by the

- Japanese police or what was the purpose?
- A No.
- Q Then there was no reason why the Japanese shouldn't stop and search these trucks for weapons, if they so desired, was it?
- A As I said before, I do not remember the directives or regulations put out by the Allied Forces.
- Q I believe the answer to be evasive. Give me your opinion.
- A I am not trying to avoiding the answer. I am not trying to avoiding the answer. As I stated before, whether the Japanese police can stop a Chinese Mission jeep and search, whether the Japanese can do that or not, I do not know because I have to look up the directive.
- Q The question made no reference to a Chinese Mission jeep. The question was did the Japanese police have authority to search a commercial truck operated on July 19th by Formosans.
- A Whether the Japanese police can search Allied national vehicle or not must be so stated in the directive and regulations and I don't remember the directive myself.
- Q That brings us to the question, were Formosans on July 19th considered as Chinese nationals as far as police authority was concerned?
- A Regarding the nationality or citizenship of Formosans on 6 March 1946 a letter was sent from SCAP from Chinese Mission stating that since 25 of December 1945 that all Formosans had given the Chinese citizenship and a letter, reply, had been received from SCAP on 2 April 1946, a reply sent by SCAP to Chinese Mission. At that time that was before Chinese Mission were organized. It was Chinese Liason Office. There were two main points. First, all Chinese no matter whether they come from Formosa or other provinces will be considered as Chinese and Allied nationals. Second, if Japanese Government have any way prejudice, discriminate against Formosan, should be reported immediately. I have submit the document previously.
- Q Isn't it a fact that on July 19th SCAP had given the Japanese police authority to treat Formosans and Koreans as Japanese subjects?
- A I don't know of such fact.
- Q Is Formosa today a part of the Chinese Republic?
- A Yes.
- Q Prior to the war and during the war it was a Japanese island was it not?
- A On that point I have received instruction from the Chinese Government if any question regarding that should be submitted to Chinese Government.
- Q As of any time have the Allied Powers in Japan issued any

directives which give Formosans their Chinese status?  
A I do not know whether SCAP has given directive to Japanese Government or not but we have received a formal reply from SCAP on that point.

Q For the purpose of this trial would it make any difference as to the exact nationality of the accused?

A The Chinese citizens are considered as Allied nationals.

MEMBER: Please repeat the question to the witness.

The last question was read and interpreted for the witness.

A If the defendants are Allied nationals they should be tried by Allied Forces, by Allied authorities.

Q Isn't that the case today?

A Yes.

Q You have stated that the reason for taking General Li to the Showa School was that you did not want so many Chinese to assemble at the Mission, is that correct?

A Yes, that's one reason. The other one is if they have anything they want appeal to Chinese Mission General Li and I can receive it there.

Q You previously testified that you decided to go with General Li to the Showa School rather than to wait for the Formosans to arrive at the Chinese Mission because you did not want so many Chinese there, or Formosans there?

A Yes, it's not necessary for them to come to Chinese Mission and, second, a large group of people traveling on the route by cars might cause misunderstanding.

Q Then why is it that when you found the Formosans in the Shin-bashi area you agreed to and even led the Formosans to the Chinese Mission?

A Because they were already on the road. They had to go somewhere.

Q You previously stated you did not want them at the Mission. Why didn't you go back to the Showa School?

A Because they want appeal to the Chinese Mission.

Q You have just stated that all available members of the Chinese Mission were right with you, you and General Lio were the only two available, isn't that correct?

A As we can not talk to them on the street.

Q You had your choice of two meeting places. One you previously stated you did not want them to be at, that is, the Chinese Mission. That left the Showa School. Why didn't you go there?

A I did not say I didn't want them to come to Chinese Mission. I stated it was not necessary to come to the Chinese Mission.

Q Did any members of the Chinese Mission or employees go with the jeeps on their convoy duty?

A No.

Q Then General Li in effect merely loaned the vehicles for the Formosans to ride in, is that correct?

A The driver of the jeep was employed by Chinese Mission.

Q What authority did he have?

A General Li sent him up.

Q Did that give the chauffeur any authority?

A No.

Q Since Formosans were under Japanese police jurisdiction what immunity did the jeeps afford if it was necessary to search such nationals?

A As I previously stated, it was not an attempt to avoid search by Japanese police but the Formosans were worried the Matsuda Guni people are going to attack them, sending the jeep along to keep the Formosans from worrying.

PRESIDENT: Any other questions by the Commission? (None)  
At this time the Commission will adjourn to meet at 1315 this afternoon.

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

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.

EXAMINATION BY THE COMMISSION  
Cont'd

Questions by members:

Answers through the interpreter:

Q When you were in the Shawa Primary School in the afternoon of July 19th did you learn or hear of any plan of attack by the persons present at the meeting against the Japanese police?

A No.

Q Did you observe at any time in the gathering of any sign or indication of such an attack by participants in the gathering against the Japanese police?

A No.

- Q Did you observe any such sign or indication when those people were later aggregated in the Chinese Mission, either before or after General Li made his address?
- A No.
- Q I believe you testified before that after General Li addressed the group in the Chinese Mission there was a show of hands by the people gathered there. Just exactly what that meant -- and what did you or General Li or anybody else tell the gathering before they made such show of hands?
- A General Li at that time after he talked to them answered their appeal and he said, "I have explained everything to you," and asked them whether they understood whatever he said and also asked them whether they have anything other to submit. He said if they understand the whole thing clearly and if they don't have anything more to say, please raise their hand.
- Q Did they all raise their hands?
- A Yes.
- Q You also testified, I believe, after General Li addressed these people in the Chinese Mission they started to go home in trucks in two convoys, one headed for Nakano and the other Shinagawa. Do you know whether those people in both the convoys were among those who had been present in the Showa School gathering earlier in the afternoon, the same group, in both the convoys?
- A Yes.
- Q At the time when you went over to the Provost Marshal after General Li addressed the meeting was there existed among the people gathered in the Mission such tension as to warrant or necessitate of your taking a very serious view of the matter and the resort of probably some other measures which now might appear to avert any possible incident?
- A At that time I did not see the existence of any tension.
- Q With what information you had at that time did you think or believe that some incident would occur when those people went back home in the trucks?
- A At that time the report I received from the association was that since one truck has passed through Shibuya and saw that there were many armed Japanese police and Matsuda Gumi people.
- Q I am not asking at this time about any report, but I want to know if in your opinion whether or not you personally believe that some incident would occur when the Formosans went home.
- A No, I didn't think that anything would happen.
- Q Was it not enough for you to cause a detour around the Shibuya Police Station area when you had the report of massed police and Matsuda Gumi in that locality?
- A This I have to explain is the majority of the Formosan live



right in Shibuya and some live in Nakano and they have to pass through there, and also I thought that since there is presence of police there shouldn't be anything happening but I also want to be cautious. That's why I went to Provost Marshal to see that no misunderstanding will be caused.

Q You agreed then with the Formosans' idea that they should force their way past and through this armed police force and Matsuda Gumi?

A I will have to point out in this respect that the people who live in Shibuya they have the right to go home and also the road there is not restricted or blocked. It's a free road that they have right to go through it.

Q But you have stated you were anxious to avoid a misunderstanding and provided an escort. Would it have been easier to avoid going through the area?

A This is as I explained before, the people live in Nakano had to pass through Shibuya and most important because the people live right in Shibuya, they have to be there.

Q How far is the Formosan settlement in Shibuya from the Shibuya Police Station?

A I didn't know how far it was before the incident but afterwards I looked around the area and I found they are not too far apart.

Q And the network of roads in the city of Tokyo would not permit avoiding the police station, is that your contention?

A At that time, at the time before the incident occurred, when they reported to me I didn't know where the location of the police station was either but they report me they want to go home and some live in Shibuya and some live in Nakano and they have to go through Shibuya. They didn't say "police station" or "railroad station," they just say "Shibuya".

Q Isn't it a fact that the insistence of the Formosans to use this public highway through the police station area, regardless of anything that might be stationed there, was the main reason for furnishing the escort?

A No.

Q Is it lawful for Formosans or other Chinese to carry firearms at this time?

A No, of course not.

Q Have the Japanese authority to search for such weapons?

A Whether Japanese have the authority to search such weapons on Allied nationals should be decided by SCAP.

Q Does SCAP authorize even American Occupying Forces to carry arms while not on duty?

A I do not know.

PRESIDENT: Any further questions by the Commission? (None)

Apparently none. The witness is excused.

PROSECUTION: If the court please, I would like to cross examine the witness further on the facts that were elicited by the Commission.

PRESIDENT: Does the defense have any remark to make on that?

DEFENSE: Yes. This morning -- I am taking the President of the Commission as asking me whether I have any remarks to make at this time?

PRESIDENT: On the motion made by the prosecution to cross examine on the Commission's questioning.

DEFENSE: No, sir, I have wanted to call the court's attention ---

PRESIDENT: Wait a minute. Let's finish with this witness. I don't believe it is proper for the prosecution to cross examine on testimony brought out by the Commission unless the defense will agree to such procedure. You have closed your side of the questioning and without the defense agreeing thereto there will be no further questioning of the witness, unless he is recalled to the stand.

PROSECUTION: Will the Commission hear me on that? It is our position that we do have the right in substantive law to cross examine this witness on any testimony that has been elicited by the Commission or by anybody since or previous cross and recross examination. Furthermore we feel that we can bring out some facts that will have probative value to the Commission in deciding this case.

DEFENSE: Well, I think, if the Commission pleases, relying on the Commission's understanding that the prosecution is not entitled to cross examine, I think I may say that we are of the opinion that the matter has been thoroughly ventilated and no further cross examination is necessary and we object for that reason.

PRESIDENT: The motion for further cross examination is overruled.

PROSECUTION: Will the court hear me further on that? If the court please, we contend that this is a question of law and call for a decision from the Law Member of the court. Furthermore, we realize that this Commission may adopt any rule of procedure they wish but that right does not give them the right to change substantive law.

PRESIDENT: On what is this remark based on?

PROSECUTION: Beg your pardon, sir?

PRESIDENT: What is your remark based on?

PROSECUTION: Well, I have no authority to back me up right now but it's -- it is a principle of substantive law. The prosecution has the right to cross examine, bring out any questions that weren't explained by the witness on the court's elicitation of the testimony, just as the defense would have the right to have him explain any remark that was not quite clear, when it is of apparent detriment to the defense.

PRESIDENT: Are you objecting to the decision?

PROSECUTION: I am asking for a decision by the Law Member, being a question of law, the law of evidence.

PRESIDENT: It is a question of procedure and I have ruled on it.

PROSECUTION: If the court please, then may we ask if it is permissible for us to request the President of the Commission to ask the witness several questions?

PRESIDENT: I believe so, if your questions are of probative value and should be adopted by the Commission. They may be submitted to them for consideration.

PROSECUTION: May I ask then for a five minute recess so that we may prepare about four or five questions.

PRESIDENT: The court will recess for five minutes.

The Commission then took a recess until 1400 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.

In further explanation of the ruling by the court, your attention is directed to Page 137 of the "Manual for Courts-Martial" which states:

"The court and its members may ask a witness other than the accused any questions that either side might properly ask such witness. If new matter, not properly the subject of cross-examination of such witness on his previous testimony, be elicited by questions of the court or its members, both parties will be permitted to cross-examine the witness upon such new matter."

The opinion of the Commission, subject to objection by any member thereof, is that no new matter was brought up. With reference to the last request of the prosecution for the

Commission to adopt questions, the Commission will adopt such question if the question has any probative value and does not bring up any new matter.

PROSECUTION: If the Commission please, the prosecution contends that the matter regarding the archway was new matter by this witness, that not being brought up before.

DEFENSE: I would like to ask the President a question. I have three questions here that I would like to ask on redirect examination, merely clarifying answers given to the Commission's questions.

PRESIDENT: The Commission will adopt such questions if they have probative value and do not bring up new matter.

DEFENSE: Yes, sir. If the President will allow me just one more observation, the President incorporated in a question to the witness on the stand, the last witness on the stand, a statement which we think was erroneous and I don't know whether this is the right time to call it to the court's attention or not. However, I should want to call it to the Commission's attention and have that error corrected, if the Commission is of the opinion an error has been made.

PRESIDENT: If an error has been made the Commission will only be too glad to correct such error. Will you kindly invite my attention to the error?

DEFENSE: This morning the Commission incorporated in a question to Mr. Ling this statement, statement to the effect that evidence has been introduced in the court room to show that weapons such as pistols and, I believe the court said, sticks were passed out at the Showa School on the afternoon of July the 19th. I have read the record through and I don't recall any such evidence as that and I inquired of my colleagues and they couldn't remember any such evidence and I think, if we are correct in our assumption here, that such mistake ought to be corrected at this time.

PRESIDENT: The question did not incorporate the word "sticks", however, it did incorporate "pistols". Your defendant, No. 20, Han Hogi was identified by a witness and having admitted knowing that weapons and pistols were out at the school, and one witness admitted having in his possession an M-14 Model pistol and having obtained it at the school. The defendant, No. 21, Chu To Fu, the evidence indicated he was seen to obtain this M-14 pistol.

DEFENSE: If the Commission please, the connotation here is that pistols were passed out at the school is quite true. One might have had a pistol there, pistols and weapons -- I mean there is no evidence yet pistols and weapons were passed out at the school, and that is a correction which I wish to make, sir.

PRESIDENT: The Commission, subject to objection by any member thereof, can not change that, in that one of the defendants obtained his pistol, was given to him at the Showa School.

DEFENSE: That's all I have to say, sir.

PRESIDENT: The plural might be in error but as to the singular, yes, the question is correct.

DEFENSE: The objection of the defense is in the record.

Written questions were then presented to the Commission by prosecution and defense.

PRESIDENT: The Commission will adopt those questions. Will the prosecution propound the questions. And the Commission similarly adopts the questions submitted by the defense.

#### EXAMINATION BY THE COMMISSION

Questions adopted by the Commission,

Asked by the prosecution:

Answers through the interpreter:

Q Did the Chinese Mission make a written report captioned "The Shibuya Affair" to the 80th Metropolitan CIC Detachment?

A Yes.

Q Did that report mention tension and feeling of the Formosans at the first meeting?

A I know this report is very long. I don't remember it in detail.

Q If it did contain that was it correct?

A At that time I personally didn't see any tension myself. I don't know how the report was written.

Q That report also contained that you -- quote -- "urged caution, asking them" -- the Formosans -- "to leave everything in the hands of the law and recommended immediate dispersal."

A The meaning of this ---

Q Please answer the question before describing the meaning, explaining it.

PRESIDENT: What is the question?

The last question was read by the reporter.

PROSECUTION: "Urged caution, asking them to leave everything in the hands of the law and recommended immediate dispersal." I asked if the report contained that.

DEFENSE: If the court please, I believe the witness has testified he's not familiar with this report.

LAW MEMBER: The objection is overruled.

A This report was translated from Chinese. I know the Chinese part of the report which said I told them that everything will be settled according to reason and recommend that they all go home.

PROSECUTION: If the court please, I maintain that this question is one that can be capably answered "yes" or "no" or "I don't know" and ask that the witness answer in that manner.

LAW MEMBER: You may ask the witness to answer in that manner.

Q Answer "yes" or "no" or "I don't know".

A The meaning of the whole thing is same but I can not tell the exact wording or not.

Q Is it not true that this report was submitted to the American authorities in English?

A Yes, after it was translated.

Q It was translated by members of the Chinese Mission, is not that true?

A Yes.

Q Please answer my previous question "yes" or "no" or "I don't know".

DEFENSE: If the court please, we object to the witness being required to give an answer which he himself doesn't think that he can give accurately. The fact of the matter is it would appear to us that he has answered the question as nearly as that question is capable of being answered. He can't be forced to give an answer which he himself doesn't want to give or doesn't think is allowable in the circumstances.

PROSECUTION: If the Commission please, I quite agree with the defense in giving an answer that he doesn't want to give. I submit that question can be answered by "yes" or "no" or "I don't know" and I maintain that we have the right to get such an answer before -- although he may explain it later, but still he must answer it "yes" or "no" or "I don't know".

LAW MEMBER: It appears that his last answer indicates the witness does not know. The objection is sustained.

Q Did that report also contain and state that "about 1800 you were called again on your mission of peace" -- that "mission of peace" in quotes -- "in your response to an appeal by Mr. Chen"?

A I don't remember any "mission of peace".

Q If that report did contain the statements which I have just asked you, is it a correct report?

A This report sent out by Chinese Mission is of course correct.

Q How do you reconcile a correct report containing those statements with the statements you have made on the witness stand under oath?

DEFENSE: That's objected to, if the court please, as being unintelligible, confusing.

PROSECUTION: If the court please, the report referred to has been testified it was an official report sent to the American authorities concerning the Shibuya incident. This witness is an official member of the Chinese Mission. He has made statements in direct conflict with statements contained in the report. I think it's a pertinent question.

DEFENSE: If the Commission please, we should like to inquire specifically what statements does the prosecution refer to?

LAW MEMBER: The question is has the witness recognized those statements. The first one we know he doesn't remember. There's been one other statement that you have reference to?

PROSECUTION: Yes, sir, there were three statements. I asked him if the report contained those statements. As to some of the statements he has said that he knew that they contained the statements in part. Then I asked him if the report did contain those statements was it a correct report. He said that it was correct.

LAW MEMBER: The objection is overruled.

The last question was read by the reporter.

A As I said, the report is correct in its meaning but not in its wording. Wording different. I think should not use such wording.

Q You stated that the report was -- that you know that the report was submitted in English and was translated by members of the Chinese Mission, is that correct?

A Yes.

Q Do you know what was written or painted on the archway sign that you state was welcoming the Chinese Navy?

A I don't remember what was written on there but there's Chinese flag painted on it.

The last answer was then read by the reporter.

Q You say you don't remember. Do you know when the sign was torn -- sign or archway was torn down?

A On the evening of 16 July.

Q Do you know where this archway was located?

A In Shinbashi.

Q When did the Chinese Navy arrive in Japan?

A I can not remember the date.

Q Did the official report I referred to a while ago that the Chinese Mission submitted to CIC regarding this Shibuya incident say that Major General Li was Military Advisor of the Chinese Mission to Japan?

A I don't remember it.

Q If it did was that correct?

A I know for a fact that I have also seen on General Li's card, just shown "Advisor to Chinese Mission".

PROSECUTION: That's all.

PRESIDENT: It is the ruling of the Commission, subject to any objection by any member thereof, that the matter of this report to the CIC by the Chinese Mission is a new matter and therefore the defense has an opportunity to cross examine.

DEFENSE: There is no cross examination on that report.

PRESIDENT: The Commission will adopt the defense's questions.

DEFENSE: Yes, sir, Mr. President.

EXAMINATION BY THE COMMISSION  
(Cont'd)

Questions adopted by the Commission,

Asked by defense:

Answers through the interpreter:

Q Mr. Ling, do these associations of overseas Chinese in Japan have any official character or status?

A It is not an official Chinese organization. It is organization organized by Chinese in Japan and after permission was granted from the Consular Affairs Section.

Q They are then merely private organizations?

A It is an organization permitted by the Chinese Mission, organized by overseas Chinese here.

Q They do not ---

DEFENSE: May I develop my argument?

Q (continuing) They do not exercise any governmental functions, do they?

A They do not govern overseas Chinese but they handle some of their affairs.

Q What authority or control, if any, does the Chinese Mission exercise over these overseas Chinese organizations in Japan?

A Our organizations by overseas Chinese here has to be permitted by the Chinese Mission before it's established as the Chinese Mission has jurisdiction over Chinese here whether they are officials or they are nationals.



PRESIDENT: What is the question?

DEFENSE: Sir?

PRESIDENT: What was the question?

DEFENSE: What was my question?

PRESIDENT: What supervision do they exercise?

The last question was then read by the reporter.

PRESIDENT: The answer as given is not responsive to the question. Will you please repeat the question to the witness and get a correct answer.

The last question was then interpreted for the witness.

A After they organized the association or organization they have to report to the Chinese Mission and their election of president and officials have to report to Chinese Mission. If the Chinese Mission consider something that is not done according to law they'll disperse the organization.

DEFENSE: I think that is all, if the Commission please.

EXAMINATION BY THE COMMISSION  
Cont'd

Questions by members:

Answers through the interpreter:

Q In what office in the Chinese Mission did the report originate that was submitted to the CIC?

A The report was made originally in Chinese and was translated into English by Secretariat.

Q The answer is not responsive to the question. The question was as to what office in the Chinese Mission did the report originate.

A The report was made in Chinese in Consular Affairs Section and then was translated into English by Secretariat of the Chinese Mission.

Q Is that the office over which you exercise control?

A Yes.

Q Then did you prepare the report yourself in Chinese?

A The Chinese report is prepared by people that worked under me.

Q Physically, yes, but who dictated the contents of such report?

A After I gathered the reports on various people I compiled them and read them over and then submitted it to the Mission office.

Q Then the report to all intents and purposes was your report,

was it not?

A The Chinese report is made by me, the one in Chinese.

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

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

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

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

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

DEFENSE: If it please the court, before calling the next witness for the defense, the defense requests permission to submit for judicial notice by the Commission certain memoranda of General Headquarters by the Supreme Commander for the Allied Powers relating to the exercise of criminal jurisdiction in Japan.

PROSECUTION: May the prosecution see those?

DEFENSE: Yes, sir.

PROSECUTION: This is not to be offered in evidence?

DEFENSE: No, I am just asking the Commission to take judicial notice of that memorandum, especially in connection with Paragraph 6 on the subject of "Authority to Arrest United Nations Nationals". I further call the attention of the Commission to a Letter Order, a letter from General Headquarters Supreme Commander for the Allied Powers captioned AG 015 (19 Sep 46)LS - L, Subject: "Amendments to Exercise of Civil and Criminal Jurisdiction" to Commanding General Eighth Army, Commander Naval Activities, which in Paragraph 3 makes an amendment to the memorandum just submitted, in that it deletes the words "reasonable suspicion" from Paragraph 6 and substitutes therefore "reasonable evidence".

In addition, in view of the testimony this morning by Mr. Ling concerning power to arrest, the question of jurisdiction over Formosans, defense requests permission to submit again three documents previously marked as Defense Exhibits A, B, and C, being correspondence between the Chinese Liaison Office, which was formerly the Chinese Mission, and the answer thereto from General Headquarters Supreme Commander for the Allied Powers, and a third letter from the Consular Affairs Office of the Chinese Mission, all dealing with the subject of nationality and treatment of Formosans.

I make that offer, submit those exhibits in evidence.

PROSECUTION: If the Commission please, I take it these are the same documents that defense attempted to introduce the other day, to which the prosecution objected and the Commission sustained the objection. I maintain that the status of these defendants has not changed since that time. In other words, the reason for my objection at that time was because it was immaterial in that nothing has been introduced to show who these defendants are and what any documents concerning the nationality of Formosans or any one else has to do with these particular defendants. That was the basis on which the court sustained my objection the other day and I state that there has still be nothing introduced regarding the nationality of these defendants.

LAW MEMBER: The Law Member agrees with the prosecution. However, since the last ruling was made there has been a great deal of discussion both by prosecution and defense and the questions asked by the Commission, therefore at this time it will be admitted into evidence.

PROSECUTION: I respectfully call the Law Member's attention that nothing has been brought up about these particular defendants. As a matter of fact, the witness, the only witness we have had on the stand up to this time, states that he does not even know them.

LAW MEMBER: Subject to defense authentication, they will be admitted into evidence.

DEFENSE: If it please the court, I believe at the time they were originally submitted the witness Mr. Ling authenticated them as copies submitted to him by an official of the Mission and they are marked "Certified A True Copy" by the Secretary of the Mission. It will be simple for us to call Mr. Lee, the Secretary, to testify that those are true copies if that is necessary. We wish to avoid that if we can. That will be the only matter for him to testify to.

LAW MEMBER: If the prosecution will stipulate this certification by the Chief Secretary as such you will not call him, otherwise he will be called.

PROSECUTION: I would like to know who made the translation of it.

LAW MEMBER: That should be established.

DEFENSE: The letters were submitted in English.

LAW MEMBER: The original is in English?

DEFENSE: Yes, sir.

LAW MEMBER: Very well, the ruling stands. It will be admitted.

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 know 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 shown 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 here are adequate.

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

A Hakano.

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 Hakano 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.

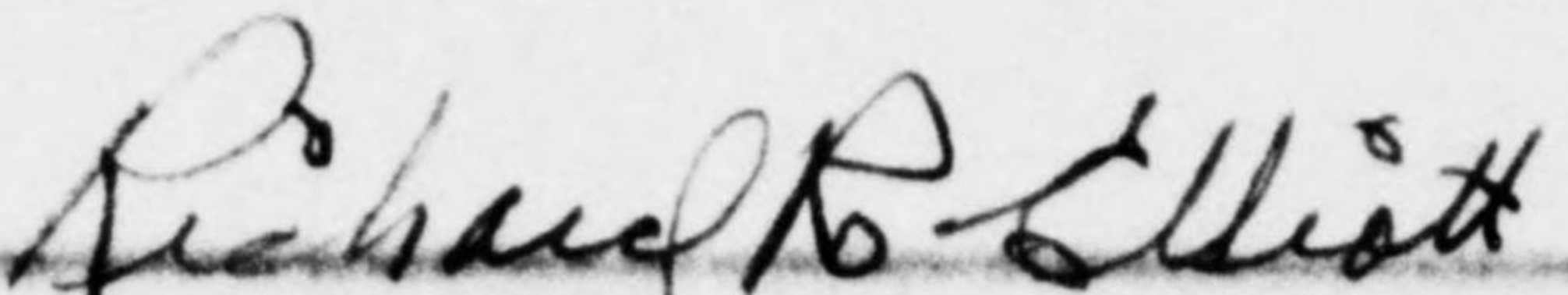
Q Did you hear any of these men say anything to the effect of "Let's go by the Shibuya Police Station."?

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.

  
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 Azabu-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 Wakki-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 Showa 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 know 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 JUDGE: 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 500,000 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 Gun?'

- 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 Showa School on the afternoon of the 10th?
- 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 10th of July, is that true?
- A Yes.
- Q And was the taking down of that sign on the 10th 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 30th 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 Moat?
- 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 went 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 then 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

- 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 Teikoku 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.

*Richard H. Elliott*

MR. RICHARD H. 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 Yornosans 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 Yornosans 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 us 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 these 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 Teranomon.
- Q Is there any reason why you particularly remember passing through Teranomon?  
A Because the characters of "Teranomon" shown very clearly.
- Q Did anything happen as you passed through Teranomon?  
A At the time we passed Teranomon we heard machine gun firing.
- Q As you came to Teranomon 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 Fernosans?
- 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 Fernosans had gone, isn't that true?
- A Yes.
- Q And the first Fernosans 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 Hoppengi?

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 Teranomon intersection that evening the detachment office would be three blocks to your left and a short distance again to your left from the corner. Now then could you be mistaken on your route? Are you certain that you passed through Teranomon, or could you have passed on a street three blocks farther to your left?
- A I remember we passed Teranomon.
- 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 Teranomon 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 Teranomon 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 know 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 PX 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 those 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 these 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?

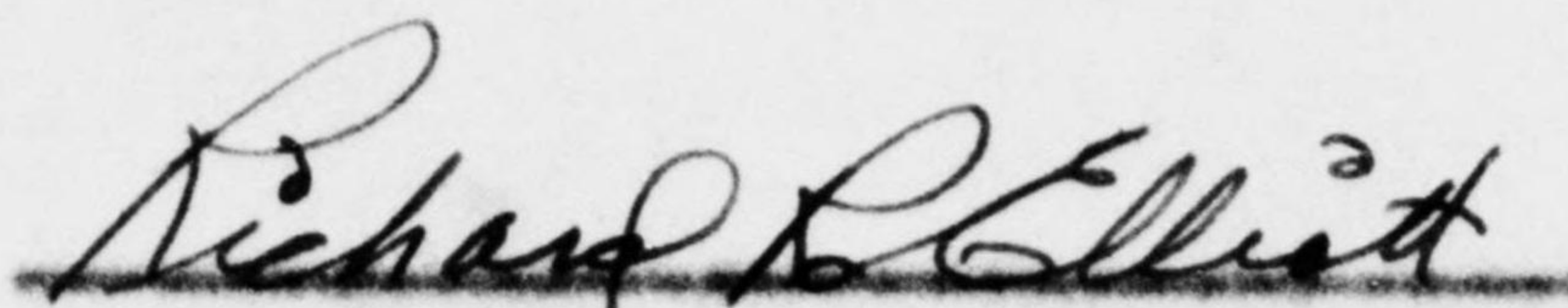
DEFENSE: Yes, sir, that is agreeable to the defense.

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 Host, 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 know 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 then.

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 10th of July 1948?
- 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 Consular 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 1035 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. 39, 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, 38, 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 Eun?

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 Eun 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 15th 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 feeling 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 Gumi 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 them 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 those 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 knew 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 Guni 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 those 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 Guni 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 Guni 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 Gun, 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.