

Prosecution Witness

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NARRATIVE SUMMARY OF THE RECORD

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CROSS-EXAMINATION OF Colonel David B. Barrett  
by Mr. Kanzaki

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The witness stated that when he was on duty as Assistant Military Attache at Peking it was his duty to report the situation as it existed fully and accurately. He used every means \* available to ascertain the situation, not only from the Chinese but from the Japanese.

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From July 9th to the 28th he had occasion to ascertain the Japanese side of the situation. \* During that period he saw Japanese troops on a number of occasions and talked to Japanese officers of his acquaintance. He also talked to certain Japanese performing liaison duty between the Japanese garrison at Peking and the office of the witness. The name of this Japanese was OKAGI and he did not hold any active rank in the army. The witness did not know whether he carried on his liaison duties officially or unofficially.

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The only time that the witness actually went within the Japanese lines was on his first visit to Marco Polo. The witness first went to Wanpingsien. From the east gate he proceeded northeast across the railroad and found himself in the Japanese lines on the north side of the track. He did not talk with the officer of the battalion. He attempted to talk with the commander, \* but since he did not speak English or Chinese and there was no interpreter, the witness carried on no conversation with him. The witness tried to find out if the commander spoke Chinese. The witness did speak it.

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The investigation of the Japanese side consisted of observing disposition of Japanese troops on the ground and of questioning Japanese in the city of Peking. \* He did not go to headquarters or the command post of any Japanese troops near Marco Polo except the first day. In the course of his duties, however, he was close to Japanese troops several times and had excellent opportunity to observe their disposition.

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He could not state that there was such a thing as a definite Japanese line after the morning of July 9 when he first visited the command post. The witness said he had never said anything about knowing that there was a first inspection of Japanese troops at that time. \* Speaking from his experience as a United States army officer, he would say that it

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was by no means necessarily an established custom to hold maneuvers before an inspection. He was unable to state that the Japanese army inspections were always preceded by very active maneuvers.

21,838 With respect to his statement that within 24 hours of the attack on Wanping large reinforcements had been sent through the Great Wall, the witness stated that the exact hour that the reinforcements were reported moving south was not known to him. When the reports were received a careful record was made and maintained as part of the records \* of the office of the military attache and on them they based their report to higher authority. The exact time of the arrival he could not testify to from memory. His statement of within 24 hours was evidently not an exact statement of time of arrival. The witness pointed out \* that he had not testified that the attack on Wanping began on the morning of the 9th. He had testified that he was informed that the attack began in the early morning of the 7th.

21,841 When asked whether there was any report stating the time of arrival of Japanese forces in the Peiping-Tientsin area, the witness stated that that area was rather an indefinite one. Reports received stated that the forces had passed a given point moving toward the west and were presumed to have arrived in the area at the time stated.

21,842 The witness had no first hand knowledge as to when a mediation agreement was signed on the spot. So far as his personal knowledge and belief were concerned, he did not know that the Chinese air force were ever brought into action. \* He did not know any time when the Chinese concentrated four divisions on the north side of Honan Province. So far as he knew such divisions were not concentrated. He did not know when any orders were issued by the Central Government of China to the ground force and air force in Canton to start movements. He did not know on what day General Sung Che-yuan came to Tientsin to express apologies. He had been informed \* that he had made such an apology.

21,843 He knew that following the 7th there were from time to time clashes in the vicinity of Marco Polo. So far as he was concerned, he considered it a continuation of the same incident.

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The witness stated \* he was informed of the death of General TASHIRO and he had heard from many sources that he had died as a result of illness.

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The witness stated he was not familiar with the Lanfang incident. He was aware, however, that on or about July 25th clashes occurred between Japanese and Chinese \* at various points between Tientsin and Peiping. He remembered hearing that a clash had occurred at Lanfang. The circumstances, however, were not reported in detail at the time and he did not know under what circumstances the clash was supposed to have occurred.

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He was not familiar from first-hand knowledge with the Kuang-An Men incident. He did receive various reports on it. At the time he was attending a social function, and was not in the immediate vicinity of it. He was, however, naturally very much interested in it and did his best to ascertain the facts. He carried out the kind of investigation which would formally be carried out by an assistant military attache, that is, the questioning of as many people as he could who knew something about the incident. He heard things from the Japanese with regard to it. \* He received an account from OKAGI. OKAGI acted as a liaison officer between the office of the military attache, the commander of the Peiping Japanese garrison, and the office of the Japanese military attache in Peiping. OKAGI on a number of occasions acted as interpreter when Japanese officers \* visited the witness's office and when the witness visited the corresponding Japanese offices. So far as the witness knew, OKAGI was not an officer on active duty with the Japanese army at the time. When very high ranking Japanese officers visited the witness, OKAGI frequently acted as interpreter. He also acted as liaison officer and at the time they understood that he had on occasion status as a liaison officer on behalf of the Japanese.

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OKAGI stated that a Japanese detachment in trucks was passing through the gate during the late afternoon of the day of the incident. While the detachment was passing through the gate a clash occurred in or near it. When he said "in the gate" he meant on the walls surrounding the bulge between the outer and inner gates. \* The witness was very desirous of knowing the circumstances under which the clash had occurred. He did his best to ascertain the facts, not only from OKAGI

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but from other sources. He heard conflicting reports. OKAGI's report was that the Chinese forces had opened fire either with small arms or a hand grenade while the Japanese were passing through. Other sources, however, reported it was the Japanese who had started the hostilities. The witness was, therefore, unable to state from any first-hand knowledge just who started the incident.

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He had been informed that the Japanese detachment had been separated in two parts, but he did not hear that the gates were closed. It was natural in passing through a gate of this sort that the detachment be in effect split. Since he was not an eye witness and was unable to question any witness whom he considered unprejudiced, he had been unable to form a definite conclusion as to who started the incident.

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If he had gathered information from other Japanese at the time other than OKAGI he could not remember who they were. He did not visit Japanese Army Headquarters to ascertain the facts about the gate incident. He had, however, occasion to visit Japanese Headquarters in the course of his duties frequently, but he could not remember any occasion when he went there specifically to investigate incidents other than in connection with Marco Polo.

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The witness stated he had said that the acts of the Chinese at this particular time were peaceful because they were behaving and it was commonly accepted as a peaceful manner. They had taken up no dispositions which would enable them to assume an offensive. He had heard that on July 27th the Japanese sent an ultimatum to the Chinese.

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On July 31st he visited the Nanyuan Airfield. He saw many dead Chinese troops on the road leading from the south gate of the city of Peking to the airfield. They wore the usual identification badge worn by Chinese troops, a cloth patch sewed on the outside of the uniform. \* They were sewn on the left breast above the pocket, and to the best of his knowledge and belief the unit and number appeared on the patch. \* He could not remember whether there was a vermilion seal affixed thereon. Usually there is such a seal on Chinese identity badges but he could not remember in this particular case. He did not check to see whether all dead bodies bore these badges. He did not

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check a very considerable number to ascertain whether they were or were not wearing them. He saw and estimated several hundred dead bodies and could not state that all wore identification badges.

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There were no plain clothes worn by any of the dead bodies. At that time it was the custom for Chinese troops to wear badges.

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The witness stated that the Japanese attacked Nanyuan from the south on July 28th. He had not said that the troops had no will to fight. He had merely said that the troops he saw inside Peiping a day or two previous to the time he visited Nanyuan showed no evidence of having been engaged in battle. He had also stated that something appeared to have happened to the troops which had disrupted their normal military organization. \* The troops appeared to him not to have been engaged in any action. He knew that there had been fighting in Nanyuan on July 28th.

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The witness knew that ball ammunition was fired in the course of the Marco Polo clash. He had no first-hand knowledge of what ammunition was carried in the field in the usual course of Japanese maneuvers. In the course of his investigation no one had suggested that blank cartridges \* were used on the night of July 7th. He had no knowledge that there were many communist troops in the 29th Army. He had found no evidence whatsoever \* of communist activity behind the trouble in the course of his investigation. He did see dead bodies of Chinese troops at Wanpinghsien. The dead Chinese soldiers he saw were near the West Gate.

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At the time the witness was a Major.