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

Q What happened when you got inside the auditorium?

A After a while the lecture started.

Q Approximately how long were you at the Chinese Mission before the lecture started?

A I think that we waited for about thirty or forty minutes.

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

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

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

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

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

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

Q After that group came in did the lecture begin?

A Yes.

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

A Yes.

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

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

Q Was that one other person the driver?

A No.

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

A I saw only those two persons.

Q Who spoke at the Chinese Mission that night?

A General Li.

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

A Yes.

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

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

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

A I understood the interpreter.

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

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

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

A I do not remember how long the meeting lasted.

Q What happened after the meeting was over?

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

Q Did anybody tell you to board the trucks?

A I do not know.

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

A Return home.

Q Where is your home in Japan?

A In Tokyo-to, Sugisai-Ru, Annawa.

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

A There were about six Japanese trucks.

Q Did you get on one of these six trucks?

A Yes.

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

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

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

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

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

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

DEFENSE: I will withdraw that question.

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

A About twenty or thirty persons.

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- Q Did you see any of those persons carrying any pistols or sticks or clubs when they boarded the truck at the Chinese Mission?
- A No.
- Q When you boarded that truck did you see any pistols or sticks or clubs on the floor of that truck?
- A No.
- Q Did that truck leave the Chinese Mission that night?
- A Yes.
- Q Did it leave by itself or were there other vehicles with it?
- A A jeep, sedan, the truck I was riding, and another truck to the rear, departed.
- Q After you departed from the Chinese Mission did any one on the truck say where that truck was going?
- A No.
- Q Before you left the Chinese Mission that night did you hear anybody say anything about armed policemen near the Shibuya Police Station?
- A I did not.
- Q Approximately where on the truck were you after the truck began to move?
- A On the left front of the truck.
- Q Were you sitting or were you standing?
- A I was sitting.
- Q Were there any vehicles in front of your truck other than the jeep and the sedan?
- A No.
- Q How many vehicles did you see following your truck?
- A One truck.
- Q What were the occupants of your truck doing as they rode away from the Chinese Mission?
- A There were some people standing, some sitting.
- Q Were they making any noise?
- A I did not hear.
- Q Do you know what any of them were talking about, if they were talking?
- A I do not know.
- Q Where did your group of vehicles go after they left the Chinese Mission ---
- DEFENSE: If it please the court, I'll rephrase that question so he may understand it.
- Q Do you know what route your group of vehicles took after they left the Chinese Mission?
- A I do not know.

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

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

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

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

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

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

LAW MEMBER: The objection is overruled.

A (Indicating)

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

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

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

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

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

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

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

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

Q After your truck proceeded toward the Shibuya Railway Station where did it go?
A To the Chinese Mission.

Q What happened to you there?
A I was carried into the building.

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Q Do you know why your truck went back to the Chinese Mission instead of going to Nakano?

A I do not know.

Q Did you go to a hospital that night?

A Yes.

Q What hospital did you go to?

A The 4th General Hospital.

Q How long did you remain at that hospital?

A Sixteen days.

Q After you were discharged from that hospital where did you go?

A To the Nakano Stockade.

Q You stated previously that you were told your truck was going to Nakano. If your truck were going to Shibuya Railway Station would that be on the way home for you?

A Yes.

Q At any time that afternoon, July 19th, or on your way from the Chinese Mission to Shibuya did you hear any one say anything about attacking the Shibuya Police Station?

A I did not.

DEFENSE: No further questions.

PROSECUTOR: Any cross examination by the prosecution?

PROSECUTION: Yes, sir.

CROSS EXAMINATION

Questions by prosecution:
Answers through interpreter:

Q Is your brother's name Tei Toku Ratsu?

A Yes.

Q Does he live at Suginami-Ru, Ananuma, 2 Chome?

A Yes.

Q What time did you leave your home on the 19th of July?

A It was about one o'clock that I finished my noon meal. I left at that time.

Q Where did you go when you left home?

A I stopped to pick up my pictures on the way to the station.

Q Did you also stop at Ainosatokan?

A I did not.

Q Do you have a friend that lives at that apartment house?

A No.

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Q Why did you stop for the pictures?

A In order to change my identification card I need a photograph of myself. I have taken the photograph but as yet had not picked it up, so I stopped on the way to pick it up.

Q Were you being registered by the Immigrants Allied League?

A Yes.

Q Is that the league that handles repatriation of people?

DEFENSE: If it please the court, I believe there is some question on the translation of the name of that league. I would like to have the monitors check with the interpreter on that.

PRESIDENT: Will the monitors please confer and get the correct translation.

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

PROSECUTION: Ask him if he knows whether the ---

PRESIDENT: Just a minute. Now the name that we have which appears in the record is apparently the question for the translation of the monitors, therefore the Commission would like to have the correct name of such league.

PROSECUTION: If the Commission please, at this time I would like to have the record show instead of the Immigrants Allied League that the question be rephrased to show the Federation of Chinese Associations.

A Yes, they also handle repatriating persons.

Q Was the purpose of your registration with this league for the purpose of being returned to Formosa?

A No.

Q What was the purpose?

A In order to change my old identification card to a new one.

Q Where was this change to be made?

A At the Federation of Chinese Associations.

Q Where is that located in Tokyo?

A At the Chinese School in front of the Tokyo Railroad Station.

Q Where in the building is that office located?

A On the second floor.

Q Were you able to get your registration changed?

A I could not.

Q Why not?

A When I was waiting for my turn two or three Chinese came and said that there would be a talk by Chief Ling downstairs and told us to listen to the lecture, so everybody went down.

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Q Did you have a conversation with a compatriote of yours in the entrance to the office of this organization?

A No.

Q Did you talk with any one in the office relative to why such a large crowd had gathered at the school?

A At the time I reached the school I asked why.

Q What answer did you receive?

A Some one answered there would be a talk by Chief Ling later.

Q Were you ever interrogated at the 8th Army Stockade by Sergeant Sato?

A No.

Q Were you there in August and September 1946?

A Yes.

Q Do you recall some Japanese police officers, Mr. Hagen, Mr. Elliott, myself, and some interpreters being present at the 8th Army Stockade in early September?

A Yes, I remember that you came.

Q To refresh your memory, didn't you have a conversation with a Japanese police officer?

A Yes.

Q Didn't you tell the Japanese police officer that the reason for the speech to be given at the Showa School was because of the recent Shinbashi incident?

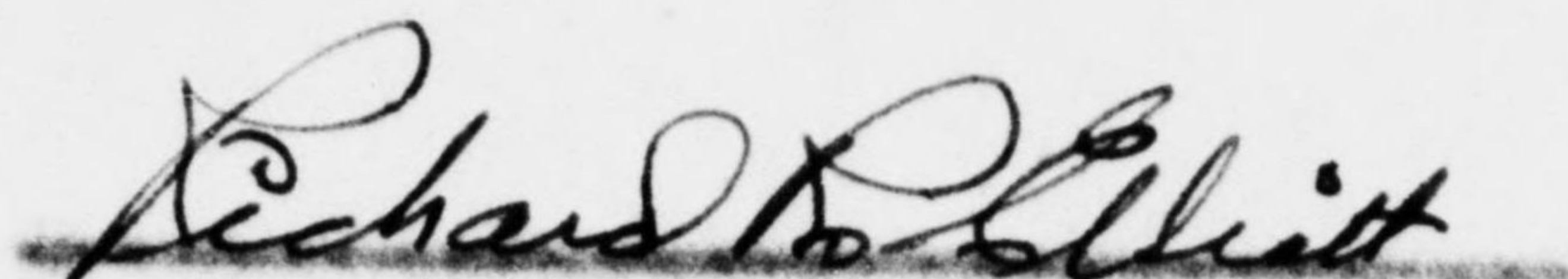
A I did not.

Q Didn't you tell the same officer that the reason the crowd had gathered at the Showa School was to discuss the Shinbashi incident?

A I did not.

PRESIDENT: At this time the Commission will adjourn to meet at 0800 tomorrow morning.

The Commission then adjourned at 1615 hours on 25 November 1946.



MR. RICHARD R. ELLIOTT
Chief Prosecutor

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Metropolitan Police Station
Tokyo, Japan
26 November 1946

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

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

PROSECUTION: Mr. Elliott is away on official business.

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

CROSS EXAMINATION
Cont'd

Questions by prosecution:
Answers through interpreter:

- Q You are the same Tei Tein Man who testified when this Commission was present yesterday?
A Yes.
- Q At the time you were at the Showa School on the 19th of July did you at any time go into the schoolyard?
A No, I did not.
- Q Were you in a position where you could see what was taking place in the schoolyard?
A No.
- Q Was the meeting held at the Showa School held in the schoolyard?
A Yes.
- Q Then you did not attend the meeting held at the Showa School?
A I attended the meeting.
- Q Then you were in the schoolyard?
A Yes.
- Q Did you see among the crowd any individuals holding broken sticks from school chairs?
A No.

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- Q Did you tell at the 8th Army Stockade the Japanese police officer who interrogated you that Shinbashi hoodlums forced their way into Shibuya and fought them? They seemed extremely indignant, members of the group.
- A I did not tell him such a thing.

- Q Was there any material difference in the text of the speech given by Mr. Ling and that given by General Li?

DEFENSE: If the court please, I think the defense ought to object to that question because after all it's rather difficult to know what is a material difference. There must have been many differences in the speech, at least in the wording of the speech and the way the ideas were expressed. I think this witness is incompetent to say whether those differences are material or not, and material from what kind of point of view.

PROSECUTION: If the Commission please, I will withdraw the question and rephrase it.

LAW MEMBER: Very well.

- Q Was the question of compensation discussed in the speech made by Mr. Ling at the Showa School?

A I do not know whether Mr. Ling mentioned compensation or not.

- Q Did General Li mention compensation?

A Yes.

- Q What did he say relative to compensation?

A In general, General Li said, "In regards to the problem of compensation make investigation and confer with Chief Ling and leave that up to the Consular Affairs Section."

- Q Was the compensation referred to compensation for confiscated goods?

A I do not know.

- Q After Mr. Ling made his speech at the Showa School was every one satisfied with the answers he had given?

DEFENSE: If the court please, I don't think the witness is competent to answer that question. There were a large number of people there. It is true that these men were afterwards asked to raise their hands and a great number of them did, but whether or not all the persons present were satisfied with the speech is certainly a question that this witness is incompetent to answer. It is objected to for that reason.

PROSECUTION: If the Commission please, I will withdraw the question and rephrase it.

PRESIDENT: The prosecution is not speaking about General Li's speech. He is speaking of the Showa School, and also you are wrong on two points.

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Q Did you tell the Japanese police officer who interrogated you at the 8th Army Stockade that among the crowd there were those who held broken sticks from school chairs?

A I did not.

Q At any time during the period when you were at the Showa School did you overhear a conversation among five or six men?

DEFENSE: If the court please, the defense objects to that question on the ground that it is vague. It is impossible to know what four or five men that Mr. Scott has reference to.

PROSECUTION: If the Commission please, if you like I will rephrase the question. Withdraw the question.

Q Did you hear a conversation among five or six men discussing goods which had been smashed and taken by the Matsuda Gumi?

A I did not.

Q At the time you were interrogated by a Japanese police officer at the 8th Army Stockade did you tell him that you overheard five or six men talking together about street stall merchants in Shinbashi whose shops had been smashed and whose goods had been taken by hoodlums of the Matsuda Gumi gang?

A I did not.

Q Did you at any time hear the Matsuda Gumi gang, Shinbashi hoodlums, or Shibuya discussed at the school?

A I heard about these during Ling's talk.

Q What did you hear discussed during Mr. Ling's talk?

A From what Mr. Ling said, many Chinese suffered injury at Shinbashi and the gate which was erected to welcome the Chinese Navy was torn down, also the Chinese flag was torn. In Shibuya some Japanese hoodlums attacked Chinese homes. Regarding these incidents the Consular Affairs Section has already received reports and will take necessary steps, so do not worry.

Q Was what you have just stated part of the text of Mr. Ling's speech?

A Yes.

Q Did Mr. Ling's speech contain any reference to the method in which these disputes should be handled?

A From what I understood, those that I stated previously are the ones that I understood from Mr. Ling's speech.

Q Were there members of the group assembled at the Showa School who were extremely indignant over treatment they had received in Shibuya and Shinbashi?

A I did not notice these persons.

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DEFENSE: The same objection to both places.

PRESIDENT: That's right.

DEFENSE: I made that mistake, if the court please.

Q Were there some people at the Showa School after Mr. Ling's speech who were not satisfied with the answer Mr. Ling had given them?

DEFENSE: If the court please, the defense will object to that question. It's the same question put in negative form. The same reasons are valid against it.

PROSECUTION: If the Commission please, I will rephrase that question.

Q State if you know whether or not some of the people present after Mr. Ling had addressed the group at the Showa School were dissatisfied with the answer he had given them?

A I believe there weren't any.

Q At the time you were interrogated at the 6th Army Stockade by a Japanese police officer did you tell him there were people who were obstinate and wanted to hear an immediate answer at the Showa School?

A No, I did not.

Q Are you acquainted with Ho Kin-Ho?

A I do not know.

Q His Chinese name is Hwang Chia-Pao.

A No, I am not.

PROSECUTION: If the Commission please, I would like to request the defense to have Defendant No. 84 arise and see if that would refresh the witness's memory.

Q Are you acquainted with the defendant now standing?

A Yes.

Q Were you acquainted with him on the 19th of July?

A At that time I did not know.

Q Are you acquainted with any Chinese persons by the name of Hwang?

A I do not know.

Q After the crowd began to disperse at the Showa School did you see a friend of yours riding in a truck?

A No, I did not.

Q At that time did any one call to you from a truck to climb aboard and ride with them?

A I rode the truck by myself.

- Q Hadn't you intended to go home by streetcar from the Shawa School?
- A Yes.
- Q Didn't a friend of yours or some one call out to you to climb aboard the truck and ride?
- A No.
- Q Why then did you change your mind to go by truck instead of going by streetcar as you previously intended?
- A I rode on the truck because I heard some one say that we're going to go to the Chinese Mission.
- Q At the 6th Army Stockade while being interrogated by a Japanese police officer didn't you tell him that Ho, a friend of yours, called to you to climb aboard the truck?
- A I did not.
- Q At the time you climbed aboard this truck did you know where you were going?
- A Yes.
- Q Where were you going?
- A To the Chinese Mission.
- Q At the 6th Army Stockade when you were interrogated by a Japanese police officer didn't you state: "When we came near Shinbashi Station we were stopped by a jeep who told us to go to the Chinese Mission."
- DEFENSE: If it please the court, may I inquire if the learned counsel is referring to Sato as being the Japanese police officer here in question?
- PROSECUTION: If the Commission please, as I recall the testimony, this witness did not know the name of the man that he was interrogated by but he said he was interrogated by an officer of the Japanese Police Department. If I recall the testimony, I asked him if it was Sergeant Sato and he said he didn't know.
- DEFENSE: But you are referring to the same police officer all the time?
- PROSECUTION: That is correct.
- A No, I did not.
- Q Did you tell the same officer at the same time and place, referring to the same incident -- quote -- "We turned around and went there." ?
- A No, I did not.
- Q At the time you were stopped by the jeep near the Shinbashi Station did you know who the officer was who was aboard the jeep?
- A I did not.

Q Did you later learn his name?

A Yes.

Q What was his name?

A General Li.

Q In General Li's speech to you at the Chinese Mission did he instruct you to do nothing by arbitrary decisions and not act on your own authority but to leave things to the Chinese Mission to settle?

A No, I did not hear such a thing.

Q At the 6th Army Stockade while being interrogated by the Japanese police officer did you tell him: "General Li instructed us to do nothing by arbitrary decisions and not act upon our own authority but to leave things up to the Chinese Mission."?

A He just told them that the Chinese Mission will take necessary measures.

Q What necessary measures did you think the Chinese Mission might take?

A I do not know.

Q What measures do you think needed to have been taken?

A I do not know.

Q Did you know of any difficulties which the Chinese Formosan stall merchants had had with the Matsuda Gumi in Shibuya and the Matsuda Gumi in Shinbashi or the Japanese police force?

A I heard this in the speech by Chief Ling.

Q By Chief Ling do you mean Chief of the Consular Affairs of the Chinese Mission in Japan?

A Yes.

Q You have previously heard of trouble which Chinese Formosan stall merchants were having with the Matsuda Gumi?

A No, I did not know.

Q Had you ever heard of any trouble between Chinese Formosan stall merchants and the Shibuya police?

DEFENSE: If it please the court, I suppose it's perfectly clear that the time that Mr. Scott is referring to is not in the mind of the witness. Again there may be a possibility of a mistake about that. I ask learned counsel to make the time which he is referring to more clear to the witness.

PROSECUTION: I think that question provided previous to, didn't it? Same time previous.

DEFENSE: Previous to what? I don't know.

PROSECUTION: Previous to the incident, to the Shibuya police incident.

DEFENSE: It might be previous to him, to the time he was interrogated in the 5th Army Stockade. That was in my mind, sir.

LAW MEMBER: Incorporate that.

PROSECUTION: Yes, sir. Will you strike that question. Withdraw that question.

Q Prior to the 19th of July had you ever heard of any difficulties which Chinese Formosan stall operators had had with the Shibuya police or the Matsuda Gumi?

A No, I do not know.

Q Had you ever heard prior to the 19th of July that the Japanese police had raided stalls of Chinese Formosans in Shibuya and confiscated goods?

A No, I did not hear.

Q Had you ever heard of any fights between Japanese police officers and Chinese Formosans prior to the 19th of July?

A No.

Q Had you ever heard of any difficulty between Chinese Formosan stall merchants and the Matsuda Gumi prior to the 19th of July?

DEFENSE: If the court please -- excuse me -- the last two questions have been so phrased that they might be confusing to the witness. The question is: "Had you ever heard of any fights between Japanese police officers and Chinese Formosans prior to the 19th of July?" Well, the witness has heard of such fights since he's been in court. I think the question is whether prior to the 19th of July he heard of any fights between the Japanese police and the Formosans.

PROSECUTION: I will withdraw that question.

Q Prior to the 19th of July had you heard of any fights between the Japanese police and the Formosans?

A No.

Q Prior to the 19th of July had you heard of any fights between members of the Chinese Formosans in Japan and members of the Matsuda Gumi?

A No.

Q The meeting at the Showa School on the 19th of July was held to settle disputes and misunderstandings between Chinese Formosans and the Matsuda Gumi and Japanese police, was it not?

A I believe so.

Q Didn't you previously testify that you know of incidents where a Chinese flag had been torn down, where an arkway to the Chinese Navy had been destroyed?

A I testified that after I heard, I learned of these incidents from Chief Ling's speech.

Q Then you had no knowledge previous to this meeting of such incidents having occurred?

A I did not know.

Q Are you acquainted with Shu Tokai Fu?

A I do not know.

PROSECUTION: If the Commission please, I would like to request the defense to ask Shu Tokai Fu to arise, Defendant No. 12.

A (Looking) I became acquainted with him at the Stockade.

Q You had not previously known him?

A I did not know him.

Q What business is your brother engaged in?

A He is employed by the Tokyo General Chinese Association.

Q Was he so employed prior to the 19th of July?

A Yes.

Q What is the purpose of this organization?

A It is association for all the Chinese residents in Japan.

Q What are the objectives of the organization?

DEFENSE: If it pleases the court, defense wishes to object to questions about the nature of this particular organization which has been referred to as being improper cross examination, on the ground that it's immaterial, was not covered in the direction examination, and is apparently without any object.

LAW MEMBER: The objection is overruled.

A I believe that this organization handles various things concerning the Chinese residents in Japan.

Q What do you mean by "various things" concerning Chinese residents in Japan?

A I do not know the details.

Q Have you ever been employed by this organization?

A No.

Q You are nineteen years old?

A Eighteen.

Q Were you prior to the 19th of July engaged in any employment?

A Do you mean before July 19th?

Q Yes.

A Until the end of the war I was employed at the Kosa Navy Yard and from then on I did not have any employment. I was living with my brother, elder brother.

Q Is this the brother who is employed by the Chinese organization you have just testified about?

A Yes.

- Q Is this organization with which your brother is employed an organization to protect the interests of Chinese in Japan?
A Yes, I also believe they protect the interests of the Chinese.
- Q Is it an organization made up of Chinese merchants in Japan?
A No.
- Q Are Chinese merchants in Japan permitted to belong to this organization?
A Every Chinese can be members of this organization.
- Q Do you know the position which the truck on which you were aboard was in the convey at the time you moved into the Shibuya Police Station area?
A It was the third vehicle in the convey.
- Q Is that the vehicle which crashed into the building?
A No.
- Q Was it the first truck in the convey?
A Yes.
- Q Do you know the name of the department store which is located near the Shibuya Railroad Station?
A Toyoko Department Store.
- Q After the truck which you were aboard had reached the railroad station did it stop near the department store you have just testified about?
A No.
- Q Could it have stopped and you would not have known about it?
A No, I believe not.
- Q How many men were there aboard the truck which you were aboard at the time you reached the Chinese Mission after the incident at Shibuya Police Station?
A There were about twenty or thirty persons but that is not an accurate figure.
- Q You were wounded during the incident were you not?
A Yes.
- Q How many men were aboard the truck at the time you left the Chinese Mission headed toward the Shibuya Railroad Station?
A There were about twenty or thirty on the truck.
- Q Do you know who was the driver of the truck which you were riding?
A No.
- Q Did you ever see the man who was driving the truck?
A You mean that day?
Q I mean at any time.
A I have seen him.

Q Have you seen him in this courtroom?

A Yes.

Q Was his name Suzuki?

A I have forgotten his name.

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

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

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

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

Q How many brothers do you have living in Japan?

A Two older brothers are living in Japan.

Q The brother you live with is Tei Toka Hatsu?

A Yes.

Q What is your other brother's name?

A Tei Toka Ken.

Q What does Tei Toka Ken do?

A He is a student.

Q Does he have any other employment than being a student?

A No.

Q How old is he?

A Twenty-five.

Q Does he reside with Tei Toka Hatsu?

A He was living with us until April of this year. Since then he had rented a room and is living in the same inn.

Q Does your older brother support him too?

A Money is sent to him from Taiwan.

Q Is money sent to you from Taiwan?

A No.

Q Is money sent to your elder brother from Taiwan?

A No.

Q At the 8th Army Stockade while you were being interrogated by the Japanese police officer did you state to him that at the time you were shot you became dazed?

A No, I did not.

- Q Did you tell him at the same time and place that after you were shot the next thing you know was when you came to at the Mission?
- A No, I did not.
- Q Do you know whether or not any of your compatriots used pistols during the Shibuya Police Station incident?
- A Yes, I know.
- Q Did they?
- A I have not seen them using the pistol.
- Q Did you tell the Japanese police officer at the 6th Army Stockade that you did not know whether your compatriots used pistols or not?
- A At that time I said that I did not see any of my compatriots using the pistol.
- Q You have testified that the driver of the truck which you were aboard testified in this courtroom, is that correct?
- DEFENSE: If it please the court, I believe that's a misquotation of the testimony. The question was whether he had ever seen the driver, the man who was driving the truck, at any time and the answer was, "I have seen him in the courtroom." He didn't say anything about whether he was testifying or not. Object to the question as implying he did testify.
- PROSECUTION: If the Commission please, if I recall, the question was put if he had ever seen, if he knew who the driver of his truck was, if he had ever seen who was driving his truck. He said, as I recall his testimony, that he had testified in the courtroom. I think the question is clear enough to the witness.
- LAW MEMBER: Read the question back, reporter.
- The last question was read by the reporter.
- LAW MEMBER: The objection is overruled.
- A The driver who testified on the stand said that he was the driver of the first truck and since I was riding on the first truck I thought that was the driver.
- Q Was this driver the driver who had an assistant driver who was wounded?
- A Yes, this person testified so.
- Q Are you acquainted with Ho Oi Shin?
- A No, I do not know.
- Q Do you know the man who is the head of the Chinese Federation in Tokyo?
- A Yes.

Q What is his name?

A Chin Rei Kei.

Q Are you acquainted with Cho Ju Shi, Defendant No. 27?

PROSECUTOR: Will defense have Defendant No. 27 arise.

A I do not know his name but I recognize him.

Q Did you see him at the meeting at the Showa School?

A No, I did not.

Q Do you know if he is an officer of any of the Chinese organizations in the Tokyo area?

A I do not know.

Q Are you acquainted with Sai Ryu To, Defendant No. 28?

A I am not.

PROSECUTOR: I ask him to stand.

A I became acquainted with him at the Stockade.

Q Didn't you see him at the Showa School meeting?

A No.

Q To refresh your memory didn't he make an effort to quiet the group at the Showa School meeting before Mr. Ling's speech?

A No, I did not see.

Q Do you know who the officials from your district are in the Chinese Federation?

A No, I do not know.

Q Did you draw your rations from your local representative?

DEFENSE: If the court please, defense would like that question to be a little more specific.

Q What organization do you draw your rations from?

A What rations?

Q Any rations?

DEFENSE: If the court please, may the defense suggest the witness doesn't understand what is meant by "rations"? That is a suggestion my colleague Mr. Berman has made to me.

LAW MEMBER: You are speaking of food are you not?

PROSECUTOR: I am speaking of food, cigarettes, shoes, clothing.

DEFENSE: If the court please, if I may do so, the question is, "What organization do you draw your rations from?" This witness has been in the Stockade for nearly six months now or more. I don't know if he is drawing rations in the Stockade. I think it's rather confusing.

PROSECUTION: I will rephrase the question. Withdraw that question.

Q Did you know that certain rationed items were to be drawn at the Showa School on the 19th of July?

A No, I did not know.

Q Had you prior to the 19th of July been to the Showa School?

A Yes.

Q How many times?

A About two or three times.

Q Do you know whether or not several Chinese Formosan organizations have their headquarters at the Showa School?

A I know that the Federation of Chinese Associations has its headquarters at the school.

Q How many Chinese Formosan organizations do you belong to?

A I belong only to the Federation of Chinese Associations.

Q Had your visits to the Showa School prior to the 19th of July been on Chinese Federation business?

A Yes.

Q How long have you been a member of this organization?

A I do not know exactly but I became a member either in April or in May of this year.

Q You knew prior to the 19th of July that a meeting was scheduled by this organization at the Showa School?

INTERPRETER: You mean that the meeting was to be held on the 19th of July at the school?

PROSECUTION: Strike that question. I will rephrase it.

Q Did you know prior to the 19th of July that a meeting of this organization was scheduled for the 19th of July at the Showa School?

A No, I did not know.

Q How did it happen that you selected the 19th of July to go to the Showa School with your photographs?

A I had my picture taken and when I went to pick them up it was ready so I went to the school immediately to register.

Q Were any potatoes served at the Showa School the day of the meeting?

A No.

Q Did you see any one eating any potatoes?

A No, I did not.

PROSECUTION: No further questions.

PRESIDENT: Any redirect?

DEFENSE: Yes, sir.

REDIRECT EXAMINATION

Questions by defense:

Answers through interpreter:

Q Do you recall when you were questioned by a Japanese policeman at the 8th Army Stockade?

A No, I do not.

Q Where were you questioned at the 8th Army Stockade?

A In my cell.

Q Who else was in the cell with you and the Japanese policeman who questioned you?

A No one else.

Q Was the Japanese policeman who questioned you wearing any uniform at that time?

A No, he was not.

Q At that time did you know who that person was?

A I knew that he was a Japanese policeman.

Q Approximately how long did he question you at that time?

A I do not recall.

Q Did he ask you a few questions or many questions?

A He asked many questions.

Q At the time you came to the Stockade do you know whether there were any other persons who came with him who did not question you?

PROSECUTION: If the Commission please, I think that's immaterial and we object to it?

LAW MEMBER: Objection overruled.

A Yes, there were.

Q Was that the first time that those persons had come to the Stockade to question anybody in your cell block?

A As I recall, they came once, about once before that.

Q The time these persons came and you were questioned, do you recall whether it was in the morning or whether it was in the afternoon?

A I have forgotten.

Q Do you know approximately how long all those persons remained in your cell block the day that you were questioned?

A As I recall, they came in the morning and left about three or four o'clock in the evening.

Q Do you know whether the other persons who did not question

- Q you were questioning other persons in that same cell block?
A Yes, I know.
- Q Were the other persons in your cell block also defendants in this case?
A Yes.
- Q Do you know whether the policeman who questioned you questioned anybody else among the defendants?
A I do not know.
- Q Do you know whether the person who questioned you was there the same period of time that the other persons were there that day?
A Yes.
- Q During the time that policeman was talking to you did he take any notes?
A Yes.
- Q Did he take his notes in a notebook or on a plain sheet of paper?
A He had some sheets torn in half and was writing on that.
- Q Did he show you what he was writing at any time?
A No, he did not.
- Q After he was through questioning you and making his notes did he read back to you what he had written?
A No, he did not.
- Q Did he ask you to sign his notes?
A No, he did not.
- Q Did he ask you to sign any written statement?
A No, he did not.
- Q Did you give him any written statement?
A No, I did not.
- Q Do you remember approximately the date you went to the 8th Army Stockade?
A The 4th of August of this year.
- Q Were you questioned by that policeman before the trial of this case began?
A Yes.
- Q Can you remember approximately how many days or weeks before the trial of this case began when you were questioned by that policeman?
A I do not remember.
- Q On the night of the 10th of July as your convoy passed the Shibuya Police Station on which truck were you riding?
A The truck behind the sedan was the first truck.

Q You testified earlier this morning that you believe the driver of your truck testified in court here because he said he was the driver of the first truck, is that correct?

PROSECUTION: If the Commission please, I would like to object to that question as being improper redirect examination and placing the answer entirely in the witness's mouth. That part of that question the prosecution objects to.

DEFENSE: If it please the court, I believe he testified that he saw the driver of his truck in the courtroom and then in answer to a further question on cross examination he said he believed that was the driver because the driver testified that he was driving the first truck. I want to make sure that's the reason why he said that he saw the driver of the truck in the courtroom. I believe after that I can point out to the Commission that of the two drivers who testified in court neither of them testified that they were driving the truck this witness has repeatedly said he was riding on. I would like to clear up that discrepancy.

LAW MEMBER: You may ask the question of the witness but not in such a leading manner. The objection is sustained.

Q Have you seen the driver of your truck in the courtroom, in this courtroom?

A I did not see the driver of my truck but one of the drivers testified that he was the driver of the first truck so I thought he was the driver of my truck.

Q Do you recall the name of the driver who testified he was the driver of the first truck?

A No.

Q Is he the driver who said he had an apprentice with him and whose apprentice was wounded?

PROSECUTION: If the Commission please, I would like to make the same objection I made before.

DEFENSE: If it please the court, I believe that's ---

LAW MEMBER: Objection overruled.

DEFENSE: (continuing) the same question asked on cross examination. I am trying to fix the driver.

PROSECUTION: If the Commission please, it's proper cross examination but on redirect examination it's improper to ask such leading questions.

LAW MEMBER: We want to get on with this trial. The objection is overruled.

A I think he said that.

Q If one of the truck drivers who testified in this courtroom said, "My truck was the second truck in the column," would that be the truck that you were riding on?

PROSECUTION: If the Commission please, I would like to assume an objection.

DEFENSE: If it please the court, I am referring to an answer on Page 472 of the record being prepared by the reporter. It's the third question from the bottom of the page.

LAW MEMBER: The objection is overruled.

A No, I was not on that truck.

Q If another truck driver who testified in this courtroom in this case testified as follows: "Was your truck the first truck in the convoy?" Answer: "Mine was the third truck." Would you be riding on his truck?

A I was riding on the first truck.

DEFENSE: If it please the court, the question and answer that I referred to in the last question are the first question and answer on Page 469 in the record.

No further questions.

PRESIDENT: Any recross examination?

PROSECUTION: Just one question, if the Commission please.

RECROSS EXAMINATION

Questions by prosecution:
Answers through interpreter:

Q From the 4th of August until the 16th of September 1940 were the prisoners in the 8th Army Stockade kept separate at all times?

A Every one was in a different cell.

Q Did you not all eat together?

A We all went to mess together.

Q Did you not all have exercise periods together on the grounds?

A They did not give us any exercise.

Q Were you never permitted to go out on the grounds?

A There were times when we went out.

Q Were your cell doors kept locked at all times that you were in doors?

A Yes, when it was closed.

Q Then you were permitted to mingle freely with one another when the cell block itself was secured?

LAW MEMBER: That "secure" is a naval term.

PROSECUTION: I apologize. "Locked"

A When the cells were not locked we could walk around in the building.

PROSECUTION: No further questions.

DEFENSE: If it please the court, I would like to ask one further question to clear up maybe an ambiguity on the last questions by the prosecution?

PRESIDENT: Proceed.

REDIRECT EXAMINATION

Questions by defense:

Answers through interpreter:

Q Since this trial began have you and the other defendants in this case been kept confined in your cells even though the cell block was locked?

PROSECUTION: If the Commission please, that's objected to on the grounds it's immaterial and irrelevant.

DEFENSE: If it please the court, I believe the purpose of the questioning on recross examination was to show the fact that the defendants were able to mingle with each other, talk to each other and discuss the facts of this case before it came to trial. I believe it's important to the Commission to know that since the trial has begun the defendants have been locked in their cells, except during mealtimes and during times when they are at the trial and have not been permitted to discuss the facts of the case and the facts being brought out in the trial. If it please the court, I believe that's important for the reason that not all of this trial is being translated or interpreted to the defendants. When we began the trial we assumed that availability of each of the defendants to each other would continue so that these defendants who did understand could explain what was going on to the other defendants. Late in the trial we learned that that was not so and the defendants have been confined in their individual cells when they were returned to the Stockade. That was the purpose of asking that question.

PROSECUTION: If the Commission please, there has been nothing on redirect examination, nothing on cross examination, or nothing pertinent to the issues in this case about what type of confinement the 8th Army Stockade decides to give these prisoners.

LAW MEMBER: The objection is overruled.

A As soon as we are returned we are confined to our cells.

DEFENSE: No other questions.

PRESIDENT: Any questions by members of the court?

PROSECUTION: If the Commission please, the prosecution would like to ask one further question, if they may?

PRESIDENT: The Commission will adopt your question.

PROSECUTION: Are all three meals which the defendants in this case now eat eaten together?

A Yes.

PRESIDENT: The Commission hardly understands that question. Are the three meals eaten together?

PROSECUTION: Beg your pardon, sir?

PRESIDENT: Read the question back by the prosecution.

The last question was read by the reporter.

PROSECUTION: Would you like me to withdraw the question?

PRESIDENT: It's all right as it stands.

RECESS EXAMINATION

Questions by prosecution:

Answers through interpreter:

Q How are you transported from the 8th Army Stockade to the Metropolitan Police Board where these trials are now being conducted?

A On trucks.

Q How many trucks are used?

A Two trucks.

Q Is any effort made to prevent you from discussing anything you wish to while riding aboard those trucks?

A I do not know but we all converse.

Q How long does it take you to ride between where this trial is being conducted and the 8th Army Stockade?

A I think it's about thirty or forty minutes.

PROSECUTION: No further questions.

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

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

The witness resumed the witness stand and was reminded by the prosecution he was still under oath.

EXAMINATION BY THE COMMISSION

Questions by members:

Answers through interpreter:

- Q Were the five-hundred Formosans at the Showa School for the purpose of changing their identification cards?
- A I do not know.
- Q Were five-hundred Formosans lined up to get their identification cards changed?
- A No.
- Q How many were in the line ahead of you when you arrived?
- A When I went to the school and went up to the office there were about forty or fifty lined up before me.
- Q How close were you to the office when you left to go to the meeting?
- A When I left the room, most of the persons had already gone out. So, I do not know how many were before me.
- Q You told us that the purpose of going to Showa School was to change your identification card and you have also told us that you are not employed. What was so important about this meeting that you gave up your original intention?
- A When I received the registration sheet and was filling it out with the aid of the one behind me and waiting for my turn to register, about two or three persons came into the room and said, "There will be a talk by Mr. Ling downstairs." Everybody started going out. So, I followed them.
- Q Didn't you previously testify that this person said, "There will be a meeting and you had better attend"? Isn't that correct?
- A I testified that they told us to come and hear the talk.
- Q By what authority did these persons tell you to go and listen to the talk?
- A I do not know.
- Q But you recognized their authority to tell you to attend the meeting because you did comply with it, did you not?
- A Yes.
- Q Was that the same authority that had ordered this meeting held?
- A I do not know.
- Q You were under obligation to do as you were told, were you not?
- A When these two or three persons came and told us that there would be a meeting downstairs, everyone went down and even the office employees went down. So, I could not register and I followed them downstairs.
- Q In other words, everyone was summoned to appear at the meeting, were they not?
- A Yes.

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- Q Who is this person or by what authority were you summoned to appear at the meeting?
- A I do not know. He just said, "Come and hear the talk."
- Q Who tells people what to do at this Federation of Chinese Association Building?
- A I do not know.
- Q You were also under obligation to get on the truck when told to get on it later on, were you not?
- A When I was in the dance hall, someone who passed by said, "Let's go to the Chinese Mission" and when I asked, "What are you going to the Chinese Mission for?" he answered, "To make an appeal." So, I felt like going; so, I got on the truck.
- Q You felt obligated to go, did you not?
- A No, I was not obligated. I just felt like going.
- Q Because of what?
- A When a Chinese person with a button was passing through Shinbashi, he was about to be beaten by some Japanese hoodlums and when I was told that they were going to make an appeal to the Chinese Mission regarding this, I, being a Chinese National, also wanted to go to the Chinese Mission to make this appeal.
- Q You were quite angry about this, were you not?
- A No, I was not.
- Q Then you were in a happy frame of mind, were you?
- A No, I was not in a happy mood.
- Q You went to the Chinese Mission with the intent of getting some action, did you not?
- A Yes.
- Q When you arrived in the Shinbashi area with two trucks together going in the same direction?
- A Yes.
- Q Then to follow the jeep, you had to turn your trucks around in the street, did you not?
- A No.
- Q You stated you saw many people come out of the gate from the court yard. Had you also been present at that gathering in the court yard just previously?
- A Yes.
- Q That was the meeting held after Mr. Ling spoke to you, was it not?
- A I only attended the meeting during which Mr. Ling spoke.
- Q There was a meeting held after the meeting at which Mr. Ling spoke, was there not?
- A I do not know.
- Q You do know that a great many people were coming out of the back gate, all knowing about the Shinbashi incident, did you not?

DEFENSE: If the Court please, I am informed by my colleague that as far as the defense knows, there is no evidence in the record about people coming out of a back gate.

PRESIDENT: It doesn't restrict the Commission in determining whether or not that gate he is referring to is the back

BWN:3

gate.

DEFENSE: I think the question implies it was the back gate, if the court please.

PRESIDENT: I am asking him if he did. What is the answer?

INTERPRETER: He did not answer.

A Many people came out from the front gate and I asked only one of them. I do not know if the others knew about this Shinbashi incident or not.

Q They all ran for the trucks, did they not?

A Yes.

Q Did both of your brothers attend the meeting at the Showa School?

A I did not see them on that day.

Q Is one of your brothers a defendant?

A No.

Q Where is the office where your brother is employed by a Chinese Association?

A In the Marunouchi Building.

Q Had you seen your brother that is employed by this Chinese Association and with whom you live during the three or four days preceding July 19th?

A Yes.

Q Did your brother tell you prior to July 19th of the trouble that had been had between the Matsuda Gumi and the Formosans?

A No, he did not.

Q If these incidents between the Matsuda Gumi and the Formosans were serious enough to warrant a meeting of five-hundred Formosans to discuss them, why did your brother keep this a secret from you?

A My brother comes home late at night and I do not have very much chance to talk to him and he doesn't talk to me very much.

Q Were you a member of the Association that employed the brother with whom you lived?

A Since this general Chinese Association includes all the Chinese organizations in Japan and since I am a member of the Federation of Chinese Association, I believe I am a member of that association.

Q How long have you been in the Tokyo area?

A About one year.

Q Why is it that you do not know the route that the truck used in going from Showa School to the Chinese Mission when such route should take you through the best known district in Tokyo?

A I did not go to these places very much.

Q If the trip from Showa School to the Chinese Mission amounted to a sight-seeing trip, why did you not observe where you were going?

A It is the first time that I passed there and I do not recall.

Q Did you pass Hibiya Hall?

A I do not know.

BWN: 4

- Q But you do know the Shimbashi area, do you not?
A I do not.
- Q Was your truck driver a Japanese or a Chinese person?
A I do not know.
- Q In what language did the truck driver converse with the soldier in the jeep?
A I could not hear.
- Q You have testified that the truck driver conversed with the soldier in the jeep and then you followed the jeep to the Chinese Mission, isn't that correct?
A Yes.
- Q Then if the truck driver was Japanese and General Li does not speak Japanese, they must have had some language difficulty there, did they not?
A I believe so.
- Q Yet you tell us a conversation was held between those two.
A General Li spoke to someone who was in the cab and I thought that was the driver he was talking to.
- Q Why did you previously then state that the truck driver held a conversation? Why do you change it now?
A Because General Li spoke to someone in the cab and soon afterward, we began moving. I thought that General Li had spoken to the driver.
- Q Do you know why it was necessary for General Li to speak to the truck driver, if the trucks were on the way to the Mission as you have stated?
A I do not know.
- Q Did you hear the truck driver being questioned as to where he was going?
A Questioned by whom?
- Q You are telling the story -- not me. I am asking you. Did you hear the truck driver being questioned by anyone as to where the truck was going?
A No, I did not.
- Q Did anyone explain to you why you were waiting so long at the Chinese Mission before the speech was made?
A No.
- Q You stated while you were waiting, a large group joined the meeting, is that correct?
A Yes.
- Q Is that the reason for holding up the meeting?
A I believe so.
- Q If the people that attended this meeting came from the Showa School, why did you have to wait a half hour for all to arrive?
A I do not know.
- Q You have heard testimony to the fact that 120 people left the Showa School to go to the Chinese Mission, isn't that correct?
A (No answer)
- Q Either you remember or don't remember. Which is it?

DWH:5

A I do not remember.

Q How many Formosans left the Showa School that you know of?

A About fifty or sixty left together with me.

Q If the spark that set off the trip from Showa School to the Chinese Mission was the insult to a Formosan in Shibashi area, how did all the other Formosans arrive at the Chinese Mission? What compelled them to attend the meeting?

A The others also went to appeal to the Chinese Mission.

Q Who told them to go there?

A I do not know.

Q Did General Li discuss the Shibashi incident during which a Formosan was insulted by the Matsuda Gumi or Japanese hoodlums?

A I did not hear about this.

Q Did not hear about what?

A I did not hear General Li talk about this incident at Shibashi.

Q Yet, you have told us that the reason for the trip to the Chinese Mission was to make an appeal in connection with this recent Shibashi incident, why did General Li not touch upon that matter then?

A General Li said, "I have already learned of the reason you came here to appeal from Mr. Chen and others." So, I believed that he knew about it.

Q Was the audience satisfied with that explanation?

A I believe so.

Q Were there any comments by people from the floor?

A I saw two or three persons talk to General Li before he took the platform and after he finished the talk.

Q Do you know the Shibuya Police and Railroad Station area?

A I know the area around the Shibuya Railroad Station, but I do not know the area around the Shibuya Police Station.

Q Then when you were at the Shibuya Police Station, or if you were at such a place, you wouldn't know where you were with reference to Shibuya Railroad Station, would you?

PRESIDENT: Change that question.

Q Do you know the relationship between the Shibuya Police Station and Shibuya Railroad Station?

A I do not know.

Q Then why did you tell us your truck started moving toward the Shibuya Railroad Station after you had been stopped in front of the Police Station? How did you know you were going to the Shibuya Railroad Station?

A Because from the testimony before me, I have heard that the direction in which the trucks were proceeding was the Shibuya direction and to the rear would be Ebisu direction. I testified that we proceed toward the Shibuya Railroad Station.

BWN:G

Q Then you accept part of other witnesses' testimony as your testimony on the stand. Why don't you accept all testimony you have heard from other witnesses then?

DEFENSE: If the court please, is defense permitted to make any comment or objections to questions by the Commission?

PRESIDENT: I don't think one is necessary in this case.

DEFENSE: Sir?

PRESIDENT: I don't think one is necessary in this case.

A My actions on that day differed from those of others. However, I heard in the testimony the truck was going toward the Shibuya Railroad Station. So, when I was asked that question, I said we proceeded toward the Shibuya Railroad Station.

Q Had you at any time been asked to repeat testimony of other witnesses?

A No.

Q Then why did you use part of other testimony in answering questions directed to you?

A The map shows the Shibuya direction and the Ebisu direction and by that, I could also tell the truck was proceeding towards Shibuya.

PRESIDENT: Any further questions by the Commission?

Q At the time you went down from the office of the Federation of Chinese Association to hear Mr. Ling's talk after being told by some person in the office to attend the meeting, did you know what the nature of the talk was going to be about?

A No, I did not know.

Q You testified yesterday in relating Mr. Ling's speech that damages were done to many Chinese in the Shinjashi area, and that many Chinese homes were attacked by Japanese hoodlums in Shibuya, is that correct?

A Yes.

Q You testified this morning that you first heard of troubles between Matsuda Gumi and the Formosans during Mr. Ling's talk, is that correct?

A Yes.

Q Did you at any time also hear in the speech of Mr. Ling about the confiscation of goods by Japanese police in Shibuya owned by the Formosans?

A I do not remember.

Q Did you know of any confiscation of goods of Formosans by Japanese police in Shibuya before you attended the meeting on 10 July?

A I did not know.

Q Did General Li mention about such confiscation in his speech given at the Chinese Mission?

A He did not.

BWH:7

Q Then you went to the Chinese Mission when some persons told you that they were going to appeal to the Chinese Mission on account of some incident that happened that afternoon involving the insult of a Chinese by some Japanese hoodlums, is that correct?

A Yes.

Q Were you satisfied with General Li's speech?

A Yes.

Q Do you know where Matsuda Gumi is located?

A I know that they are in Shinbashi.

Q How do you know that?

A Because I heard that many Chinese had suffered damages in the hands of the Matsuda Gumi hoodlums and that the gate was torn down and the flag torn by the Matsuda Gumi, and also, that homes in Shibuya were attacked by them.

Q Do you actually know where Matsuda Gumi is in Shinbashi, then?

A I only heard that the Matsuda Gumi is in Shinbashi and I do not know exactly where.

Q At the time when you borrowed the truck heading for Nakano, after the talk of General Li in the Chinese Mission, did you know anything about the gathering of armed Japanese police in the Shibuya Police Station area?

A No, I did not.

Q Did anyone on the truck tell you that on the way to Nakano?

A No.

PRESIDENT: Any further questions? Does the defense believe any new matters were brought out that warrant cross-examination?

DEFENSE: Sir, I am not sure whether this would be considered as new matter but I believe some of the questions of the Commission involve the question of how this witness was asked to attend the meeting at the Showa School. I believe the implication was that he was told or ordered to go to the meeting, although that was never said so expressly. The defense requests that the Commission ask the witness in order that --

PRESIDENT: Let's see the questions you wish to ask.

DEFENSE: The question is: Were you ordered to attend the lecture or were you asked to attend the lecture?

PRESIDENT: The answer to the question was that he was summoned and in three or four different manners, he stated that he was called to this meeting. He was ordered.

DEFENSE: He was ordered?

PRESIDENT: I am not trying to get into translation difficulties; I tried to find out if he was ordered, called or summoned or asked and he was told. He himself in his own words, in answers to my questions stated he better attend. You will recall the answer previously given. I think the Commission is quite satisfied with the witness' answer on that point. Any questions on new matters? If there are no further questions by the Commission, the witness is excused.

(Witness excused)

BWN:U

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

The Commission then took a recess until 1435 hours, at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats.

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

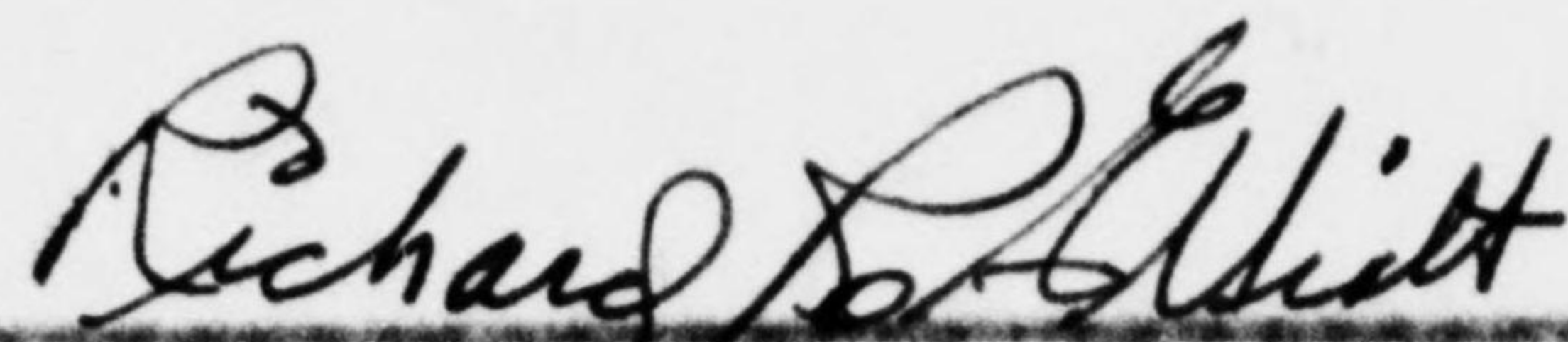
DEFENSE: If the Commission please, inasmuch as defense understands that there will probably be an adjournment of this case for tomorrow morning and also for Thursday, which is Thanksgiving, and inasmuch as we have nearly completed the afternoon session of today having only about an hour more to go, the defense would request an adjournment until Friday morning on the ground that we have gotten to a place in our case where we need some little time to determine what witnesses we are going to put on. Defense have a large number of witnesses available and it would be of assistance to us to have a little more time at this time to determine just what witnesses we do wish to put on.

PRESIDENT: Any comment by the prosecution?

PROSECUTION: Keeping in mind the defense's accusations of the prosecution in delaying and propping the trial, I feel that we cannot conscientiously object if the defense feels that it is necessary in the interests of their clients.

PRESIDENT: The Commission grants the motion to adjourn for the day, and also, wishes to place in the record the fact that the Commission is unable to meet tomorrow morning as scheduled for the reason that officer personnel of the Commission must attend lectures and conferences in Yokohama tomorrow morning by order of the Commanding General, Eighth Army. Thursday being a legal holiday, it is thereby excluded from the calendar. The Commission will, at this time, adjourn to meet Friday, at 0900.

The Commission then adjourned at 1500 hours on 26 November 1946.


RICHARD R. ELLIOTT
Chief Prosecutor

Metropolitan Police Station,
Tokyo, Japan,
29th November, 1946.

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

Charles Morrell relieved Curtis Sampson as official court reporter.

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

PROSECUTION: This morning we have a new reporter who will at this time be sworn. (Whereupon Charles Morrell was sworn as official court reporter and the hearing proceeded.)

DEFENSE: At this time the defense rests its case with this statement that it was our intention to put on one American, English-speaking witness but we could not locate him due to the holidays and in view of that fact, we will rest our case. If we locate him over the week end, we would like to put him on Monday morning. If we cannot locate him Monday, we will drop the matter.

PRESIDENT: Can you make a statement as to the knowledge possessed by this defense witness and his value to the court?

DEFENSE: He is an American police official who will be able, we think, to give information of a ballistics nature with reference to the testimony given by the Japanese police on the stand.

PRESIDENT: His testimony is confined to ballistics?

DEFENSE: Yes. Concerning certain evidence given in this case.

PROSECUTION: The prosecution has no objection. In view of the fact that we did not know that defense was going to rest now, we were going to move for adjournment to secure our rebuttal witnesses for Monday morning. We have no objection to their putting on a witness Monday morning if there is an adjournment to Monday. We will then put on our rebuttal witnesses. At the same time, we will line up the witnesses the court has requested.

PRESIDENT: As the Commission understands it, neither defense nor prosecution is prepared to proceed this morning. Is that the case?

PROSECUTION: Yes, sir.

DEFENSE: We rest our case with that one exception.

PRESIDENT: You cannot rest it if you wish to provide additional witnesses.

DEFENSE: If the prosecution wanted to proceed with their case we would not put him on.

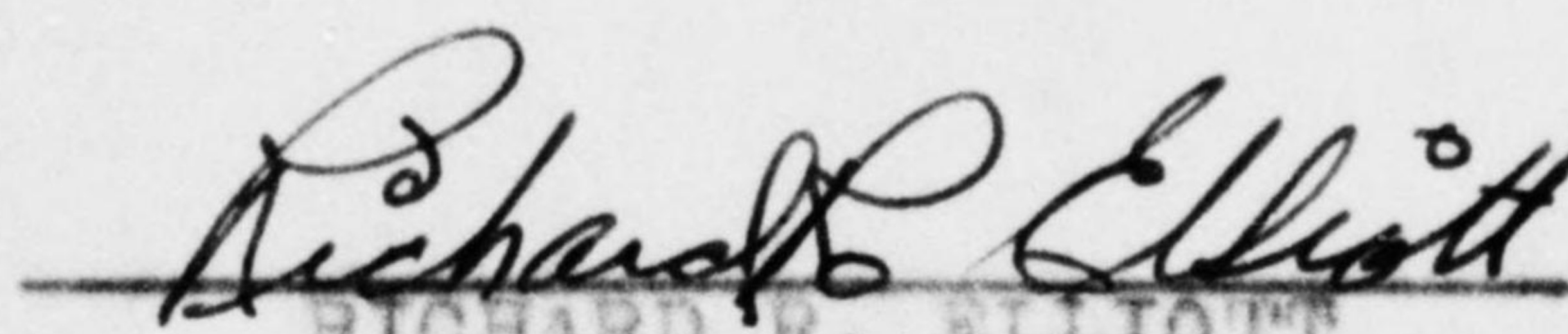
PRESIDENT: You made a statement that if the prosecution wishes to proceed with their case - it is your turn and you are now engaged in your defense. You either close your case or proceed.

PROSECUTION: I would like to make the observation that the reason we moved for an adjournment was that we had no knowledge that the defense intended to rest this morning and we have nine - eight, or nine possibly, rebuttal witnesses we wish to put on.

PRESIDENT: The commission does not quite understand the necessity for the ballistics expert at this stage of the game. However, if the defense is desirous of introducing this witness later, it may do so, providing such testimony is, as stated, to be confined to ballistics.

In view of the circumstances and conditions that exist, the court will adjourn at this time to meet on Monday at 0900 hours.

The Commission then, at 0935 on 29th November, 1946, adjourned to meet at 0900 on 2nd December, 1946.


RICHARD R. ELLIOTT
Chief Prosecutor.

Metropolitan Police Station
Tokyo, Japan
2nd December, 1946

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

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

PROSECUTION: The prosecution calls for the first rebuttal witness Major Jackson who will be sworn.

WHEREUPON

JERRY JACKSON

a witness called by and on behalf of the prosecution was duly sworn and, being examined, testified as follows:

DIRECT EXAMINATION

Questions by Prosecution:

Q Major, state your name to the court.

A Jerry Jackson, Major, 720th Military Police Battalion, APO 201.

Q What is your connection with the Tokyo Provost Marshal's Office?

A Liaison officer -

Q Did you have that position in July of this year?

A I did.

Q Do you remember the Shibuya incident as it is commonly called?

A I do.

Q That happened on the 19th of July?

A I do.

Q I will ask you if anyone representing themselves as a representative of the Chinese Mission came to you that evening?

A They did.

Q For what purpose did they come?

A To report to me that there was a meeting at the Chinese Mission of about 200 or 300 individuals and he made the statement that they were expecting trouble when this group proceeded back to their homes and he asked for military police protection and he was particularly interested in the Shibuya station.

Q Let me interrupt you a minute. Did you ask him what kind of a meeting this was?

A I did. He said it was just general instructions. What was the general explanation he gave me.

Q And I believe you stated he expected trouble and wanted military police protection?

A That is correct.

Q Did you act on that?

A I did.

Q What did you do?

A First I timed it. I asked him the time the convoy was leaving the Mission and made arrangements with him that he would notify me when the convoy did leave the Mission and we set the time in 40 minutes in order to get the patrols organized.

I immediately called Company A Headquarters and made arrangements with the patrol to check these particular stations and after I accomplished that and came over to the other side of the office and I estimate it would be between five and ten minutes and ^{the} some individual representing the Chinese office came back on the run and explained to me that they had the trouble already and it was too late and they did not wait until his return.

Q And you can state that it was less than ten minutes when he returned?

A I estimate five to ten minutes.

Q Do you know where the Chinese Mission is located?

A I do.

Q How far from the Provost Marshal's office is that, approximately?

A Approximately, obeying the speed limits, about eight to ten minutes drive one way.

Q One way?

A Yes.

Q In your opinion, had this information time to drive to the Chinese Mission and observe the wounded, know how many there were and drive back to the Provost Marshal's?

A In my estimation, he did not have time.

Q You do not know who this person was or do you remember his name?

A I do not remember his name.

Q But can you state under oath that it was the same person that came back as was there the first time?

A It was the same person.

Q No further questions.

PRESIDENT: Examination by the defense?

DEFENSE: Yes sir.

CROSS EXAMINATION BY DEFENSE

Questions by defense:

Q Major, are you the Assistant Provost Marshal in Tokyo?

A I am not.

Q Were you the Assistant Provost Marshal in July at the time of this incident?

A I was not.

Q When this person came to you on the evening of July 19th and represented himself as coming from the Chinese Mission did he explain the situation at Shibuya?

A He did not other than to explain the trouble.

Q Did he tell you from where he expected trouble?

A No.

Q Did you ask him?

A I did not.

Q Did you have any idea what trouble it could be?
A I figured it was the usual trouble, just routine. They have these meetings and after they call for help. We have an SOP for the military police to check information of that kind.

Q A situation of what type?

A A situation of any gathering whatsoever.

Q The gathering was at the Chinese Mission or at Shibuya?

A I do not understand your question.

Q You say the situation was of a type of gathering in your last answer. I believe you say you had an SOP for a situation of that type and you explain that as a practice for all gatherings of persons?

A Where you are expecting trouble.

Q Are you referring to a gathering at the Chinese Mission?

A I am not.

PROSECUTION: If the Court please, I will have to object. The Major said an SOP. An SOP cannot pertain to any particular gathering.

DEFENSE: I would like to know what gathering the witness is referring to.

PROSECUTION: I think we all understand that SOP means Standard Operating Procedure.

LAW MEMBER: It is clear that it pertains to any gathering.

DEFENSE: I am asking where the gathering was that he was referring to. I am not complaining about the use of the word SOP. I just want to know where the gathering was that he is referring to - the gathering to which he is going to apply his SOP?

LAW MEMBER: He just explained that the representative of the Chinese Mission said it was a gathering at the Chinese Mission.

DEFENSE: That is the question I would like to ask the witness.

PRESIDENT: Very well, ask him.

Q Where was the gathering to which you were going to apply the SOP?

A The instruction I gave the military police was to check Shibuya station.

PRESIDENT: But at that time you did not know what kind of trouble to expect?

WITNESS: I did not.

Q And you did not know whether this trouble would come from

- Q Shibuya? Is that right?
A I did not know the exact place.
- Q And you were all set to organize patrols and send them out to Shibuya or wherever this trouble came from?
A That is not correct?
- Q Will you explain where I have made a mistake?
A When the military police have calls come in for trouble out at Shimbashi or Shibuya or whatever area the trouble is in I give information to the desk sergeant that we are expecting trouble in a certain locality and for him to send a patrol or two patrols to check trouble in that area. That is the type of instruction given.
- Q This was not a call over the telephone to a person in your office at the time. Is that correct? You could ask him some more questions?
A He would have had an opportunity. Yes.
- Q Did you - But you did not ask him any more?
A I figured I had sufficient information to cover the situation.
- Q Now, there were two hundred or three hundred at the Chinese Mission and they were expecting the trouble on the way home?
A I knew they were expecting the trouble in different areas in small groups.
- Q Major, was that the first information you had that there might be trouble at Shibuya that night?
A The first that night.
- Q That was the first at the Provost Marshal's office that there was any indication of possible trouble at Shibuya that night?
A To my knowledge.
- Q Were you on duty in your office or in the Provost Marshal's office that day?
A I was performing my normal duties.
- Q When did you begin your duties that day?
A At 0700 that morning.
- Q And approximately what time did this person come to the Provost Marshal's office the first time?
A I would say approximately between 2030 and 2100.
- Q Did he tell you who these persons were who were gathered at the Chinese Mission?
A He only made the remark they were Chinese?
- Q When he told you that they expected trouble on the way home did you have any idea of where that trouble could come from?
A I did not have.
- Q Did anything else occur that evening as far as you know that might suggest the source of the trouble?
A Yes.

Q Will you explain what that was?

A They had trouble in the area approximately two blocks from the Finance Building and they had a large gathering there and they had some shops fired there and that is where we were on the alert. That might indicate that trouble was brewing at that time.

Q Was that gathering a Chinese gathering?

A I do not know.

Q Were you on duty when that gathering occurred?

A I am on duty twenty-four hours a day as a military police officer.

Q You do not know what type of persons were engaged at the Finance Building in connection with that incident?

A I do not.

Q When this person representing the Chinese Mission came to you the first time, did he tell you that the two hundred or three hundred persons at the Mission were still there or had already gone?

A He said they were at the Mission.

Q Was he very excited at the time?

A I would say not.

Q Was anybody with him?

A There was one other individual.

Q Did the person representing the Chinese Mission speak to you in English?

A He did.

Q Was it good English?

A It was understandable to me.

Q Do you know the name of the person who was with him?

A I do not.

Q Can you describe the person who spoke to you?

A I would judge his height to be five feet, ten and a half inches, very slender and wearing glasses. I would recognize the individual if I saw him.

Q Can you describe the person with him?

A He was somewhat shorter and somewhat stocky.

Q Did he do any speaking?

A He did not to my knowledge.

Q The second time these persons came back was it the same two persons?

A The same two, yes. They came in and there was a large crowd in there. There could have been two or three. I noticed him.

Q But there were these two persons and possibly others?

A That is right.

Q At that time were they as calm as the first time or excited?

A They were excited.

Q At that time did they indicate to you that there were wounded persons at the Chinese Mission?

A I do not recall the conversation except that he was excited and it was too late. They had already, apparently, dispatched the convoy to these stations. That was the general conversation with me.

Q Did he ask medical aid or assistance at the time?

A He did not ask it of me.

Q To the best of your knowledge, did he ask for medical aid or assistance of anybody in your office?

A I have no knowledge of that.

Q In other words, when they came back the second time they said it was too late and walked out?

A That is not the correct remark?

Q Well, will you explain what did happen the second time?

PROSECUTION: The witness has said what happened to the best of his knowledge and I object to that.

DEFENSE: I know he has testified that they came in and said "It is too late". I would like to know what else happened whether they walked out then or whether something else happened.

PROSECUTION: The witness has said to the best of his knowledge.

PRESIDENT: Objection overruled. We will find out from the witness.

Q Will you explain to the best of your knowledge what happened? Did they just leave?

A I am not able to say. I do not recall.

Q At the time that these two persons left, the first time, did they tell you that they were going back to the Chinese Mission?

A They made the remark that they were going back to the Chinese Mission and would call me.

Q Well, you testified that they came back in five or ten minutes?

A That is my estimate. Yes.

Q Did they say they had gone back to the Chinese Mission?

A They made no remark on that.

Q But your opinion is that they had not gone back to the Chinese Mission?

A That is my estimate.

Q Was it your opinion that they merely went out of the office and came back in and reported a second time that it was too late?

A I cannot make a statement as to that.

PROSECUTION: I think that is a question for the Court to decide.

PRESIDENT: Objection sustained.

Q Were either of the two persons who came to your office on either occasion in uniform?

A To my knowledge they were not.

Q They were dressed in civilian clothes?

A To the best of my knowledge. Yes.

Q Can you state positively whether they were or not?

A I cannot state positively. I can state positively that the individual I did business with was in civilian clothes.

Q That is the one you spoke to. When they came back the second time you were not sure whether there were other persons with him because there were many persons in the office?

A That is correct.

Q Was the office very busy at that time?

A Yes.

Q Is it possible that you are wrong on your estimate of five to ten minutes?

A I would say No.

Q Could it have been as much as an hour?

A Positively no.

Q Are you relying now entirely on your memory as to what happened on July 19th or did you make any record at the time as to what was happening? Did you make any record of official calls at the Provost Marshal's office?

A That was not my function this night.

Q Then you are testifying merely from your memory going back to July 19th. You are not using any record to refresh your recollection. Is that correct?

A I am judging that time from the things I did after this individual gave me the information and having some knowledge and knowing what I did in telephoning. After I hung up the receiver and stepped over the other side - I would estimate, having some knowledge of time, and it would be between five and ten minutes.

Q Isn't it true that these two men remained in the office when you made these calls?

A Not to my knowledge. They were not in my side, not in my section of the office.

Q While they were in the office, did you make any telephone calls with respect to the problem they presented to you?

A I did not to my knowledge. They were not in the office when I made the call.

Q Isn't it true that after you stated the facts and handled the situation that you said you would send some people out to Shibuya and then they left the office?

A Not to my knowledge.

DEFENSE: No further questions.

PRESIDENT: Any Re-direct?

RE-DIRECT EXAMINATION BY THE PROSECUTION

Questions by the Prosecution:

- Q When you hear of trouble in a certain area and you call zone headquarters, how long does it take you to tell them to operate under SOP?
- A Usually it only takes a very few moments to get the telephone connection.
- Q And that is the telephone call you made?
- A That is correct.
- Q And as soon as you set down the telephone and went back to your office you noticed that this individual was back?
- A I went from mine to the other side of the hall, to the liaison office and it was only a very few seconds.

PROSECUTION: That is all.

PRESIDENT: Any re-cross-examination?

DEFENSE: No.

PRESIDENT: Questions by the Commission?

CHINESE MEMBER: Major, at the time when the representative of the Chinese Mission came over and requested you to do something, did he mention anything to you about expecting some trouble on the part of the people gathered there in going through that area?

A He stated he expected trouble at this Shibuya station and he mentioned a couple of other stations which I do not recall.

Q Did he mention that he expected some trouble to be started by these persons gathered in the Chinese Mission?

A He merely used the term he expected trouble.

Q And in your personal opinion, Major, do you consider the request as given to you by that representative one unusual or just a routine request that might come in at any time?

A I would consider it a routine request.

Q That is all.

QUESTIONS BY THE PRESIDENT:

Q Do you know of the dispatch of an army vehicle to the Shibuya police or railroad station area on the 19th of July?

A I do not sir.

Q Didn't the reporting party mention the gathering at the Shibuya police area in warning you of impending trouble?

A He informed me he was expecting trouble at these two places?

Q Did he state that he expected trouble at the Shibuya Police Station or Railroad Station area when the gathering of Chinese was at the Chinese Mission?

A He did not state what trouble he expected. No sir.

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Questions by the Prosecution:

- Q When you hear of trouble in a certain area and you call zone headquarters, how long does it take you to tell them to operate under SOP?
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- A He informed me he was expecting trouble at these two places?
- Q Did he state that he expected trouble at the Shibuya Police Station or Railroad Station area when the gathering of Chinese was at the Chinese Mission?
- A He did not state what trouble he expected. No sir.

- Q Then, did he or did he not tell you that he expected trouble when these Chinese at the Mission started to return home?
- A He told me he expected trouble on their return home and he told me where they expected trouble at these two stations.
- Q Did you give him any advice as to avoiding said trouble areas?
- A No sir. I did not.
- Q Wouldn't that have been the best precaution from your standpoint of view to avoid a clash in the first place if expected?
- A It would have been the best policy.
- Q I think so. Was a large gathering at Shibuya Police Station ever mentioned during this talk?
- A I do not know sir.
- Q Well, certainly if a party told you of impending trouble in a certain locality he must have told you what was in the locality that was causing the trouble?
- A He did not state, sir. They were having trouble in other areas and he merely made the statement he was expecting trouble and a good many things were going on in the Provost Marshal's office.
- Q What did he expect the returning Formosans to get into? A bunch of oxen? You must have expected trouble?
- A I am not able to answer the question.
- Q You were sending out patrols under SOP on a wild goose chase?
- A I did not consider it so, sir.
- Q Was there a report of machine gun fire in the Shibuya area on the 19th of July?
- A There was, sir.
- Q Was that investigated?
- A It was.
- Q What knowledge have you about it?
- A I have no detailed knowledge on that, sir.
- Q Did you connect it with what occurred later that evening?
- A No, sir. I did not.
- Q Do you know whether anyone in your office did?
- A I cannot make a detailed statement on it, sir.
- Q Had the Japanese police authorities communicated with your office regarding probable trouble at the Shibuya police station?
- A Not with me, sir, and not to my knowledge with anybody else.
- Q Then your knowledge of this incident or the things that occurred on July 19th is confined to the request for protection by two unknown persons. Is that correct?
- A That is correct, sir.

Q And you further do not know why they came to you asking for protection? Do you?

A Not definitely.

Q There is a point that bothers the Commission. That is just how did you accept the idea that there would be trouble at the Shibuya area?

A As a routine condition at the Provost Marshal's office. We receive call after call daily about certain areas and we find that some of these reports are correct and others are false and our procedure there is to have these areas checked to see what is going on in that particular area or zone.

Q You have just told us of having numerous false alarms coming to your office. In this case how did you assure yourself that this was not another false report?

A At that time my judgment was to send a patrol to check due to the fact that I knew of trouble in other parts of the city and I wanted to follow up the smallest lead of any trouble that might arise.

Q When a patrol goes out on this SOP referred to, are there instructions with reference to trouble?

A There are instructions. These are covered by radio jeeps in order that communications may come in to the Provost Marshal's office. They are to cover and observe if Allied personnel are mixed in with the crowd and what trouble may come up and whatever trouble appears they report back to the Provost Marshal's office.

Q You used the word "crowd" just now; that the patrols were to watch for Allied personnel in the crowd. Where was this crowd you would be sending them to look for?

A Where I would have information that they were going to.

Q Did you have information there was a gathering at Shibuya station?

A I had information that they were causing the trouble.

Q I asked you whether you had information there was a crowd?

A I did not.

Q You were sending the patrol car to go down to see whether Allied personnel were involved in a crowd? Is that correct?

A That is just one phase of their orders, sir.

Q Not questioning your testimony, but the Commission finds it difficult to believe that a report of impending trouble came to you and you failed to get any other information than that you have given us on the stand. Can you explain why you did not ask further questions that might have enlightened you?

A We had a reason - One reason for not going into great details was the amount of work and the calls that were coming in to the Provost Marshal's office at this particular time on this other incident that was happening. There was quite a little business going on in the office and he merely said to me that he thought this gathering which we knew nothing about, they were returning to these stations and they were expecting trouble and to me it was routine to have these areas checked and to call the zone responsible and give them the information and have them check that area up there on the job in case anything happened. It was a routine job for them to report any incident that might start to arise. That was

my line of thought in taking the action I did with that.

PRESIDENT: Any new matter that warrants cross-examination by the Prosecution?

PROSECUTION: No, sir.

PRESIDENT: By the defense?

There being no further questions the witness is excused.

PROSECUTION: Off the record.

(Off the record discussion).

WHEREUPON

MORITA CHOJI

a witness called by and on behalf of the prosecution, having previously been sworn, was further examined and testified as follows:

Questions by Prosecution:

DIRECT EXAMINATION

Q This witness has previously testified in this case and is now reminded he is under oath.

What are your duties with the Japanese Police Department?

A I am a sergeant in the Second Investigation Division.

Q Did you interrogate O Ten Ro at the Army Stockade in December, 1946?

A I did. Yes.

Q Did you make a report of that investigation to your superior officer.

A Yes.

Q I hand you Prosecution Exhibit No. 30 for identification. Can you identify that exhibit?

A Yes.

Q What is it?

A This is my written report.

Q At this time the Prosecution would like to offer Exhibit 30 and request the Commission that it be withdrawn and a substitution made therefore by an ATIS translation.

(Document referred to produced and marked Prosecution Exhibit No. 30 for identification.)

PROSECUTION: No further questions.

DEFENSE: Has the translation been certified?

PROSECUTION: If the Court please, I gave you the original sheet I think.

PRESIDENT: No. Just a mimeographed copy.

PROSECUTION: If the Court please, I understand the standard procedure of AtIS is that they do not certify translations and I understand that if there is any question about it in Court, any difference will be settled by the official interpreter.

LAW MEMBER: In the past they have always certified translations by a Commission officer. Until such time as this is certified it cannot be admitted into evidence.

DEFENSE: Then if I understand it correctly the Japanese copy is in evidence and until such time as the certificate is produced it cannot be withdrawn?

PROSECUTION: Yes. I know that came back without certificate but the information I am giving now is from the administrative officer of our prosecution section.

DEFENSE: I see.

CROSS EXAMINATION BY DEFENSE

Questions by Defense:

Q Do you recall approximately when you went to the Eighth Army Stockade and interrogated O Ten Ro?

A As I recall, it was about September 16th or 17th.

Q Was that the first time you had gone to the Eighth Army Stockade in connection with this case?

A I went to the Stockade the day before.

Q When you questioned or interrogated O Ten Ro where did you question him?

A In the Eighth Army Stockade in a private room by his bed.

Q If it please the Court, O Ten Ro is No. 38. The witness is more familiar with his name. I would like permission of the Court to use "O Ten Ro".

Was there anybody else in the room besides you and O Ten Ro when you interrogated him?

A No.

Q When you went to the Stockade that day did you go there in the morning or afternoon?

A In the morning.

Q Did you interrogate O Ten Ro in the morning or afternoon?

A In the morning.

Q Who else did you interrogate that day?

A I interrogated only O Ten Ro.

Q Did you interrogate anybody the day before when you were at the Stockade?

A No.

Q For approximately how long did you interrogate O Ten Ro?

A About an hour and a half.

Q Can you identify O Ten Ro among the defendants?

PROSECUTION: If the Commission please, that is objected to.

WITNESS: I interrogated him once and I do not recall what he looks like, but if I look close enough I think I will be able to identify him.

DEFENSE: Will you look closely among the defendants and identify O Ten Ro if you can.

PROSECUTION: This is objected to on the ground that O Ten Ro has taken the stand and identified himself as present at the scene, interrogated by this officer and this officer has once before made an attempt to identify O Ten Ro.

PRESIDENT: If it please the Court, I ask it for two reasons. He said he interrogated this man for an hour and a half and he is the only person who he interrogated at the stockade. In one hour and a half he ought to have some idea of who he spoke to. There was no one else in the room.

Secondly, he was asked and he said before, "I can remember his face" and he has just answered "If I look closely I can identify him." It would at least show a contradiction in that phase of his testimony.

LAW MEMBER: Whether he can or cannot, it is merely wasting time of the Commission. Objection sustained.

Q At the time you interrogated O Ten Ro did you make any notes as to what happened?

A Yes.

Q On what did you make those notes?

A I wrote it on a piece of paper. This is the paper that I wrote on.

Q Is that the regulation police notebook that police are required to carry with them?

A This is not the official paper but this is used at the police Board I used the back of the sheet.

Q Do you carry a regulation police notebook?

A Yes.

Q Yet, when you interviewed O Ten Ro at the Stockade concerning this incident you did not make your notes as to what happened in your police note book but you put them on separate sheets of paper. Is that correct?

A Yes.

Q At the time you were interviewed O Ten Ro, did you obtain a written statement from him?

A No. I did not.

Q You have previously identified Prosecution Exhibit No. 30 as the report which you submitted to your superior officer. Is that correct?

A Yes.

Q Is that an exact copy of the notes you made on the paper which you have just shown us and which you have put back in your pocket?

A Yes.

- Q When did you write up that report I am referring to?
A At the Eighth Army stockade I jotted down some notes and basing on that I made this report.
- Q In other words, the report which you submitted to your superior is not an exact copy of the notes you took at the Stockade but contains other matters. Is that correct?

PROSECUTION: If the Court please, I think it is common knowledge that in taking notes, one does not take down statements but makes a report based on his notes.

DEFENSE: If it please the Court, I believe defendant No. 38, O Ten Ro, was questioned extensively and I believe it is certainly proper to ask this witness whether the statement with which O Ten Ro was questioned was the exact statement at the Stockade - the exact words said and not something he wrote up at a later date.

PROSECUTION: He has testified that his report was made based on these notes he took at the time. He stated he did not write this report out while he was talking to O Ten Ro.

DEFENSE: I just wish to ask him whether it is the exact notes he made at the Stockade - assuming these notes were the exact notes O Ten Ro said or whether they are something he made up at a later date which probably O Ten Ro did not say.

(Question repeated)

LAW MEMBER: I did not understand that question or I would have sustained the objection. If you will rephrase it -

DEFENSE:

- Q In other words, the report which you submitted to your superior is not an exact copy of the notes you took at the Stockade. Is that correct?
A In general it is the same. I took down the notes during the interrogation and made the report later. In regard to the pertinent points, there is no mistake.
- Q Where did you prepare that report, Prosecution Exhibit No. 30, the one you submitted to your superior officer?
A At the Metropolitan Police Board after I came back.
- Q At the Metropolitan Police Board.
If it please the Court, I believe this witness has been called back to the stand to impeach the testimony of defendant No. 38 who took the stand and denied making certain statements which were read back to him.

I am asking the question because it is obvious that the report on which the defendant is questioned is not the exact set of notes taken at the Stockade. It is not the exact words said by the defendant. I am merely asking him when the report was made out and I would like to ask him where and when this was made out.

LAW MEMBER: Objection is overruled.

DEFENSE:

Q When did you prepare this report that you submitted to your superior officer?

A I think it was on September 17th that I made out this report.

Q When you interrogated O Ten Ro at the Stockade and made certain notes, did you show these notes to O Ten Ro?

A He was watching me jotting down the memo.

Q When you say he was watching you, could he watch what you were writing?

A During the interrogation he was sitting next to me and I was jotting down the memo in front of him so he could have read what I wrote.

Q Did he sign his name on those notes?

A No.

PROSECUTION: That line of questioning is objected to. The witness has testified to oral confession, whether signed or not. The prosecution's position is that it is immaterial.

DEFENSE: I will withdraw that question.

Q When you testified in this case previously you were asked the following question:

"At the time you interviewed O Ten Ro, No. 38, did you obtain a written statement from him?" Your answer was, "When I interrogated him I just took down the names."

If it please the Court, the question and answer which I read on page 366 of the record -

PROSECUTION: The prosecution objects to that. He is reading from the record. I think the defense can ask the witness what he testified to before but quoting the record and saying he testified in this way I think is improper.

LAW MEMBER: Objection is overruled.

DEFENSE: When you said at that time that "I just took down the names", were you telling the truth or are you telling the truth now when you say you took notes?

PROSECUTION: That type of question is objected to. It is not called for. There is no use trying to abuse the witness.

DEFENSE: I am not trying to abuse the witness in any way. It is obviously true that he testified in two different ways. The first time he apparently only made the statement quoted. Since then he has obviously found it necessary to have the statement we have here. I am just questioning him on the discrepancy.

LAW MEMBER: Objection sustained.

DEFENSE: Is the ruling of the Commission that the form of the question is improper or that I cannot ask the question in any form?

LAW MEMBER: It is the form of the question.

DEFENSE:

Q When you interrogated O Ten Ro at the Stockade, did you just take down his name or did you make more notes as to what happened?

A I took down some memo.

Q The memo contained only his name or more than that?

A Since I interrogated him regarding the Shibuya incident I took memo from the beginning of the incident to the end.

PRESIDENT: The Commission's desire is to review the preceding question in which you used the word "just". As I recall the testimony at the time, it had something to do with the identity of the person and for that reason, during the recess the Court is about to take, the Commission wishes to review that part of the testimony.

Furthermore, it seems the issue is on the one word "just" and I do not believe we can make a great issue when we have the translation difficulty over the one word.

DEFENSE: I understand that sir.

PRESIDENT: You keep inserting the word "just" into your questions as well as trying to extract it again from the witness. That is hardly fair in view of the translation difficulty.

DEFENSE: The first question and answer I am quoting was the first question I asked on cross-examination. I had asked him if he obtained a written statement from the defendant and his answer was "I just took down the name." I believe the question as I put it was broad enough for him to answer that he made a memo of the entire interrogation. It was his own answer that restricted it to the name.

PROSECUTION: In answer to the question he said "I just took down the name". He asked "Did the witness sign the statement" and the witness said, "No. I just took down the name."

PRESIDENT: That is the reason why the Commission wishes to reread that part of his testimony because the Commission does not recall that answer in just that connection; or we do not ascribe that meaning to it. Therefore, the Commission will at this time take a ten minute recess.

(Whereupon the Commission recessed for 10 minutes.)

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

PROSECUTION: The witness is still under oath.

PRESIDENT: The Commission has reviewed the direct examination and the cross-examination by the defense pertaining to this witness and finds nothing in there that warrants further questioning on the subject that hinges on the word "just".

DEFENSE: At the time you interrogated O Ten Ro at the Eighth Army Stockade in September, had you made any previous investigation of the incident on the 19th of July?

PROSECUTION: Objected to as immaterial.

DEFENSE: If it please the Court, the witness made a report concerning the facts in the incident. Defendant No. 38 denied making certain of these statements. The purpose of the line of questioning which I am about to begin is to find out whether this witness could have included facts in his report if the defendant had not stated them. Obviously, if he made an investigation previously he would know certain facts and together with the statements O Ten Ro admits making could have given that complete report.

LAW MEMBER: Objection overruled.

DEFENSE:

Q At the time you interrogated O Ten Ro in the Stockade you knew certain facts about the incident in front of the Shibuya Police Station. Is that correct?

A Yes.

Q And when you prepared your report which you submitted to your superiour you could state certain facts whether or not O Ten Ro stated these facts to you.

PROSECUTION: If the Court please, that is objected to.

LAW MEMBER: Objection overruled.

WITNESS: As a policeman I would not do such a thing.

Q At the time you interrogated O Ten Ro, did you know that certain Chinese or Formosans denied that the occupants of the vehicles did any firing that night?

A At the time of the interrogation O Ten Ro stated that he did not know whether or not any firing took place on the truck.

Q At the time you interrogated O Ten Ro, did you know whether or not other persons had stated that the occupants of the vehicle did any firing and all the firing came from the Japanese police.

PROSECUTION: The prosecution objects. This witness is being offered to show prior contradictory statements. It is up to the Commission to determine whether these statements affect the truth of what the witness has previously testified to. For that reason the prosecution objects.

DEFENSE: This witness is the person who took the statement which is now put in to contradict the statement of the defendant. I believe the question was asked defendant No. 38 by the Commission as to whether he knew any reason why Sergeant Morita would falsify his report. That question was asked after the defendant had denied making certain statement

that Sergeant Morita assigned to him.

I am asking this question to find certain motives for making statements in the report and claiming they came from defendant No. 38. It seems obvious to the defendants that it was certainly to the interest of the Japanese police to show there was firing from the vehicles and that the firing did not begin with the Japanese police and was not confined entirely to the Japanese police.

The purpose of these questions was to show whether at the time he took the statement he was not interested in getting a statement from one of the defendants which would show that firing began from the vehicles and not from the police.

PROSECUTION: If I correctly understand this, this witness is on the stand purely on rebuttal. He is being offered solely for the proof of the prior contradictory statement. I think the defense is going beyond the scope of proper rebuttal to ask him back for examination for certain things at which this witness was not even present at the Shibuya station.

DEFENSE: The purpose of the question is to show that this witness did not get that statement from O Ten Ro but falsified his report and I am trying to show by this question he had a motive and that motive was to protect the Japanese police.

LAW MEMBER: Objection sustained.

DEFENSE: No other questions.

PRESIDENT: Questions by the prosecution.

PROSECUTION: No questions. I would like to ask one question.

REDIRECT EXAMINATION

Question by Prosecution:

Q Did your report to your superior accurately and correctly reflect what O Ten Ro told you at the Eighth Army Stockade?
A Yes.

CHINESE MEMBER: When did you submit your report to your superior?
A I made the report on September 17th and submitted it on September 18th.

Q Was it not the usual practice of the police to have statements made by a criminal suspect during interrogation signed by him when it has been reduced to writing?

A In cases we take down memo and make out a written report. The report is not signed. However, in cases where we take down the memo and there is a written statement by the defendant then his signature or his hand is necessary.

Q Was it not unusual for a police interrogator to leave it to the criminal suspect himself to glance over notes that are being taken during interrogation rather than to read or show him the notes during the interrogation?

A The usual practice is to jot down the memo in front of the suspect where he can read as I write the memo.

Q What assurance did you have that he did read and saw the notes that were being taken down?

A During the interrogation he was sitting next to me and I showed him as I jotted down the memo so if he could have read in Japanese he was able to see what I wrote down.

PRESIDENT: In your report, after making an identification and establishing the residence of the party in question you have three numbered paragraphs. In the first two paragraphs you use the word "he" at all times. Are these two paragraphs a summary or synopsis of what he told you in answer to your questions?

WITNESS: As I recall, in making the report, I did not use the word "he" but used the word "me" or "I" or "myself".

PRESIDENT: Your first two paragraphs and half of the the first sub-paragraph of paragraph 3 are written as though a synopsis of many answers to questions propounded by you. Is this correct?

WITNESS: I took down the memo in the order that he answered and in making the report I included - it is a sort of a synopsis - but I included all the pertinent points and practically everything he said during the interrogation.

PRESIDENT: You will note that the first two paragraphs and part of paragraph 3 is a jumble of "he" and "I". How do you account for that?

PROSECUTION: If the Commission please, perhaps we can clear that up by asking him to read the original.

INTERPRETER: I think I can clear that up. In the Japanese sentence there usually is not a subject and I believe the translator inserted "he" to make the sentence complete.

PRESIDENT: Beginning with the statement that "The talk ended about 1700 hours." the statement uses the pronoun "I" in connection with what appears to be a chronological statement of events. Is the statement as made a chronological statement of events by O Ten Ro?

THE WITNESS: Yes.

PRESIDENT: Was this a continuous statement by the defendant or is it the result of a number of questions on your part?

THE WITNESS: It was not a series of questions but after he made a certain statement I would ask "Then what happened" and he continued making his statement.

PRESIDENT: At the time you took this statement was the defendant warned that he did not have to make any statement?

THE WITNESS: I did not give him such a warning but I just took the statement as he said.

PRESIDENT: If you did not inform him that he did not have to make the statement how does such a statement become voluntary.

WITNESS: When a policeman goes out and interrogates someone he does not warn the party that he does not need to make a statement if he does not want to. He just starts asking questions.

PRESIDENT: Then the person being questioned is required to answer. Is he not?

WITNESS: That is up to the party questioned. I just asked him the questions and it is up to him to answer if he wants to and keep quiet if he does not want to.

PRESIDENT: So, by voluntary, as used in connection with this statement you mean he was not physically threatened. Is that it?

WITNESS: No. He was not threatened.

PRESIDENT: What do you do when a witness refused to answer a question?

PROSECUTION: If I may, I would like to remind the court that at the time this interrogation took place it was in the presence of three American officers and also a number of the Chinese Mission sent there for the purpose of protecting the defendant's rights.

PRESIDENT: I believe the witness testified that there was no one else present.

PROSECUTION: If the Commission please, I would like to speak for a moment. The prosecution takes the position that the statement is not a confession. It is not being offered as a confession but only for the purpose of going to the credibility of the witness in a prior contradictory statement.

To illustrate what I mean -

PRESIDENT: I do not think the Commission requires any instruction from the prosecution in conducting this questioning. It has introduced a statement which contains also the words "voluntary statement" and I am questioning him on the justification for inserting "voluntary" as well as other matters contained in the said report.

At the time you questioned this defendant, did an American officer or Chinese representative warn the defendant as to his rights in making his statement?

WITNESS: I do not know. I was ordered by police inspector to question O Ten Ro.

PRESIDENT: Did you accompany Army officers to this cell block to question the defendant?

WITNESS: I do not know whether there were officers or not but there were some Americans.

CHINESE MEMBER: Were these Americans present during the interrogation of the defendant?

WITNESS: No. They were not.

PRESIDENT: No further questions?

PROSECUTION: If the Commission please, there is some question on that last interpretation.

INTERPRETER: Strike out the last answer. They were not present in the room but I do not know where they were.

PRESIDENT: Any further questions? The witness is excused.

WHEREUPON

ITARO YAMASAWA

a witness called by and on behalf of the prosecution was duly sworn and, being examined, testified as follows:

P DIRECT EXAMINATION

Questions by Prosecution:

Q State your name to the Commission?

A Itaro Yamasawa.

Q What is your address in Tokyo?

A My address is Kawasaki Shi, Shimonobe 1763.

Q Where were you living on the 19th of July, 1946?

A At Ebara.

Q What was your address there?

A My address was Ebara-Ku, 7 Chome 576. I was living with Daizaburo Hirota prior to the 19th July, 1946.

Q Were any Formosans living in that house?

A There were three.

Q What were their names?

A Hagino, Nagano, Kumata and Ono.

Q Do you know how long Hagino had lived at that address prior to the 19th July, 1946?

A I do not know. Daizaburo Hirota knows about it.

Q How long do you know? How long prior to 19th July, 1946?

A About four months.

Q Had Hagino lived there during those four months?

A Yes.

Q What is Hagino's first name?

A I knew him as Hagino. I did not know his first name.

Q Did you know him by any other name?

A No.

Q Do you know what happened to him on the 19th of July, 1946?

A I do not know.

Q What did Hagino do? What kind of business was he in?

A I heard that he was selling outtle fish and soap.

- Q Did he tell you that himself?
A He himself told me that he was selling cuttle fish and I also heard from other people.
- Q Did you see any soap in his room?
A Yes.
- Q By soap do you mean one or two bars of soap or a lot of soap?
A I saw many on the porch.
- Q If you would see this Hagino would you recognize him?
A Yes.
- Q I ask you to put on your glasses and look over the group of people in this court room and point out Hagino. If necessary to see better you may leave the stand and walk among the people.

Tell him he may walk down the aisle among them if necessary.

(Witness identifies a defendant as Hagino.)

PROSECUTION: I ask the Court to direct the defendant to rise and to ask the defense to give his name and number to the court.

PRESIDENT: Will the defense have the person pointed out identified.

DEFENSE: The person pointed out is No. 38, Wei Kin Lin.

PROSECUTION: Japanese name? That is all.

PRESIDENT: Cross-examination by the defense?

CROSS-EXAMINATION

Questions by Defense:

- Q Before you came to Court this morning to testify, were you interrogated by the Japanese police?
A No. I was not.
- Q How did you happen to come to court this morning to testify?
A Yesterday, Police Inspector Uedo came to Shimbashi and asked me to be a witness in this case.
- Q How long were you living at the address at which the person you identified also lived. I will rephrase that question. When did you first move to that address?
A I lived together with Hagino for about two and a half months.
- Q Were you very friendly with him?
A No. Not very friendly.
- Q Did you ever buy any fish from him?
A No. I did not buy any cuttlefish from him.

Q Did you ever buy any soap from him?

A I did not buy from Hagao. I bought from Hagino's friend.

Q Did Hagino's friend live in the same place?

A Yes.

Q And was that soap you saw on the porch of that place?

A Yes.

Q Was that pure soap or was it substitute soap which is not controlled or rationed and called in Japanese, I believe, sensei sekken?

PROSECUTION: I do not think -

DEFENSE: If it please the Court, I am asking him whether this soap was pure soap or substitute soap and I was trying to explain what I meant by substitute soap.

PROSECUTION: I object again as being immaterial. The defendant is not accused of selling soap. What difference does it make what kind of soap it was.

LAW MEMBER: It makes no difference. That is the reason the ruling is made.

WITNESS: I thought it was an ordinary laundry soap.

DEFENSE: No other questions.

PRESIDENT: Any re-direct? Any questions by the Commission?

Questions by Chinese Member:

Q Were you at any time before Inspector Uedo came to you yesterday questioned with regard to the defendant you have just identified?

A No. I was not.

Q Why was it necessary to consult your notes when giving your own address. Didn't you remember that?

A I could give my present address from memory; but this former address at Ebara was not familiar to me. I knew it was in Ebara but I did not know the Bancho.

PROSECUTION: In view of the last question I would like to ask some questions. One member of the Commission asks questions which might indicate a faulty memory -

PRESIDENT: The Commission is satisfied with the answers he gave as to the need of refreshing his memory.

No further questions by the Commission? The witness is excused.

WHEREUPON

MIKIO MARUYA

a witness called by and on behalf of the prosecution was duly sworn and, being examined, testified as follows:

PRESIDENT: At this time the Commission will adjourn until 13:15 hours.

NOON RECESS

The Commission met, pursuant to the adjournment at 1315 hours, all the personnel of the Commission, prosecution and defense, the accused, interpreters and the reporter were also present.

PRESIDENT: Proceed with the hearing.

PROSECUTION: (To witness) Please take the stand.

DIRECT EXAMINATION

Questions by Prosecution:

Q State your name to the Commission?

A Mikio Maruya.

Q What is your occupation?

A School teacher.

Q What school do you teach?

A Nippon, 3rd Commercial.

Q At the direction of the Headmaster of that school, did you look up some school records of one, O Ten Ro?

A Yes.

Q Referring to these records, what do they show as to the last tuition that O Ten Ro paid the school?

A May of last year.

Q May, 1945?

A Yes.

Q What does it show with reference to his attending that school with reference to the time he last attended?

A The attendance register has been burned in May of last year and I could not locate the record.

Q From these records, can you state whether O Ten Ro is now enrolled in that school?

A

DEFENSE: I think the witness just testified that the records were burned.

PROSECUTION: I think the witness just testified the records were the attendance records that were burned.

DEFENSE: Are you referring to the attendance records now?

PROSECUTION: No. To the school record.

PRESIDENT: I believe your question would lead one to believe that. That is the impression I got.

PROSECUTION: Very well, sir. Strike that.

Q In the records you made a search to find O Ten Ro's school record. What does it say with regard to whether or not O Ten Ro is now enrolled in that school?

A He does not attend school now.

Q When he did not attend school did he attend night school or day school?

A Night school.

Q If a person continues not to pay his tuition and attend regularly is he dropped from the registration of the school?

A There are cases where a person is discharged from a school if he does not pay tuition for one month or is absent for one month.

Q I will ask you if that is in compliance with a school ordinance No. 2.

A Yes.

Q That is all.

PRESIDENT: Any cross-examination?

DEFENSE: No cross-examination.

PRESIDENT: The Commission?

Questions by President:

Q When are graduation exercises held at your school?

A March.

Q Are there any final examinations or a graduation to be held this December?

A No, no. At present, no. But it was held in December during the war.

Q Will any student attending night classes now be able to graduate in December of this year?

A There is no graduation this December but there is a graduation in March of next year.

Q There will be no further question by the Commission and the witness will be excused.

WHEREUPON

JYUN NAGAI

a witness called by and on behalf of the prosecution was duly sworn and, being examined, testified as follows:

DIRECT EXAMINATION

Questions by Prosecution:

Q State your name to the Commission?

A Jyun Nagai.

Q What is your occupation?

A Instructor at the Tokyo Foreign Language School.

Q At our request did you look up the school records of one Han Un Kaku?

A Yes.

Q When was Han Un Kaku a student at your school?

A He was enrolled in school, registered at the school in April of 1944 but his attendance and his record was bad so he was not promoted and that was in April of last year. He was given another chance to attend school but he did not attend.

Q April, 1945?

A Yes.

Q What was the last time Han Un Kaku paid any tuition?

A April 13th of last year.

Q Then you state that Han Un Kaku did not attend your school since April, 1945. Is that correct?

A Yes. He paid tuition but he did not attend school.

Q And you got that information from the official records of the school?

A Yes. I have it here.

Prosecution. That is all.

PRESIDENT: Cross-examination?

CROSS-EXAMINATION

Questions by Defense:

Q Were you the instructor of Han Un Kaku?

A No.

Q Are you the official custodian of the records of the school?

A Yes.

Q Do you prepare these records yourself?

A Yes. The head secretary of the school prepares these records.

Q Do you take attendance at that school personally?

A No. I do not. The instructor in charge of the class does that.

Q You do not know of your personal knowledge whether Han Un Kaku continued to attend school. Is that correct?

A This is an accurate record of the school and I have my faith in these records.

Q But you don't know of your personal knowledge?

PROSECUTION: I object to this line of questioning. Of course he does not know of his own personal knowledge. He is testifying from the official records of the school.

DEFENSE: I will withdraw the question.

Q How often is tuition paid at that school?

A First of April, first of September and first of January.

Q Then when Han Un Kaku paid on April 13th, 1945, he was not required to keep another payment until September, 1945. Is that correct?

A Yes.

Q Did you state that although he was paid up on April 13, 1945, he did not attend from then on? Is that correct?

A Yes.

Q You testified that in April of last year his record had been bad but he was given another chance? What do you mean by that?

A Those who have poor records are given a chance to attend school for another year.

Q Was Han Un Kaku notified that he was given another chance?

A No.

Q Was he notified that he was dropped from the school register?

A No. They are notified through the bulletin.

DEFENSE: No other questions.

PRESIDENT: Re-direct?

REDIRECT EXAMINATION

Questions by Prosecution:

Q One or two questions. What do you mean they are notified by the bulletin?

A The individual is not notified but notification is done through the Bulletin Board in front of the school. The names are put up and there is a statement as to whether or not they are permitted or dropped from the register.

Q Do you know who paid Han Un Kaku's tuition in April, 1945?

A No. I do not.

Q But you do know it was paid?

A Yes.

PROSECUTION: That is all.

PRESIDENT: Any recross?

DEFENSE: No questions.

PRESIDENT: By the Commission? There being none, the witness will be excused.

WHEREUPON

TAMEYOSHI TANAKA

a witness called by and on behalf of the prosecution was duly sworn and, being examined, testified as follows:

DIRECT EXAMINATION

Questions by Prosecution:

- Q State your name to the Commission?
A Tameyoshi Tanaka.
- Q What was your occupation on July 18th, 1946?
A Driver.
- Q For whom were you driving at the time?
A Yamato Transportation Company.
- Q As a driver for said Company did you on the 18th of July, 1946 report at the Showa School?
A Yes.
- Q What time did you report there?
A Two o'clock.
- Q What time did you leave there?
A About 6:40 .
- Q When you left there did you convey passengers?
A There were more than fifty Chinese on the truck.
- Q These people got on your truck. Did you notice whether or not any of them were carrying clubs?
A I did not notice anyone on my truck but I saw four passengers on the vehicle in front holding clubs and one holding a pipe.
- Q Are you acquainted with the Shibashi area in Tokyo?
A Yes. In general.
- Q After you left the Showa School did you go to that area?
A We passed under the overpass at Shibuya and followed the street car tracks.
- Q Did you at that point turn off the street on which you were travelling and enter the area where there are located stalls or small stores?
A No.
- Q Well, you were in the Shibashi area, - while you were there, did a jeep meet a truck you were on?
A No.
- Q Did you drive to the Chinese Mission that evening?
A No. I did not.
- Q Where did you drive?
A I went through Toranomon, then Aoyama, 3 Chome; then passed under the overpass at Shibuya and proceed to a Chinese restaurant about one hundred meters from the overpass. There the occupants got off.

Q And at this Chinese restaurant, after the occupants got off what did you do?

A Then I was told I could go home, so I went home.

Q Do you know what time you were dismissed?

A I believe the time was about 7:20.

Q How far is this Chinese restaurant located from the Saitama railroad station?

A About 100 metres.

PROSECUTION: That is all.

PRESIDENT: Cross-examination?

DEFENSE: May we have a moment to confer?

CROSS-EXAMINATION

Questions by Defense:

Q Are you a Japanese national?

A Yes.

Q Did you state the facts you just testified about to a Japanese Police Investigator?

A Yes. To Uedo, a police inspector.

DEFENSE: No further questions.

PRESIDENT: Redirect?

PROSECUTION: No redirect.

PRESIDENT: Questions by the Commission?

LAW MEMBER: A question.

EXAMINATION BY THE COMMISSION

Q What time were you first notified to go to the Showa School?

A I came back to the Company about two o'clock and I got my truck and went to the Chinese office at the Marunouchi Building and I went to the Showa School about four o'clock.

Q What instructions did you receive at this Chinese office at the Marunouchi Building?

A I was told to wait over there until they contacted me so I waited until four o'clock.

Q What was the name of the organization at this post?

A I do not know the name.

Q Do you know the name or names of persons who engaged the services of the truck?

A No. I do not know.

Q When you left the Showa School where were you told to go to?

- A I was told to go to Shibuya.
- Q Is the road through Shinbashi the usually travelled route from the Showa School to the Shibuya Railroad Station?
- A Yes.
- Q Did any other truck leave the Showa School at the time you did?
- A Two left before me.
- Q How many trucks were at the Showa School?
- A Four trucks.
- Q Was the fourth truck preparing to leave when you left?
- A The fourth truck was empty. The driver was Miyata.
- Q The driver was Miyata. While driving through the Shinbashi area was your truck alone so far as other trucks of the Showa School were concerned?
- A When I was passing through Shinbashi I was following two trucks which were ahead of me.
- Q Did these other trucks ever stop in front of you?
- A No.
- Q Were you following these two trucks for any purpose?
- A I was told by the person who was standing on the running board to follow these other two trucks but I had motor trouble and I lost track of the other two.
- Q Then the person who was riding with you and giving you driving instructions did not know the destination of the two trucks ahead, did he?
- A Yes. That is right.
- Q When did you get orders for the first time to go to this Chinese restaurant?
- A After we passed the underpass at Shibuya I was told to stop when I was passing in front of the Chinese restaurant. I did not receive any instructions to go there before that.
- Q Had you, up until that time, been following the two other trucks?
- A When we left the school I was following these two trucks but since I had motor trouble I lost track of them when we reached Toranomon.
- Q When the passengers boarded your truck at the Showa School where were they talking about?
- A They were not talking among themselves.
- Q Was anything said about going to the Chinese Mission?
- A No.
- Q Were the passengers excited in any way when they boarded your truck?
- A They were making some noise.

Q Was it noisy conversation or what was it?
A It was a sort of a confusion, what one makes when he is drunk.

Q Do you mean that comparison to indicate excitement or do you have some other definition?

A At that time I thought it was just an ordinary confusion.

Q While driving your truck on this assignment, did you hear any shooting at any time?

A No.

Q Before you arrived at Toranomon street intersection, did you not hear some shooting to your left rear that resembled machine gun firing?

A I did not.

Q Yet occupants of a vehicle immediately in front of the two trucks you were following testified as to some shooting when crossing Toranomon intersection which came from the left rear. Are you sure you did not hear this?

A Yes. I am positive I did not hear.

Q If the shooting took place at that time and you did not hear, what was the noise or other reason for failing to hear it.

A He says the motor was not running smoothly. The motor was noisy and I could not hear the shooting.

Q Was your motor backfiring by any chance?

A Yes. The motor was missing and it was making - there were some explosions and I could not hear anything outside.

Q Did the motor explosions resemble that sound produced by pistol shots?

A No.

PRESIDENT: Any other question by the Commission?

Questions continued by the Commission:

Q Do you know where the occupants of your truck went after they got off at the Chinese restaurant in Shibuya?

A They all scattered.

Q Did you notice any policeman or any group of policemen when you drove to the station at Shibuya?

A No.

Q In going to that place where you stopped did you pass the Shibuya Police Station?

A No.

Q Did you pass in front of the Shibuya Railroad Station?

A After going down the hill from Aoyama - the restaurant is located on a little to the right after passing the underpass.

Q That is not responsive to the question. The question is, did he pass in front of the Shibuya Railroad Station?

A No. I did not pass in front of the Railroad Station. I followed the street car tracks which pass on the side of the Railroad Station. The front of the Railroad Station is to the left of the street car tracks.

Q Did you pass immediately past the Shibuya railroad station at any time?

A Yes.

Q Did you see an American armored vehicle there at that time?

A No.

Q Did you see any large group of policemen assembled there?

A No.

Q Did you go past the Shibuya police station in returning back to your Company?

A No.

PRESIDENT: Any other questions?

Questions continued by the Commission:

Q When you discharged your passengers at the Chinese restaurant was it daylight or dark?

A It was a little after 7:00 so it was dark. The electric lights were on.

PRESIDENT: Any further questions? There appearing to be none the witness is excused.

WHEREUPON

ICHIRO TAKAHASHI

a witness called by and on behalf of the prosecution was duly sworn and, being examined, testified as follows:

DIRECT EXAMINATION

Questions by the Prosecution:

Q State your name to the court?

A Ichiro Takahashi.

Q What is your occupation?

A Assistant to the truck driver.

Q By what company are you employed?

A Yamato Transportation Company.

Q Were you so employed on the 19th July, 1946?

A Yes.

Q On that date, as assistant driver, did you report at the Showa School in Tokyo?

A Do you mean the Showa School at Yaesu entrance?

Q Yes.

A Yes

Q Who was the regular driver of the vehicle on which you were assistant at that time?

A Tameyoshi Tawara.

- Q Is he the person who testified just before you took the stand?
- A Yes.
- Q After leaving the Company on the 19th, where did you report?
- A After leaving the office I went to the office at the Marunouchi Building, the Chinese Charity Association office.
- Q What time did your truck arrive there?
- A I do not know the time.
- Q Where did you next go?
- A To the Showa School.
- Q Do you know what time you arrived there?
- A I do not know the time.
- Q Did you carry any passengers from the Marunouchi Building to the Showa School?
- A No. I followed the sedan.
- Q Is that sedan you followed one of your Company's sedans or another vehicle?
- A I believe that belonged to some Company.
- Q How long did you wait at the Showa School before you left there?
- A About two hours.
- Q During that time did you go into the School Building or not?
- A No.
- Q When the truck on which you were an assistant left the Showa School did it have any passengers on it?
- A Yes.
- Q Were there other trucks also leaving at that time on which were riding passengers?
- A Yes.
- Q Did you notice whether or not any of the passengers on your truck, or any of the trucks, were carrying clubs or bars or pipes?
- A Yes.
- Q What did you say?
- A I saw some passengers on my truck with sticks.
- Q When you left the Showa School where did your truck go?
- A We passed under the Sukiya Eashi and went to Teranomon.
- Q As you left the Showa School, did you notice how many trucks were ahead of you?
- A It was a little dark when we left and I could not tell.

Q When you left the Showa School did your driver with you receive any orders as to where you should go?

A I heard that we were to go to Shibuya.

Q Did you follow the trucks which were ahead of you.

A Yes.

Q How far did you follow them?

A We followed them until Toranomon.

Q Why didn't you follow them further?

A We lost them.

Q Did you see them again that evening?

A No.

Q After you passed Toranomon where did your truck go?

A We passed there, Tanokike, Hoppongi, Aoyama and Shibuya.

Q Where did you stop?

A In front of a Chinese restaurant at Shibuya and the passengers got off.

Q Did you then return to the Company?

A Yes.

PROSECUTION: That is all.

PRESIDENT: Cross-examination?

CROSS-EXAMINATION

Questions by Defense:

Q When these passengers boarded your truck at Showa Primary School, how many of the persons on your truck were carrying sticks?

A I don't know how many but there were many persons who had sticks.

Q Were they little sticks or big sticks?

A There were some holding large sticks and others with small ones.

Q Where were you at that time?

A In the assistant's seat.

Q That is in the cab of the truck. Is that correct?

A Yes.

Q How long had you been sitting there before these persons got on your truck?

A I was sitting in front of the cabaret on a pile of dirt, then I went into the cab.

Q How long after these persons got on your truck was it before

- your truck and the other trucks begin to move away?
- A We left as soon as they got on the truck.
- Q At that time it was a little after dark and you could not tell how many trucks were in front of you, but you knew the people back of you were carrying sticks. Is that correct?
- A Yes, because they were near me.
- Q How far away were the trucks?
- A About twenty or thirty metres away.
- Q After you stopped at the Chinese restaurant and all the passengers got off, did they all take their sticks with them.
- A Yes.
- Q You are sure of that?
- A Yes.
- Q Did you look in the back of the truck to see if there were any sticks left?
- A There were none on the truck.
- Q Did you go out and examine the back of the truck at that time?
- A No.
- Q When these persons got on your truck at the Showa Primary School, did you ask anyone what the sticks were for?
- A There was another driver from the Suzuki Transportation Company and he told me there might be a sort of a riot.
- Q When you drove these passengers from the Showa School to the Chinese restaurant did any riot occur?
- A No.

DEPRESS: That is all, sir.

PRESIDENT: Redirect?

REDIRECT EXAMINATION

Questions by the Prosecution:

- Q When you left the Showa School, did you know where your truck was going?
- A I heard that we were going to Shibuya.
- Q When did you hear that you were going to Shibuya?
- A I heard this from a passenger who was riding in the cab. I heard this when he got into the cab.
- Q Had you also been told to follow the other trucks?
- A Yes.
- Q What do you mean by Shibuya area, police station or railroad station?
- A Shibuya. We finally ended up at the Chinese restaurant in Shibuya but when we left the school we did not know what part of Shibuya we were going to. We were told to follow the other trucks to Shibuya.

Q Did you converse with this passenger in the cab?
A Just a little.

Q Was anything said about going to the Chinese Mission?
A No. He did not.

Q Was there anything said about making an appeal to someone?
A No. He did not. When he got on the truck he told me to get down from the truck but I told him I was an employee of the Company and I stayed on the truck.

Q That answer is not responsive to the question. However, I will ask what did he talk about with this passenger, when riding in the truck.
A He did not speak in Japanese so I could not understand him.

PRESIDENT: Any other questions?

Questions by the Commission:

Q After you lost track of the two trucks which you were following at Toranomon did any occupant of your truck give you instructions as to what roads to follow to get over to Shibuya?
A No. He did not.

PRESIDENT: There appearing to be no further questions, at this time the Commission will take a ten minute recess.

(Whereupon the Court took a short recess.)

PROSECUTION: The personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter are now present. The prosecution now calls its next witness.

WHEREUPON

HOBORO ISHII

a witness called by and on behalf of the prosecution was duly sworn and, being examined, testified as follows:

DIRECT EXAMINATION

Questions by the Prosecution:

Q State your name please?
A Hoboro Ishii.

Q What is your occupation?
A Driver.

Q For whom do you drive?
A Nihonbashi Transportation Company.

Q Were you driving for them on the 19th July, 1946?
A Yes.

Q What time of the day did you report there?
A About two o'clock.

- Q Do you know to whom you reported there?
A I do not know the name but on the second floor there was a fat man to whom I reported.
- Q What did he tell you?
A When I told him I came from the Suzuki Transportation Company he said, "Wait a minute until I call up" and when he called up he told me to wait outside.
- Q How long did you wait before you left there?
A About four or five hours.
- Q During the time you were waiting, what were you doing?
A I was wandering in front of the truck near the dirt pile.
- Q From where you were during that interval could you see the entrance of the school?
A Yes.
- Q Did you see people coming in and out of that school house during that interval?
A Yes.
- Q Did you notice whether any of them had any clubs?
A Yes.
- Q Did they have any clubs?
A Not everyone had a club but there were some that had clubs.
- Q Just prior to the time when you left the school, how many trucks were parked near your truck?
A There were two trucks where my truck was parked on the main street. There were many trucks that were parked.
- Q Did any of the people from this school board your truck?
A Yes.
- Q About how many?
A I believe about sixty.
- Q Did any of the people who boarded your truck have clubs?
A Yes.
- Q About how many did you notice having clubs?
A I cannot say accurately?
- Q Can you give us an estimate?
A About sixty of them got on the truck and the majority of them had clubs.
- Q Tell us what you mean by clubs?
A There were many weapons. It seems as if they picked up these things here and there.
- Q When you were ready to leave the Showa School did you receive any orders as to where you should go?

A I was told to go to Shinbashi.

Q And did you go to Shinbashi?

A Yes.

Q How many trucks were with your truck as you entered the Shinbashi area?

A I think there were about six or seven when we went towards Shinbashi.

Q Do you know where the black market area in Shinbashi is located?

A Yes. In general.

Q Were you near that area as you passed through Shinbashi?

A When I went through Shinbashi I followed the street car tracks.

Q As you were in Shinbashi did you notice the behavior or attitude of the people on your truck?

A They were creating some confusion.

Q Did you stop your truck any place in the Shinbashi area?

A Yes. At several places.

Q What happened when you stopped your truck?

A They were just creating confusion on the truck and they did not get down from the truck when I stopped.

Q What do you mean by confusion?

A It seems as if they were about ready to fight.

Q Did your truck leave the main road and go into any of the side streets of the Shinbashi black market area?

A I went into the entrance of the market.

Q What happened there?

A When I went into the side street another truck with some passengers came and there was a conversation to the effect that they were shot at and I was ordered to go out and back up to the main road. Then we proceeded toward the Embassy.

Q As you proceeded toward the Embassy, how many trucks were with your truck?

A There were two trucks in all. One besides mine.

Q After you left Shinbashi, did you receive any orders as to where to drive?

A I was told to go to the Embassy but I did not know where this Embassy was located and I went to Roppongi and turned left to the School.

Q When were you first told to go to the Embassy?

A He did not give any such orders specifically to go to the Embassy. However, none of the occupants of the truck knew the road and we lost track of the truck in front of us so we wandered here and there. When we went into Roppongi I thought the School was the Embassy and went there. However, a jeep came along and told us this was not the Embassy and told me to follow him.

- Q Did you follow this jeep?
A Yes.
- Q Where did it take you?
A To the Embassy behind the home of Prince Arisagawa.
- Q What Embassy do you mean?
A The Chinese Embassy.
- Q When that evening did you first know you were going to drive to the Chinese Embassy or Chinese Mission?
A I learned of this when we went to the School after turning left at Roppongi.
- Q Apparently - how far is it from Roppongi intersection to the Chinese Mission?
A About two kilometres.
- Q Do you know where the American Embassy is located?
A I cannot say where but I know where it is.
- Q Do you know where Toranomon is located?
A Yes.
- Q Is this Roppongi intersection the first main intersection on the road that leads from Toranomon intersection past the American Embassy and continuing in the same general direction?
A After turning left at the Yamanote intersection and going up the hill, the intersection that you came to is the Roppongi intersection.
- Q And it was there that you first knew you were going to the Chinese Mission.
A Yes.
- Q After you arrived at the Chinese Mission what did you do?
A I stopped the truck and waited.
- Q What did the people who were on your truck do?
A They all went down from the truck and into the building.
- Q Approximately how long were you at the Embassy before you left it?
A I do not know exactly but I waited for about an hour.
- Q Did you notice when the people first came out of the auditorium?
A Yes.
- Q Did they get on the trucks immediately?
A Yes.
- Q Who got on your truck?
A I do not know who got on the truck.
- Q As they started getting on your truck, did you know in what direction you were going to drive?
A Some persons who seemed to be officials were designating the direction of the trucks and I heard one of them say that this truck is going toward Yokohama so I knew for the first time that I was going in that direction.

- Q Approximately how many persons got on your truck?
A About thirty or forty.
- Q Did your truck leave before the others or after the other trucks?
A I left after. One or two trucks had left.
- Q Were there any other trucks with your truck when you drove out of the Chinese Mission?
A Yes.
- Q What other vehicles were with you?
A We left together and went over that way and then we separated.
- Q What do you mean by "we"? How many vehicles?
A I don't know.
- Q When you drove your truck from the Chinese Mission in that direction you had been indicating was there any other vehicle with your truck either ahead or immediately behind?
A When we left the Chinese Mission there was one truck in front of mine.
- Q What kind of a truck?
A It was just an ordinary truck.
- Q Was there two trucks then? Did you have a jeep with you?
A After we went out of the Chinese Mission the jeep followed. And it led the way.
- Q So, as you left the Mission area, your group consisted of a jeep and your truck and another truck. Is that correct?
A Yes.
- Q How far did the jeep accompany your truck?
A Up to Furukawa and Azabu.
- Q What happened there?
A The occupant of the jeep said, "Are you alright?" and said "Be careful". Then we separated.
- Q By "separated" do you mean that the jeep left the trucks or what do you mean?
A The jeep then proceeded toward Shibuya. The other truck had already turned before we reached the Furukawa bridge. I proceeded toward Shinjawa.
- Q Do you know where the other truck went?
A I do not know where but I overheard someone in the jeep say it had gone toward Shibuya.
- Q So when the jeep left your truck at the Furukawa bridge it proceeded alone in whatever direction it was going?
A Yes.
- Q How far is this Furukawa bridge from the Chinese Mission?
A About two kilometres.

- Q As you proceeded after the jeep left you, approximately how many stops did you make?
- A About four or five times.
- Q Did you notice any clubs on your truck as you were taking these people to various destinations?
- A I was driving so I did not know.
- Q At the places where you stopped to let people off did you notice any clubs?
- A Yes.
- Q What did you notice?
- A After they went down from the truck I saw them holding some iron rods and when they went towards this station I saw them throw these rods away.
- Q Did you notice anything else?
- A No.
- Q After you had delivered your last passenger did you find any clubs left in the truck?
- A When I left the last passenger off I saw him gather the clubs and take them with him to his home. The next morning I saw some clubs on the truck. I threw these in the river.
- Q That is all.

PRESIDENT: Cross Examination?

CROSS-EXAMINATION

Questions by the Defense:

- Q Are you a Japanese national?
- A Yes.
- Q On July 10th was the Company that you were working for a Japanese Company?
- A Yes.
- Q When you were told to report to the Shaw School did you park your truck on the sidestreet next the School?
- A I stopped once on the main highway, then when I reported I was told to wait in front of the school so I went in the side street right in front of the school.
- Q When you went into the school you went upstairs to the second floor then. Is that correct?
- A Yes.
- Q Did you have any trouble getting into the building at that time?
- A No.
- Q After you came out and waited in your truck you saw people going into the school. Is that correct?
- A Yes.
- Q Did you see any of these persons carrying clubs with them at that time when they went into the school?

A Not at that time.

Q You only saw people coming out of the school with clubs?

A A few hours later, about an hour before we left, I saw some wandering around with clubs.

Q When some persons climbed on your truck at Showa school did you ask anybody what the clubs were for?

A No. I did not.

Q Did you know what the clubs were for?

A No.

Q But approximately 60 people climbed on your truck and a majority of them had clubs. Is that correct?

A Yes.

Q And as you began to drive these people were creating a confusion on your truck. Is that correct?

A Yes.

Q And you drove these persons into a black market area. Is that correct?

A I did not drop them off at the black market area but at the post near there.

PROSECUTION: If it please the court, my recollection of the testimony is that the confusion occurred not when they got on at the school but when they were in the black market area in Shibashi; but I think the Court will recall it as well as any of us.

DEFENSE:

Q Are you well acquainted with the black market area of Shibashi?

A No.

Q But you are sure you were in the black market area when you went through that night. Is that right?

A Yes.

Q And you knew you were at the entrance of the black market area when you met another truck. Is that right?

A There were several trucks together but I turned and went towards Formosa. There I turned my vehicle and turned back and we were near the black market area when I met another truck and the occupants of the truck said there was some sort of trouble so I turned my vehicle and went out.

Q After you learned that another truck with passengers got into trouble and after you saw your passengers with clubs did you make any objection to driving them around?

A No. I did not.

Q After you left the Chinese Mission that night, did you drive to Yokohama or Shinagawa?

A I went to Shinagawa.

Q When did you - When you were at the Chinese Mission and people were getting on your truck, did you hear anybody say they wanted to go to Shinagawa when they climbed on your truck?

- A I did not hear anybody say that we were going towards Shinagawa but I heard them say we were going towards Yokohama.
- Q But as a matter of fact you only went as far as Shinagawa?
A I went a little further.
- Q On your way from the Chinese Mission to Shinagawa or a little further?
A Yes.
- Q Did you have any trouble on the way?
A No.
- Q At that time was it light or was it dark?
A It was dark.
- Q At the various stops you made at that time did some of your passengers get off?
A I dropped them off at Shinagawa, Onarimon, Ooi, Onori and Kamata railroad stations.
- Q And at that time though it was dark you could see the passengers get off with sticks. Is that correct?
A Yes. I had my lights on and I saw them when they passed in front of the vehicle.
- Q When you found the clubs in your truck the next morning did you report that to the Japanese police?
A No.
- Q Did you ever report any of the facts on your trip to the Japanese police?
A No.
- Q Were you ever investigated about this incident by the Japanese police?
A No.
- Q Were you ever questioned by any Japanese policeman about this incident?
A I was once called to the Metropolitan Police Board and was asked about the route I took that night.
- Q Did you tell the Japanese police that night about the clubs you saw?
A No.
- Q Do you still work as a driver for that same Japanese Company?
A Yes.
- Q At the time you came to the Metropolitan Police Station and was questioned about this incident you did not tell them anything about the clubs. You just came in today and told us about them. Is that correct?
A At the time I was called to the Metropolitan Police Station I believe I did not say anything about the clubs.

DEFENSE: No further questions.

PRESIDENT: Redirect?

By the Commission?

QUESTIONS BY THE COMMISSION

Q How many trucks were driving in front of you when you left? When you left the Shewa School for the Chinese Mission?

A I do not know how many trucks were in front of me, as we passed each other on the way as we overtook each other on the way.

Q Were you following any truck driving in front of you that was driven from the school.

A Yes.

Q I believe you testified you lost track of the truck in front of you somewhere. Is that correct?

A The trucks did not travel in an orderly fashion and we overtook each other so I do not know.

Q How did you know to what place you were going seeing you did not follow the truck ahead of you and you were not told where to go until you reached a certain place? Where is that place? Roppongi?

A I knew that our first destination was Shinbashi and after we left Shinbashi I did not know where to go but the person sitting beside me said Roppongi so I drove them to Roppongi and turned left to the school.

Q You were asked during direct examination by the Prosecutor whether you noticed any clubs on your truck, referring to the time you were driving to your destination, Yokohama or Shinagawa, and you said you did not know because you were driving. When they got off the truck you noticed them carrying some iron rods. Is that correct?

A Yes.

Q How many iron rods approximately did you see?

A When I reached Mori Railway Station and dropped off some passengers I saw about two of them pass in front of the truck and I saw the rods were on the side of the road.

Q So you mean you saw two iron rods carried by the passengers on your truck?

A Yes.

Q You also testified that when you left the last passenger off your truck you saw him gather clubs? Do you mean he was gathering some other clubs or are you referring to the iron rods?

A I cannot say that these were wooden sticks or iron clubs but I believe it was a mixture of both.

Q Wooden sticks?

A There were about five or six iron rods which resembled these iron rods taken from a window frame.

Q What did you think - What did you do with these iron rods?

A The next morning when I was ready to take my truck out I saw these rods so I threw them in the river.

Q So you burned the wooden sticks that you found on your truck and there you threw the iron rods in the river?

A Yes.

PROSECUTION: "ven" was the answer he first made. Apparently the words are very similar. He said "oven" first and then "river".

CHINESE MEMBER: What you mean is that you threw away the iron rods instead of the sticks?

WITNESS: Yes.

QUESTIONS BY THE COMMISSION

Q Did your truck meet the jeep or did it overhual you prior to going to the Chinese Mission?

A The jeep came from the opposite direction.

Q Where did you meet this jeep?

A In front of the school.

Q Did you talk to any passenger on the jeep?

A No. I did not but the passenger on my truck spoke to the occupant of the jeep.

Q Did you see who the passengers were in the jeep?

A No.

Q How many passengers were in the jeep?

A About four or five passengers.

Q Was one of these passengers dressed like an Army officer?

A I did not notice.

Q When you arrived at the Chinese Mission were there any other trucks there?

A Yes.

Q How many?

A I did not know how many.

Q Were there more than two?

A Yes.

Q Were there as many as four?

A I thought there were about three or four but I do not recall exactly how many there were.

Q Was your truck the last to arrive at the Mission that evening?

A I believe that there was another one behind me.

Q It came with you or came later?

A I believe that this truck followed me from Shinbashi.

Q What did the jeep do after it arrived at the Chinese Mission?

A There were about three or four jeeps at the Mission. I do not know what happened.

Q Did your jeep park in front of the Chinese Mission entrance?

- A It stopped on the right side, inside of the gate.
- Q At that time did you notice a jeep park in front of the porch of the Chinese Mission?
- A Not directly in front of the porch but on the right a little way from the porch.
- Q Did you pass the American Embassy on your way to the Chinese Mission?
- A No.
- Q Do you know whether this CID detachment is in the Shinbashi area? CID it is.
- A I do not know.
- Q Any other questions? There being no further questions, the witness is excused.

Off the record.

(Off the record discussion.)

PRESIDENT: At this time the Commission will adjourn and meet at 0900.

The Commission then, at 1630 on 2nd December, 1946, adjourned to meet at 0900 on 3rd December, 1946.



RICHARD N. ELLIOTT
Chief Prosecutor.

Metropolitan Police Station
Tokyo, Japan,
3rd December, 1946.

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

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

PROSECUTION: The prosecution calls the first witness, Hideo Saito.

WHEREUPON

HIDEO SAITO

a witness called by and on behalf of the prosecution was duly sworn and, being examined, testified as follows:

DIRECT EXAMINATION

Questions by the Prosecution:

Q State your name to the Commission?

A Hideo Saito.

Q Are you the principal of the Showa School?

A Yes.

Q And you were so serving on the 19th July, 1946?

A Yes.

Q Were you present at the School on the afternoon of July 19, 1946?

A I came back to the School about 4:30 and was present at that time.

Q Did you observe anything unusual taking place in the School grounds at that time?

A Yes.

Q What did you see?

A I saw a large gathering of Chinese in the School yard.

Q Could you estimate approximately how many were present?

A I cannot give you an accurate figure but from the way they were scattered in the School yard it seems as if there were about 400 or 500 persons.

Q Was there anything aside from the large number present that attracted your attention?

A Since the people that were gathered there held wooden sticks and some iron rods I thought that something might happen and I was worried.

Q About what percentage of the group present held wooden sticks or iron clubs?

A I could not give you any figures but from what I saw almost everyone had sticks or rods.

Q Did you learn why these men were gathered at the school?

A I did not know the purpose of this gathering but I saw many officials go in and out of my office so I asked one of them.

Q Do you recall his name?

A I believe one of them was an official secretary, Che, and the other Chief of the General Affairs Section, So.

Q Did you learn from them the purpose of this gathering?

A I learned from them that this gathering was for the purpose of making an appeal to the Metropolitan Police Board and the President of the Association and the members of the Chinese Mission were trying to quiet this mob.

Q Were any speeches made?

A Yes.

Q Who spoke?

A The President of the Federation of Chinese Associations, Chin, and another member from the Chinese Mission.

Q Do you know what the speeches were concerned with?

A I did not know what the speech was about but before that I heard that it was to quiet this mob down.

Q Are you the custodian of the Showa property?

A Yes.

Q Was anything missing belonging to the Showa School after this meeting had broken up?

A Yes.

Q What was missing?

A The staffs used by the Yuesu Boy Scouts and also sticks used in exercises were missing.

Q About how many Boy Scout sticks were missing?

A There were about forty staffs and all of them were missing.

Q About how many calisthenic bars were missing?

A About twenty.

Q Were any tent poles in the hands of the crowd in the Showa school or -

DEFENSE: I think in view of the fact that this witness is principal of the school he should not be led too much.

PROSECUTION: I withdraw the question.

Q Was anything other than Boy Scout sticks and calisthenics bars in evidence in the crowd in the school yard?

A Yes. There were.

Q What else was in evidence?

A Tent poles which belonged to the school.

Q Were any of the tent poles recovered before the crowd broke up?
 A Yes. Because these tent poles we could not replace and I asked one of the women teachers and the secretary to the President of the Association and other officials to have these tent poles returned. About seven or eight tent poles were returned and I believe that was all that was taken away.

Q Does the Shewa school have a gymnasium?
 A There is a gymnasium which is also used as an auditorium.

Q Was there any destruction of school property in the gymnasium?
 A There were about ten long poles that were suspended from the ceiling that we used for exercises and there were reports from the janitor that one of these poles was cut with a saw.

Q Where in the Shewa school were the Boy Scout staffs, the calisthenics clubs and the tent poles kept?
 A They were placed against a wall under the stairs near the porch.

Q Where is that relative to the main entrance?
 A It is to the left as you enter the main entrance.

Q Is the main entrance the one which is adjacent to the auditorium?
 A Yes. There is no such thing as a main entrance to the school. The porch is considered the main entrance.

Q Did anything take place after the speeches were completed?
 A I could not say that anything was unusual after that.

Q Was anything passed to the crowd after the speaking?
 A I saw the crowd eating boiled sweet potatoes after the speeches. I did not see this but some of my teachers told me that there were some in the group who refused to comply with the request by the President of the Association and members of the Chinese Mission.

DEFENSE: If the Court please, I do not know how important it is. I think that ought to be stricken as hearsay. The record ought not to be filled up with that kind of evidence.

PROSECUTION: If the Commission please, - if the Commission thinks it has any probative value it is up to the Commission to accept it for what it is worth.

LAW MEMBER: The Commission does think it has certain probative value and for that reason the objection is overruled.

PROSECUTION:

Q What time did you leave the school?
 A I asked one of the officials and he answered that they would dissolve the gathering peacefully so I went home about 6:30.

Q Do you know of your own knowledge what the agreement was relative to the use of the Showa school?

A Yes. I am very familiar with this.

Q What was that agreement?

A About the middle of March the President of the Federation of Chinese Associations asked the municipal official to use the Showa School as a Chinese school. However, he was referred to the head of the Kyobashi Ku as this primary school was under this Kyobashi Ku.

It is stated that if the school was to be used just temporarily he can allow them to fulfill their request. However, if the school were to be used for a long time they had to see the municipal chief, the head of the municipal government.

DEFENSE: This appears to be all hearsay and is objected to for that reason. I do not know how close this is to the purposes of the prosecution. This line of evidence makes mighty hard reading when you come to the record.

PRESIDENT: The witness said he had definite knowledge of this agreement.

DEFENSE: Everything seems to come to him by statements made by persons to the agreement.

PRESIDENT: Objection is overruled.

WITNESS: In this manner, when they went to the municipal office they were referred to the Ku office and when they went to the Ku office they were referred to the municipal office. Thus the Federation was disgusted with the officials and they took over the school.

At present, beside the Federation of Chinese Associations there is a Chinese school at this Showa school and official permission was given by the municipal government for the use of this school temporarily on May 20th of this year.

Q Was any authority contained in the agreement for the use of Showa school building and property for any purposes other than the purposes of operating the school?

A I believe not.

Q Is the Showa school building and property used for other purposes besides operating a school?

DEFENSE: If the court please, the defense must object to that question. It seems to the defense entirely irrelevant and is objectionable on that ground. We do not know what might be in the mind of the prosecution? It seems awfully far afield to the defense. We do not know what difference it can possibly make what use it is usually made for.

LAW MEMBER: Objection is overruled.

WITNESS: The Federation of Chinese Associations are using six class rooms. The Federation of Chinese Associations does not have permission from the municipal government to use the school. However, the Chinese school has this permission.

Q After the meeting was over did you discover any broken or destroyed furniture in the Showa school building?

A No. I did not see.

Q There seems to be some difficulty for translation.

PRESIDENT: The parties will confer and arrive at accurate translation. Are any corrections to be made in the record?

PROSECUTION: No sir.

Q Were there any broken chairs?

A There were lots of broken chairs before the meeting.

Q I ask you to step to this table and examine some of these Prosecution exhibits in evidence.

(Witness steps down and examines exhibits.)

Q Are there any things among these exhibits you have examined that are of the type of property missing from the Showa school?

A Yes. There are.

Q Will you pick them up and identify them?

A This is a tent pole. I thought they returned all the tent poles but there must have been some missing. This is the Boy Scout staff.

Q On the Boy Scout staff is there any particular markings?

A There is one with the Yaesu Boy Scouts' name written on it. The other has no marking.

Q State if you know whether or not at the Showa school there was a troop of Yaesu Boy Scouts?

A I believe that there was a Boy Scout troop at the school about ten or fifteen years. It was long before I took office. At present there is no troop. These two are used as callisthenics sticks.

Q Are there any markings on these sticks which would indicate to you that they were property belonging to the Showa school?

A There is a burned inscription on the stick. There were a lot of chairs in very poor condition. They could easily have taken these from a chair. I believe that there were no chairs that were broken at that time. I do not know anything about the other weapons.

PROSECUTION: No further questions.

PRESIDENT: Cross-examination by the defence?

CROSS-EXAMINATION

Questions by the defence:

Q When you returned to the Showa school on the afternoon of July 19th about 4:30 where did you go?

A I went to the teachers' room.

- Q On what floor of the school is the teachers' room?
A On the first floor.
- Q Did you remain in the teachers' room the rest of that evening until you left at 6:30?
A Yes.
- Q And from the teachers' room did you have a good view of the courtyard where the meeting was going on?
A The stage on which the speakers were making their speeches was right next to the teachers' room.
- Q During the time you were in the teachers' room you watched what was going on in the courtyard. Is that correct?
A Yes.
- Q And did your attention was directed to the meeting. You did nothing else?
A I was watching the actions of the crowd and I was worried because they might damage some school property.
- Q Did you have anything else to do with the school at that time?
A No. I did not have.
- Q You came back to the school at 6:30 and stayed there until 6:30 with nothing else to do. Is that correct?
A I did nothing in the other room and was continuously watching the conduct of the crowd.
- Q And at that time you were worried that they might destroy some of your property in the school. Is that correct?
A Yes. And also the officials were going in and out of the instructors' room and since I knew them well I continuously asked them what was going on.
- Q Did you at any time that afternoon report what was going on to the Japanese police?
A No. I did not.
- Q You did not report to them that you were worried about them destroying any of the furniture or property of the school. Is that correct?
A No. I did not. When I returned to the school at 6:30 the sticks belonging to the school had already been taken away.
- Q What do you mean by taken away? Where had they been taken?
A They held the sticks in their hands.
- Q Did the people with the sticks still stay in the school building? Is that correct?
A They were out in the school yard.
- Q You testified previously that since the people held wooden sticks and iron rods you were worried but you did not report anything to the Japanese police. Is that correct?
A Yes.
- Q What were the people in the courtyard doing with the sticks at that time?
A They were not doing anything. They were standing and smoking.

- Q Were the people in the courtyard at that time making a lot of noise?
- A No. I believe not.
- Q Did you listen to the speeches that went on during that meeting?
- A I listened to the speech but I could not understand the language that the speech was given in.
- Q So you do not know what they were talking about at all. Is that right?
- A I did not know what was said at the speech. However, the officials were going in and out of the room and I asked them what was going on and they explained to me.
- Q What officials are you talking about now?
- A Such officials as the secretary to the President of the Federation of Chinese Associations and head of the General Affairs Section and other officials of the Charity Service Association.
- Q Are they teachers in that school?
- A No. They are not but I see them very often and am on friendly terms with them. I always speak to them.
- Q And you always let them come in and out of the teachers' room. Is that correct?
- A Since I wanted to be on good terms with the Chinese and not only that, I was rather friendly with them, I allowed them to go in and out freely.
- Q This big meeting of Chinese was going on in the court yard and representatives of the Chinese Mission were talking to them - during this time the officials were in having a friendly conversation with you. Is that correct?
- A We did not hold any long conversation. During the speech these officials were going in and out of the instructors' room and I just asked them what was going on and they explained to me.
- Q Did you see any of the members of that crowd with anything besides Boy Scout sticks? What else did they have?
- A Yes. I did.
- Q Exercise sticks and tent poles? What else did they have?
- A I saw them holding iron rods such as those on the table.
- Q Iron rods of that type were scattered all over the school court yard. Is that correct?
- A There were none in the school yard.
- Q As custodian of the school property you had Boy Scout sticks exercise sticks and tent poles. Is that correct?
- A Yes.
- Q In other words, these people must have brought the iron rods with them when they came to the school. Is that correct?
- A I believe so.

Q You always kept the school yard clean and no bars thrown around at any time. Are the sticks and tent poles that you had at the school?

A Yes.

Q Now, on the first floor near the main entrance. Is that correct?

A Yes.

Q They were not locked up there? Where they?

A No. They were not kept under lock. They were under the stairs which was connected with the hall. These sticks could be seen from the hall.

Q So that anybody could walk into that building and walk out with the sticks. Is that correct?

A They could, but up to this time none of the sticks were lost.

Q Do you count the sticks every day?

A No. Not every day.

Q You do not know whether some of them may have been missing before July 19th. Is that correct?

A There may have been one or two but I always wanted to keep everything straight so I personally counted them.

Q What were you keeping the Boy Scout sticks for ten or fifteen years after the troop was dissolved?

A The Boy Scout organization was not dissolved 10 or 15 years ago. It was organized at that time and I kept these sticks as equipment from the Boy Scout troop.

Q Was the Yaezu Boy Scouts organization a Japanese organization or a Chinese organization?

A A Japanese organization. I would like to make an explanation about this Boy Scout stick and the other sticks.

LAW MEMBER: Does the defence desire your explanation?

DEFENSE: Yes. Let him explain what he meant.

WITNESS: I noticed that they had the Boy Scout sticks and the other calisthenics sticks with the crowd in the school yard. They seemed to be threatening so I did not ask these sticks be returned. I would like to say further concerning Japanese police -

Q I will ask you some questions about the Japanese police.

PROSECUTION: If the Commission please, if he wishes to qualify his remarks, he has made an answer and if he wants to say why he did not make a report on which the prosecution he was so clearly cross-examined he should be allowed to make his answer.

LAW MEMBER: If the witness wants to explain his answer about not calling the Japanese police I think he should be allowed to do so.

DEFENSE:

Q Do you want to explain your answer why you did not call the Japanese police when the crowd was in the school yard?

A Yes.

Q Go ahead and explain it.

A Since I was friendly with the Chinese officials and the officials of the Formosan Charity Service Association, in case there was any riot I thought that these officials would calm the mob and I thought it was not necessary to notify the police. I thought that by not reporting it would help the goodwill between Japan and China.

Q Did you report the damage or loss of property to the police after July 19th?

A I did not.

Q Did you ever tell the Japanese police that they had destroyed property and taken away property from your school?

A I told the police the next day when they came and asked about this.

Q Did you see any furniture being broken at the school that afternoon?

A No. I did not.

Q Did you see anyone cutting down any poles that afternoon?

A The janitor tried to stop the cutting of poles but could not so he reported this to me the next day.

Q Did you report all that to the police the next day?

A I did not recall saying this. Early the next morning the police from the Kyobashi Police Station came and I told them that such and such sticks were missing and I showed them the tent poles that were returned.

Q Did you show them any of the sticks that were taken away?

A I don't remember.

Q Do you remember giving them any of that same kind?

PROSECUTION That is objected to. There is no evidence on the record that the Japanese police took any sticks from the Showa school. It is wholly a new issue objected to on cross-examination.

WITNESS: I do not remember.

LAW MEMBER: Objection is overruled.

DEFENSE:

Q At the time the police were there the following morning did you show them where the Boy Scout sticks, calisthenics sticks and tent poles were kept in the Showa school?

A I believe I did not show them. The police did not ask about them.

Q But it was near the doorway where they came in. Is that correct?

A I believe that the place where the sticks were kept is about twenty metres to the right as you enter the porch.

Q On the 19th of July or at any time before that did you have any broken chairs in your school?

A There were quite a few chairs that were almost broken.

Q But you did not have any broken chairs, is that correct?

A There were quite a few chairs that were almost broken but none of them were in such condition as that over there (indicating).

Q Why did you testify before that there were a lot of broken chairs before the meeting on July 19th?

PROSECUTION: If the Commission please, I think the expression "almost broken" is due to translation difficulties. What does he mean "almost broken"? We interpret it as broken but not fallen apart yet.

LAW MEMBER: That is the way the Commission interprets it too.

DEFENSE:

Q How long have you been principal of Shown school?

A Eight months.

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

(A 10 minute recess was taken.)

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

PROSECUTION: The personnel of the Commission, the prosecution and defense, the accused, the interpreters and witness are all present. The witness is still under oath.

DEFENSE:

Q When did you first become principal of the Shown school?

A March 30th of this year.

Q Are you a Japanese national?

A Yes.

Q Did the Chinese take over part of that school during the month of May?

A The permission was issued on May 8th but they actually started using the school in June.

Q The Japanese students continued using part of that school after the Chinese received their permission?

A I believe at present Chinese students and the Japanese students are using the school.

Q Are you still principal of that school?

A Yes.

Q Isn't it true that at the time the Chinese took over part of that school you objected to the Chinese coming in?

A I did not object.

Q Isn't it true that at that time you objected to the Chinese using any part of the school because you wanted to establish a Japanese girl school there?

A No. You are absolutely mistaken.

Q Isn't it true you have been unfriendly to the Chinese in that school ever since they moved in?

A Since I always have in mind the goodwill between the Chinese and the Japanese I am confident that everything is going along smoothly.

Q How long have you had the goodwill of China and Japan in your mind?

A For about twenty years. I was teaching geography and from the standpoint of geography I always thought of goodwill between China and Japan.

Q Isn't it true that you are unfriendly to the Chinese students in your school because they have a Chinese flag over the top of their school?

A No.

Q Isn't it true that you personally objected to the Chinese Federation because there was a Chinese flag flying on the top of your school?

A It is a fact that the Federation of Chinese Associations does not have permission from the municipal government but I did not object to them.

Q Isn't it true that you have been unfriendly to the Chinese in your school because the Federation of Chinese Associations has an office there and you do not believe it should have?

A It is very difficult to manage the school with the office of the Federation of Chinese Association in the building because there are so many people who go in and out of the office.

However, as far as the Chinese school is concerned, it would be working toward the international understanding if the Chinese school and Japanese school are in the same school. However, as an individual, I have not objected to the Federation of Chinese Associations.

Q Isn't it true that you would like to get the Association out of your school?

A Yes. It is the desire of our entire teaching staff.

Q On the 20th of July of this year what did you tell the Kyebashi police who came to visit you?

A They just came to see the situation at the school and I did not say anything in particular. We just conversed about everything.

Q Did you converse about the matter of sticks and clubs at that time?

A Yes. I talked about it.

Q Did you describe the sticks and clubs and rods to the police at that time?

A At that time I described the sticks and I showed them the tent pole. However, I told them that the staffs and callisthenics sticks were all gone.

Q Did you ever speak to the Japanese police about that incident after the 20th of July?

A I do not recall any conversation concerning the July 19th incident after that interview. However, the member of the Police Affairs Section always came for liaison purposes.

Q On the 20th of July when the Kyobashi police visited you, did they tell you anything?

A As I recall, they did not say anything that I can put my finger on. However, they said that in case of a gathering like yesterday, please report to the police station.

Q At the time you spoke to these people on the 20th of July did they mention to you anything about a shooting near the Shibuya police station on the night of the 19th of July?

A No. He did not but later the secretary to the President, Cho, came and told me about this incident.

Q Do you know why the police came to visit you on the 20th of July?

A At that time I thought they came to see whether or not anything had happened because of the gathering in the school grounds on July 19th. I did not think that any other thing had happened.

Q And in order to continue the friendly relations you had with the Chinese in the school you told the police they had taken all your sticks.

PROSECUTION: That question is objected to because of the form in which it is put.

LAW MEMBER: The question includes sarcasm and the objection is sustained.

DEFENSE:

Q On the 20th of July, or at any other time when the police came to visit you, did they have any trouble getting into the Showa school?

A No. It is not difficult. They can come in as they please.

Q Then if a previous witness testified that it would be dangerous or difficult for a Japanese police to go into the Showa school, that is wrong?

PROSECUTION: That question is objected to on the ground that what this witness believes and the other witness believes may be entirely different and each may be entirely justified. For that reason it is objected to.

LAW MEMBER: Any reply?

DEFENSE: No sir.

LAW MEMBER: The objection is sustained.

DEFENSE: No further questions.

PRESIDENT: Redirect?

PROSECUTION: No.

QUESTIONS BY THE COMMISSION

- Q You testified you understood the purpose of the meeting in the Showa school was that because they wanted to appeal to the Metropolitan Police Board. Is that correct?
- A Yes.
- Q Did such officials tell you why they wanted to make an appeal to the Metropolitan Police Board?
- A No. They did not.
- Q Did the officials tell you that they would attack the Japanese police?
- A No. They did not.
- Q Did you hear anything from these officials or from anybody else about confiscation of property by Japanese police of goods belonging to Formosans?
- A No.
- Q Did you testify that while you saw the group of people holding clubs and sticks or iron rods, they were standing and smoking and did not do anything else?
- A Yes.
- Q Did you ask the officials of the Chinese Association why they were holding the clubs and sticks and rods?
- A No. I did not.
- Q I am asking you for your personal observation. Could you tell from what you observed with regard to the action or manners of the people in the school compound whether they appeared in a way that they would use the clubs and sticks against somebody or were for defence against attack if any?
- A I could not tell. They seemed to look peaceful, but I am not sure.
- Q Do you know approximately how many clubs or sticks or poles