

~~Ex 107~~  
AFFIDAVIT of KIYO HATAKEYAMA.

Age: 47

(Seal)  
Present Address: MATSUMINE, SHAKANAI-MURA, KITA AKITA-GUN,  
AKITA-KEN.

Present Occupation: farmer

Education: 8 years.

I woke up one morning and I ~~had~~<sup>heard (Seal)</sup> a commotion outside so  
I went outdoors to see what was going on. This was before  
breakfast. I heard that the Chinese at HANAOKA-MACHI had  
fled from the town. I ~~then~~ had my breakfast and I went  
to my field. <sup>(Seal)</sup> At the field, I saw that the ~~the~~ cultivated  
land had been trampled and many of the crops had been up  
rooted. I think my damage was about 100 pound of potato  
and some garlic.

Before affixing my signature, I swear that the above  
statement is true and that it had been transcribed to me  
in Japanese.

(Japanese character) (Seal)  
KIYO HATAKEYAMA

I, KUMAO K. TODA, hereby certify that before KIYO HATAKEYAMA  
signed the above statement that it had been transcribed to her  
in Japanese.

/s/ Kumao K. Toda  
KUMAO K. TODA  
Investigator, W.C.D.D.

Sworn to me, before signing the above statement, at  
(Seal)  
~~KANAKA~~ SHAKANAI village office, KITA AKITA-GUN, AKITA-KEN,  
on this 10th day of Dec. 1947.

/s/ Kumao K. Toda  
KUMAO K. TODA  
Investigator, W.C.D.D.

CERTIFIED TRUE COPY:

William T. Martin Jr  
WILLIAM T. MARTIN JR  
Major INF

Ex. 101

AFFIDAVIT of TSUNEO MIYANO

Age: 39

Present Address: 75 M~~AD~~<sup>DA</sup>, HANAOKA-MACHI, KITA AKITA-GUN,  
AKITA-KEN.

Present Occupation: Fire Department (HANAOKA MINE) truck  
driver.

Education: 9 years.

I have been working at HANAOKA MINES in the Fire Department since 20 Dec 1944. Around 2200 hour<sup>on the 1 July 1945 (seal)</sup> there was a phone call at the Fire Department from the Police stating that the KASHIMAGUMI Chinese started rioting so for the Fire Department to give aid. This phone call was taken by Yoneyama, squad commander, who in turn told a couple F.D. workers to give aid. I stayed behind and guarded the station. Because of an air raid alert at about 2230, I made preparation for it. ~~During the alert, there was a commotion in front so I went out to see what's going on. I saw a group with some packages in their hand saying that the Chinese might be coming this way. With terror on their face they were saying that the Chinese might burn their homes, or maybe murder some of us. About this time from MOTOYAMA (about 200 meters from CHUZAN Dormitory), I saw people (seal) from that locality taking refuge with packages in their arm.~~

From the 1st to the 4th July 1945, I was at the Fire Station. Around 1500 on the 2nd, Policeman KONNO came to the station and got about 3-4 men to aid him in the personal examination of the Chinese (all). There were about 500-600 Chinese in front of KYORAKURAN. The Chinese were tied up in pairs about the upper arm and were lined up in rows. I saw about 3-knives, 1-butcher knife, 15-hand made cutleries, 2 cigarette case, 2 note-book, 1-KISERU (Japanese pipe), about 10 pounds of potatoes, some beans and ~~onions~~ and

(seal) laid aside, during examination.  
beddings ~~about 1700 or 1800 the Chinese and the paper and~~

About 1700 on the 3rd July, I saw the 13, 14 Chinese detained at the Fire Station eating some kind of soup. I don't remember ~~when~~ these Chinese came to the Station but I heard a policeman tell the F.D. workers to handle these men with care and keep good watch over them. At 1500 on the 4th I went home. At that time I saw about 30-40 Chinese grouped by the <sup>(seal)</sup> KYORAKUKAN. When I returned to work on the 5th, ~~there~~ the Chinese were not in front of the KYORAKUKAN.

Before affixing my signature, I swear that the above statement is true and that it had been transcribed to me in Japanese.

(Seal) (Japanese character)  
TSUNEO MIYANO

I, KUMAO K. TODA, hereby certify that before TSUNEO MIYANO signed the above statement that it had been transcribed to him in Japanese.

/s/ Kumao K. Toda  
KUMAO K. TODA  
Investigator, W.C.D.D.

Sworn to me, before signing the above statement at  
HANAOKA Mining Club, KITA AKITA-GUN, AKITA-KEN on this 10th  
day of Dec. 1947.

/s/ Kumao K. Toda  
KUMAO K. TODA  
Investigator, W.C.D.D.

(Seal)

CERTIFIED TRUE COPY:

William T. Martin Jr  
WILLIAM T. MARTIN JR  
Major INF

Ex 102.

AFFIDAVIT of TATSUDO TSUTAYA

Age: 53

Present Address: SHINSHOJI, HANAOKA-MACHI, KITA AKITA-GUN,  
AKITA-KEN.

Present Occupation: Buddhist priest

Education: graduated from TOKYO Imperial University.

I have been in HANAOKA-MACHI since Dec 1941. The first funeral ceremony I performed for the CHUZAN Chinese was in AUG 1944. I don't remember the number but these Chinese died prior to entering CHUZAN Dormitory. The ceremony was in <sup>the (Seal)</sup> Buddhist style, no different from ones I usually performed. The ash boxes of the deceased Chinese were deified and they had flowers around it. I believe I went to CHUZAN Dormitory 5 or 6 times to perform funeral ceremony. As I remember, the deceased were in the coffin box with the lid on at the burial ground where the ceremony took place. All of the Chinese were present during the first ceremony but in the latter I think the KASHIMA official and Chinese leaders were the only present. The ceremonies I performed there <sup>Were (Seal)</sup> ~~were~~ more than just one deceased. There is still about 400 ash boxes of CHUZAN Chinese enshrined at SHINSHOJI <sup>(TEMPLE) (Seal)</sup> which will be taken <sup>(Seal)</sup> care of ~~the~~ by the KASHIMA official later. Ash boxes at <sup>is</sup> SHINSHOJI the remnant of those brought to CHINA after dividing each deceased ashes into two boxes of which one was taken to China and the other enshrined at the temple.

1. End of Aug, 1944.
2. July 10, 1945.
3. July 20, 1945.
4. July 30, 1945.
- 5.

*On what dates did you go to Chuzan Ryō?*

Before affixing my signature, I swear that the above statement is true and that it had been transcribed to me in Japanese.

(Seal) (Japanese character)  
TATSUDO TSUTAYA

I, KUMAO K. TODA, hereby certify that before TATSUDO TSUTAYA signed the above statement that it had been transcribed to him in Japanese.

/s/ Kumao K. Toda  
KUMAO K. TODA  
Investigator, W.C.D.D.

Sworn to me, before signing the above statement, at HANAOKA Mining Club, KITA AKITA.-GUN, AKITA-KEN on this 10th day of Dec. 1947.

/s/ Kumao K. Toda  
KUMAO K. TODA  
Investigator, W.C.D.D.

(Seal)

CERTIFIED TRUE COPY:

\_\_\_\_\_  
WILLIAM T. MARTIN JR  
Major INF

Ex. 103.

Defense Exhibit # \_\_\_\_\_

CITY OF YOKOHAMA )  
  )  
  )  
  )  
  )  
HONSHU, JAPAN )

SS

UNITED STATES OF AMERICA

vs

KINGORO FUKUDA et al

AFFIDAVIT OF SEIICHIRO KUBO

AGE: 40

PRESENT ADDRESS: Aza Aseishi, Hanaoka-Machi, Kita Akita-Gun, Akita-Ken.

EDUCATION: Middle school graduate; Kanto Police School graduate (ten months' training.)

PRESENT OCCUPATION: Non-regular member of Dowa Industrial Co.

From May 1943 to May 1946, I worked for Fujita Co, Ltd., in Hanaoka-Machi. I was in charge of TOA Dormitory. TOA Dormitory is about 2½ km northeast of CHUZAN Dormitory.

~~On 3 April 1944, Hanaoka Mines received the approval from the Mine Control Association of the importation of 300 Chinese laborers, so two others and myself representing Fujita Co Ltd., departed for Tokyo. Arriving in Tokyo, we went to the Mine Control Association where the contents of the contract was explained and we were advised to inspect the experimental camps in Fukuoka-ken. In Fukuoka-ken we visited FUTASE, TAGAWA and YAMANO Mines. The general condition was in accordance with their contract: The daily food allotment per capita were as follows:~~

	FUTASE	TAGAWA
vegetables	485 G.	840 G
fish	30 G.	Not daily issuance
preserves	55 G.	45 G
staple including cereals	1000 G.	943 G

~~The Chinese laborers had their yards clean but the Mining officials stated that in the coal mines the Chinese would remove their bowels, thus causing unsanitary conditions. This was a difficult problem to solve. The average age for the above two camps was about 27 years. About 25% of the Chinese laborers working in the three mines had some disease, mostly skin disease.~~

We arrived in Peiping around 19 April 1944 and deposited the money for the general expenses of the Chinese laborers. Then we read the contract and there were doubts about it concerning the food and pay. Who was going to supply the food, because it would be impossible for us to bear the responsibility under the prevailing food situation in Japan. Nagoshi, Ryomei of the North China Labor Association, told us that a negotiation between the Japanese Government and Peiping Embassy had taken place, and it had been decided that the Agriculture and Forestry Ministry would supply 22 kg of the staple food. "Through the good offices of the prefectural government, you will receive the remaining 8 kg. and also the

necessary amount of fat which is a daily necessity to the Chinese." These figures are per monthly capita. I heard about the distribution plan from the Social Welfare Ministry and saw it actually materializing at Fukuoka camps, so I thought everything would operate smoothly. The wage rate was 10 yen for Bn Commander, 7,50 yen for section leaders, 7.50 yen for kitchen workers, and 5 yen for the rest, all with meals and quarters. However, it further stipulated that the contract might be changed upon study of Japan's economic condition. This aroused a question in my mind that it would cause complications in Japan because the Japanese laborers were only receiving about 3.75 yen per day. Nagoshi said, "Social Welfare Ministry will publish the wage chart later, so just wait until then." Then I signed the contract.

Upon arrival at Shimonoseki, Japan, on 8 June 1944, the Chinese laborers had their travel permits inspected and were given steam disinfection. There were two Akita Tokko policemen and about ten company representatives awaiting our arrival at Shimonoseki. Upon arrival at TOA Dormitory in Hanaoka-Machi, the Chinese laborers were given about a month's recuperation period.

TOA Dormitory had, for quarters, four buildings, 27' by 60', and two stories high. Straw, woven about  $\frac{1}{2}$ " in thickness, was nailed on the outside of the wooden barrack and served as insulation. Cryptomeria barks serving as tiles formed the roof. Stove material for the barrack was given to the Chinese and they installed it to their liking. Each man was allotted six square feet of space.

I went to CHUZAN Dormitory about five or six times. The first time was right after the arrival of the Chinese laborers, in August 1944. I think it was Shibata who guided me to the various places around the area. The infirmary was well-equipped with a treatment table and four shelves, nine feet long and one foot wide, which were filled with medicines. The barracks was firmly built of Cryptomeria lumber and had a floor about two feet above the ground. The floor had two layers of woven straw mats and at the end of the barrack was the latrine which had a capacity for about fifteen persons. There were ~~four~~ four of these barracks and they were of firmer construction than that of the Kashima Gumi office building. Mess hall was about 24' by 42', and I was told that the laborers were fed in two shifts. The mess hall had a wood floor.

As I visited the Chuzan Dormitory unexpectedly, I was amazed at the cleanliness of the Dormitory. The yard was very clean. On various other occasions when I visited the Chuzan Dormitory, I was surprised at its cleanliness.

After the termination of the war I saw Chinese laborers in Hanaoka Machi take some cigarettes from the rationing store. I heard many times of their usurpation of chicken, saki, etc. Kono and Shibata told me, "These Chinese laborers just wouldn't obey. They are uncontrollable!" After the termination of the war I, on one occasion, visited the Chuzan Dormitory, accompanying a Captain of the United States Army. There was quite a change concerning the cleanliness of the dormitory and its area, as compared with its appearance on my previous visits.

visits.

One just couldn't walk anywhere in the nearby area because of the human waste materials on the ground. The pungent odor was terrific. The interior of the barrack was in a disordered condition. It appeared as though it hadn't been swept, and I saw a few Chinese laborers spit on the floor.

Sometime in the middle of July 1944, a committee consisting of Fusakichi Homma, a non-regular member of the Home Ministry, two or three other officials, and many Tokko Police came to the TOA dormitory. I was to have guided them through the dormitory and area, but Homma asked me where the kitchen was and, without my guidance, he led the group to the kitchen. I followed them. He watched the kitchen personnel making some "manto."

From here we went to the barracks, infirmary, bathroom, and then to the mines (outdoors). It was decided to have a conference at 1300 hours at Hanaoka Clubhouse, so Tokko Police Chief Kamada told Kurahashi to tell me to call the Kashima Gumi officials because they will be using Chinese laborers soon. I phoned the Kashima Gumi office and relayed the message. I think Shibata came, representing the Kashima Gumi. I told the committee before the conference started that the Chinese worked about the same as the Japanese laborers and that they had been fed 22 kg of staple food per monthly capita. I also made a general report on the management of the dormitory.

Then Homma made the following statements concerning the Chinese laborers:

1. The construction of the dormitory is too luxurious for the Chinese laborers because a crude, cave-like hut is more suitable to their characteristics.
2. The lower class Chinese sleep out in the open, therefore their bedding is in excess. (At this time four cotton padded "futon" were issued.)
3. These Chinese laborers have been eating inferior grades of food in their native land so the wheat flour issued to them now are too luxurious for them.
4. The Chinese lead a very carefree life. Therefore their free out-going will be a menace to the well-being of the town's women folks. Their free out-going should be prohibited.
5. There seems to be a tendency to have too much faith in what is said by the Chinese. This will expose oneself to the danger of being taken advantage of. Therefore, one must be more careful and alert and judge their statements accordingly.
6. The Japanese leaders seem to be too lenient with the Chinese laborers, which is apt to cause them to take advantage of this weakness. So one must be more terse.



7. The work efficiency of the Chinese laborers at Itomuka Mines, Hokkaido, is higher than here, in spite of the fact that they eat an inferior quality of food and receive less in quantity. You must obtain three times the present efficiency, using the efficiency of the average Japanese laborer as a basic standard. At this time the efficiency of the Chinese and Japanese laborers are about the same. Assuming that the Chinese have the energy of ten, actually they exert only 7. However, it is impossible to have them exert all their energy at once. Therefore, squeeze it out as you gradually "squeeze water out of a wet towel."

Homma stressed that the Chinese have a dual personality, which makes it quite difficult to imagine the machinations of their hearts (for an average Japanese.) "Therefore one must be on guard at all times."

Later Shibata of Kashima Gumi remarked, "What an outrageous remark! Is that the way it should be done?" Homma exemplified his remarks with his knowledge of the Chinese.

Around September 1944, Homma and some officials visited the Chuzan Dormitory and at Kashima Gumi offices he asked us (Shibata, Kido, of Kashima Gumi, Sugawara, Komatsu, and Kurahashi of the Police, and myself.) if we heard the instructions he gave on his last visit. Shibata and I gave him an affirmative answer. He then told us to comply with those instructions. Homma then turned to me and asked if I had been complying with those instructions. I told him, "No, I wasn't." There was no further issue made at that time. However, later at Otake Hot Springs, Homma and I had a heated argument as to the management of the Chinese laborers. Homma's opinion was based on the instructions given on his last visit. His instructions were not humane so I told him that his instruction would not be complied with, as far as my Chinese were concerned. We argued until another Home Ministry official sided with my statements, and then the issue was dropped.

Shibata of Chuzan Dormitory came to me and discussed the food problem with me, and the fact that we were receiving only 22 kg of staple food made us decide that we should go to the prefectural office and negotiate for the full amount of staple food that was stipulated in the contract. Sometime in the middle of August 1944 we met Heki, who was in charge of food rationing at the prefectural office, and requested additional staple food. Heki's reply was, "The prefectural office has received instructions from the Food Control Bureau of Agriculture and Forestry Ministry to issue 22 kg. of staple food per month per capita to the Chinese laborers but, since there are no instructions concerning the remaining 8 kg., that amount cannot be issued."

Sometime in September 1944, Shibata told me that he had received notice from the prefectural office that 20 Kokus of barley would be issued to Chuzan Dormitory, and that I should make a formal requisition. With this requisition, Shibata went to the prefectural office and met Heki, who had approved of this requisition and told him not to tell the Hanaoka Mines about the matter. When Heki took the requisition to the Chief of Economics Department of Akita Prefecture, it was turned down because the Chief thought it unnecessary to

distribute special rations to the Chinese laborers.

It was after this incident that the Chuzan Dormitory obtained apple dregs through the efforts of Tokko Policeman Konno. I made many visits to the Hanaoka Police Box and I heard from the Policeman that Shibata had been requesting their assistance in food and clothing matters. Kamada (Chief) and Kurahashi of Akita Tokko Police, Kobayashi (Chief) and Hatakeyama of Odate Police, Sugawara, Konno, Ito of Hanaoka Police Box, Shiraishi, Kono, Shibata, Ise of Chuzan Dormitory, two representatives of Funakawa Habor Company, and I (for Hanaoka Mines) got together and held a meeting at Hanaoka Machi in November 1944. We discussed the management of the Chinese laborers. Affairs concerning laborers are usually handled by the Labor Affairs Section of the prefectural Police Department but actually the Tokko Police Section took over. At this meeting, Kono of Kashima Gumi brought out the fact that his Chinese were not receiving the amount of food that was stipulated in the contract. He pleaded with Kamada to assist him in obtaining the balance of staple food for his Chinese. He said, "We are doing our utmost to obtain clothing but as these are under control we desire your assistance. The thing is that we have to obtain these materials so we will pay, whatever the cost. Money is of no importance." Kono further stated that, "There are many Chinese who have skin ailments. I desire the assistance of the Police to use the hot sulphur springs."

The Funahawa representative stated that they had been feeding their Chinese laborers rice (Kubo). He requested assistance in the matter of food.

Kamada finally stated, after listening to the various requests, "I'll do whatever possible in the matters of food and clothing, but the utilization of the sulphur springs is a matter that should be negotiated with the local police." After receiving the approval of the police, Kono and I decided to negotiate with Hikage Onsen Sulper Springs.

*Shirafu*  
Sometime in December 1944, Kido of Chuzan Dormitory, Hatakeyama of the Odate Police and I went to Hikage Springs. There it was decided, upon negotiation with the proprietor, that we could use the Sulphur Springs, providing that we finished the construction of the unfinished baths and constructed a separate barrack for the Chinese. This did not materialize, however, because the heaviest snowfall in thirty years caused a suspension of all transportation.

In March 1945, another meeting was held at Funakawa Machi where I spoke in behalf of Chuzan and TOA Dormitories. However, Ise and Takahashi of Chuzan Dormitory were present, as well as the Tokko Chief Kamada. I told Kamada, "It has been over three months since Kono requested your assistance in obtaining food and clothing. Yet there hasn't been any change." Showing my feelings of aggravation, I asked Kamada, "What have you done about it?" Kamada reddened a bit and said "You fellows (company representatives) have been requesting additional food many times but the efficiency of the workers will not always be increased through giving them a little extra food. Take for example: Up in Hokkaido, the Chinese laborers are being fed less than your laborers but their efficiency is much higher." I told him, "That may be, but a contract is a contract, and we want the full amount of food in accord-

ance with those contracts." Kanada then brought out his memo book and stated, "Food rations are to be increased to 25 kg., so just bear with us a while."

In June 1945 Shibata and I had a conference with Sugawara of Hanaoka Police Box because of an outbreak of many diarrhea and some dysentery cases following the issuance of a flour known as "Dorguriko" (acorn flour), and it was decided that we would go to the prefectural office and request better grade of food. Shibata decided to draw up documents explaining the current situation and then proceed to the prefectural office. Sugawara took a sample of "manto" to the Odate Police Station. I went to the Akita prefectural office with a sample of "manto" made from the so-called "acorn flour". I first went to the Foreign Affairs Department of Tokko Section and met Kurahashi. From there we went to see Kanada. Kanada was surprised to hear of the prevailing conditions in Hanaoka and referred us to the Food Section of the prefectural office. The Section Chief was absent so I saw Takoshi Sato, the Assistant Section Chief, and explained the prevailing conditions of the Chinese because of the issuance of the "donguriko" flour. I gave him the manto and told him to have it analyzed. Furthermore I requested emergency rations of rice for only ten days, but this request was refused because there was no instructions from the Agriculture and Forestry Ministry. I asked them, "Why can't I receive a measly ten days' ration of rice, when the POWs at Osarizawa got a special distribution of rice while the POWs were weak?" Sato replied that, "At present Akita office hasn't any set plan of rationing to the Chinese, but I'll consider the request." I told Kanada and Sato that, "the prevailing conditions might explode anytime." but my arguments were in vain. I received the impression that they were very uncooperative.

At about 2200 hours on the 1st July 1945, a messenger came to my home and told me to report to the Mines' office because the CHUZAN Chinese had all run away. I telephoned KASHIMA-GUMI as soon as I arrived at the office and I received the information that the Chinese had killed four Japanese and one Chinese and about 800 of them had fled toward the mountain. I reported this information to my superior and we immediately made plans to guard the Mines' vital installations, such as transformer station, explosive warehouse, hospital, dressing plant, etc. We estimated that about 1200 men would be needed to guard these installations. We sent out messengers to the various districts in Hanaoka Mine area to summon the men who were to perform guard duty. It was then about 2230 hour.

About five minutes later, a Korean laborer came into the office stark naked with only a loin-cloth (surumata) on, his wife holding her baby wearing only a night gown followed him into the office. A couple of other came into the office in their bare feet. They said that the Chinese were breaking their home in Inarizawa which is about 100 meters from the office. These people were so frightened that they were shaking and couldn't speak. Other people came into the office, pale and trembling with fright. Within five minutes about 20 persons took refuge in the office.

About 0730 on the 2 July 1945, there was a phone call from Nagaki village received at Hanaoka Police box. It asked for assistance because many Chinese laborers in the Shishigamori mountain were resisting by throwing stones and rocks when we tried to capture them. Miura, Chief of Odate Police, conferred

with the MP commander (a first lieutenant), and they decided that the Military Police would go to Shishiganori. Miura and two or three subordinates also went to Shishiganori. From the Hanaoka Police Box, phone calls were sent to Odate, Shakanai, Shirasawa and Hanaoka for reinforcements to Shishiganori because the Chinese were resisting.

I swear that the foregoing statements of 6 pages have been interpreted to me in Japanese and that the facts contained therein are true to the best of my knowledge and belief.

s/ Japanese Characters.  
SEIICHIRO KUBO

I KUMAO K. TODA and TOKE T. TAGAMI, hereby certify that before the affiant signed the above statement, I interpreted the same into Japanese.

s/ TOKE T. TAGAMI  
TOKE T. TAGAMI

s/ KUMAO K. TODA  
KUMAO K. TODA

Sworn to before me and subscribed in my presence at Yokohama, Japan this 28th day of January 1948.

s/ KUMAO K. TODA  
KUMAO K. TODA  
Investigator, WCDD.

CERTIFIED TRUE COPY

*Charles R. Moulder*

CHARLES R. MOULDER  
CWO USA

Ex. 104

EXTRACTS FROM IMTFE - Pages 14,295 - 14,296

MR. WOOLWORTH: (Reading) "Gaimusho, Tokyo, 29th, January, 1942.

"M. le Charge d'Affaires.

"Following my letter dated 19th of this month, I have the honour to make known to you the attitude of the Imperial Government on the treatment of prisoners of war:

"1. The Imperial Government has not yet ratified the Convention relative to the treatment of prisoners of war of 27th July, 1929. It is, therefore, not bound by the said Convention. However, it will apply mutatis mutandis the provisions of the said Convention to English, Canadian, Australian and New Zealand prisoners of war in its hands.

"2. As to the provisions of food and clothing for prisoners of war, it will consider, on condition of reciprocity, the national and racial customs of the prisoners.

"I would be obliged if you would bring the abovementioned to the knowledge of the Government of Great Britain, Canada, Australia and New Zealand.

"Signed by the Minister."

Page 14,447

"REGULATION FOR THE TREATMENT OF PRISONERS OF WAR  
(War Ministry Notification No. 22, 14 December 1904,  
as amended by the War Minister Notification

No. 167, 1904, No. 7, 1905, No. 31, 1914 War Ministry  
Notification, Nos. 30 and 57, 1943)

"Chapter I

General Provisions

"Article 1

"A prisoner of war, as defined in these regulations, is any enemy combatant who has fallen into the power of the Empire or any other person who is to be accorded the treatment of a prisoner of war by virtue of international treaties and customs.

"Article 11

"At the close of military engagement, the commander of an army or the commander of an independent division may, by an agreement with the enemy, repatriate or exchange the wounded or sick prisoners of war, and he may, if deemed expedient, set at liberty any prisoner of war; provided that said prisoner of war takes an oath that he will refrain from participating further in any military engagements during the same war.

"In the case mentioned in the preceding paragraph, the rank, the number of prisoners of war, and the reasons for their release shall be reported to the Imperial Headquarters which in turn shall notify the Minister of War.

"(Communication and Transportation Report No. 434, 5 May 1942.)

"Summary of the Disposal of Prisoners of War.

"1. Prisoners of war who are white persons shall be imprisoned in Chosen, Taiwan, Manchuria, and China successively to be employed in the expansion of our production and on work connected with military affairs.

"If the above objective cannot be attained at present, these prisoners of war shall be imprisoned immediately in prisoner of war camps to be established in their present localities.

"2. Prisoners of war who are not white persons and who do not necessitate imprisonment shall immediately be released on parole and made to work in their present localities.

Page 14,723 - 14,724

"TO: Chief of Staff Taiwan Military Jurisdiction.

"FROM: War Ministry Adjutant

"Riku A Tn #281 Routine

"16 March 1945

"NOTIFICATION CONCERNING WORK OF PRISONERS OF WAR

"Up to now there have been directives from the Central Authorities on the duty hours of Prisoners of War each time the latter were dispatched, but in view of the fact that the demands of situation more and more necessary a display of the highest degree of efficiency in the prisoners' service, from now on the duty hours of Prisoners of War will conform to the actual situation on the spot (the type of work, the relative difficulty of the work, the urgency of the labor, the season of the year, the health of the prisoners and the working hours of local laborers) and you will direct the commander, POW Camps to decide or change these hours on his own suitable discretion and thus maintain elasticity in this matter of the working hours of Prisoners of War. Notified by order.






"Chopped by: ANDO, HIGUCHI, TANAKA, YOKOTO"

A CERTIFIED TRUE COPY

*Charles R. Moulder*

CHARLES R. MOULDER  
C.W.O. U.S.A.

*Important for us*

40	44	43	42	41
				
曹之台	王銀祿	徐四兒	張少三	張京
四	二八	二五	二二	二一
河北 趙縣 台家莊	河北 新樂縣 梅莊村	河北 南宮村	河北 南宮村	河北 南宮村
				北



Ex. 105

Questions:

Tell me about your career and family.

Answer:

~~I was born in a poor family of farmer. Due to the poverty I had to leave a higher grammar school halfway to engage in farming. I married at the age of 22. I had enlisted in the Central Army that year, later I was promoted to the rank of commissioned officer, however I received no specific education. I was injured in the battle of Loayang, in April, 33rd year of Minkoku; and was captured by the Japanese Army. While receiving a kind medical treatment given by a Japanese Medical officer, I took a fancy to render services to the mutual welfare of Japan and China. I came to the Hanaoka Mine on August 7 last year.~~

I, Kenji KOIWAI, hereby certify that the above is an English translation of a question and answer recorded in the interrogatory of SHU JUN, which constitutes a part of the official court record kept by the AKITA District Court and drawn up by the public procurator SHIN HASEGAWA on 14 August 1945.

/s/ K. Koiwai  
\_\_\_\_\_  
Kenji KOIWAI  
Official Court Interpreter  
J.A. Secution, 8th Army Hq. APO 343

CERTIFIED TRUE COPY:

*Charles R. Moulder*  
\_\_\_\_\_  
CHARLES R. MOULDER  
CWO USA

Ex. 106.

Question: What kind of a feeling have you had toward foreman?

Answer: I was in a pretty good with foreman. Quite often they had supplied me various commodities of food-stuffs. So I had no ill feeling against them.

Question: Have you ever beaten by them

Answer: No.

Question: With whom, among them, were you especially in a good term?

Answer: I was in a good term with all of the, however, I was in especially good terms with ISE, OBATA, and FUKUDA.

I, Kenji KOIWAI, hereby certify that the above is an English translation of the question and answer recorded in the interrogatory of RI KOKU KIN, which constitute a part of the official court record kept by the AKITA District Court and drawn up by the public Procurator Yasuo NAGATOMO on 14 August 1945.

*Li Koiwai*

/S/ K. Koiwai  
Kenji KOIWAI

CERTIFIED TRUE COPY:

*Charles R. Moulder*

CHARLES R. MOULDER  
C W O U S A

Ex. 107

Question:

Tell me about your family and properties left at your native country?

Answer:

My family-my father 70 years of age, my wife 30 and my daughter 4-lives in No. 32-13, KOEN-ROAD, DAIKO, TSING-TAO.

I have no property.

I supported my family, earning 20 to 30 Yen wage per day as a long-shoreman, however, it became gradually difficult to make a living due to high prices of necessaries of life. Therefore

I responded this spring to the call of the Labor Association.

I, Kenji KOIWAI, hereby certify that the above is an English translation of a question and answer recorded in the interrogatory of RYU SHAKU ZAI, which constitutes a part of the official court record kept by the KAITA Distric Court and drawn up by the public procurator Yasuo NAGATOMO on 13 August 1945.

Liu Hsi-tsai

/s/ K. Koiwai

Kenji KOIWAI

Official Court Interpreter

J A Section, 8th Army Hq. SAPO 343

CERTIFIED TRUE COPY:

*Charles R. Moulder*

CHARLES R. MOULDER

C W O U S A

Ex. 108

EXTRACT FROM INTERROGATION OF LIEU JER CHEE

-----  
Q. Do you know Yi Sou-Shin?  
A. Yes.

Q. Did he die at Chusan-ryo?  
A. Yes.

Q. About when?  
A. In latter part of October or early part of November.

Q. Of what did he die?  
A. Perhaps it was dysentery.

Q. How long was he sick before he died?  
A. About 2 weeks.

Q. Did he have any wounds or bruises on his body?  
A. I don't know.

Q. Did you ever see him being beaten?  
A. No, I haven't seen.

Q. Did you ever hear about his being beaten?  
A. No, I haven't heard.

Q. Did you speak to the man at the time he was resting?  
A. At mealtime, I gave him his meal and if he said he wanted water, I gave him water. That's about all of the conversation.

Q. Did he complain about any pains?  
A. Since he was ill, he was complaining about illness. However, he didn't say any other thing.

Q. Was he able to go to the latrine by himself at the beginning?  
A. He was a rather serious patient so I used to help him to go to the latrine.

-----  
Q. What did Wong Tin Bun die of?  
A. He died from beating but I don't know by whom he was struck.

Q. Do you know when he died?  
A. He died after the incident.

Q. Was he beaten before, during or after the incident?  
A. He was beaten before the incident; maybe it was June twenty something.

Q. And after his beating, where was he taken?  
A. He was in the original section.

Q. Did you treat him every day?  
A. Since there was no medicine, no treatment was given. At the mealtime, meal was brought to him and water was brought to him.

Q. Did the same thing happen after the incident?  
A. At the time of the incident, he ran away and when I came back from the police box, he was there but he was seriously ill. I gave him some food but he did not eat.

Q. Before the incident, did he ever miss a meal?  
A. No.

Q. Who helped him to the latrine before the incident?  
A. I took him to the latrine.

Q. Did he ever go by himself?

A. No.

Q. Did Wong Tin Bun tell you about whether he was beaten in the courtyard or not during the incident?

A. No, I haven't heard. I was detained by the police. I saw Wong Tin Bun after he came back and at that time I served him food but he couldn't eat so well.

Q. At that time, did Wong Tin Bun tell you that he had been beaten in the courtyard?

A. When I came back from the police station, he was already confused and he was unable to speak so I did not hear.

Q. How do you know he ran away at the time of the incident?

A. Everybody escaped in his own manner and since it was dark, I did not see him escaping.

Q. Before the incident at any time was Wong Tin Bun unconscious?

A. He could understand everything before the incident. He never was unconscious.

Q. Did you see Wong Tin Bun being beaten?

A. No, I did not see.

Q. What were you doing on the night that Wong Tin Bun was being beaten?

A. I was in the sick room and the patient was in serious condition; therefore, unless there was some special occasion, I did not go to the company.

Q. Were all the Chinese laborers in camp assembled to witness the beating of Wong Tin Bun?

A. When Wong Tin Bun was struck, the company to which he belonged might have been assembled.

Q. Did you ever find out who struck Wong Tin Bun?

A. I am not sure so I cannot say.

-----

Q. Do you know Shun Jin Tin?

A. Yes.

Q. Did you ever see that man beaten by the Japanese?

A. I never saw.

Q. Did you ever hear of it?

A. Since he was a company commander, nobody spoke of him being beaten unless he, himself, talked nobody would know.

-----

Q. Now back to Cho Fa-gue. What did he die of?

A. Cho Fa-gue died several days after he was beaten.

Q. About when?

A. I think it was in June. It might be it was in the latter part of May.

Q. Who beat Cho?

A. Cho Fa-gue was a member of the 3rd Company and Ise ordered someone to strike him. I don't know who was the someone.

Q. Were you present at the time of the beating?

A. No.

Q. How do you know that Ise did any ordering then?

A. After the beating took place, I heard it from somebody and I don't know who it was.

- Q. What else did you hear about the beating?  
A. I don't know any other thing. I don't know what was the reason for the beating.
- Q. Did you ask anybody who beat him?  
A. I never asked.
- Q. What wounds did Cho Fa-gue have after the beating?  
A. He had the same mark as Hsiao Chih Tien had after his beating.
- Q. Do you mean the bad mark on the thigh?  
A. He was beaten so hard that he was unable to walk.
- Q. Any other marks besides the one on the thigh?  
A. Since it is not clear, I cannot say.
- Q. Was he bleeding?  
A. No he was not bleeding.
- 

THIS IS A CERTIFIED TRUE COPY:

*Charles R. Moulder*

CHARLES R. MOULDER  
CWO USA

EXTRACT FROM INTERROGATION OF LIEU JER CHEE

- 
- Q. Does he know Chang Shin Chang?  
A. Yes, I know.
- Q. Did he die at Chusan Ryo?  
A. Yes.
- Q. About what date?  
A. When it was cold and was snowing. It was December or November.
- Q. How long had he been away from work when he died.  
A. Fourteen or fifteen days.
- Q. Did Mr. Lieu treat him?  
A. A doctor in Hanaoka treated him, since there wasn't any medicine I took bed pan to him and took care of him.
- Q. What wounds or bruises did he have on his body?  
A. I forgot. I don't know.
- Q. Did he see this man beaten.  
A. No.
- Q. Does he know what he died of?  
A. I don't know for there were so many people who died.
- Q. Did he ever hear about this man being beaten?  
A. I forgot whether I heard or not.
- Q. Did he have any conversation with this man before he died?  
A. I talked with him, take care of yourself you will be soon in China. I talked the same thing with every patient.
- Q. Did this man eat when he was resting.  
A. Yes, he was eating.
- Q. Did he ever throw-up?  
A. No.
- Q. Did the doctor from Hanaoka tell him what was wrong with this man?  
A. No, he never told him.
- Q. How did he get to the latrine?  
A. In the beginning he was going by himself but later when his illness became serious a bed pan was used.
- Q. Did he have diarrhea?  
A. I cannot say.
- Q. Does he know Tien Ying Duk?  
A. Yes.
- Q. Did he die at Chusan Ryo?  
A. Yes.
- Q. Do you know what he died of?  
He died September or October. It was long time ago and don't recall.
- Q. How long was he out from work before he died?  
A. About two weeks.
- Q. Did he eat while he was resting?  
A. Yes.

- Q. Did he throw-up?  
A. No.
- Q. How did he get to the latrine?  
A. When it was not serious he went to the latrine by himself, but after it became serious bed pan was used.
- Q. Did he have diarrhea?  
A. Due to many number of people and because of long time I don't recall.
- Q. What wounds did he have on his body?  
A. I forgot. At this time I can't say anything in detail.
- Q. Did he see this man getting beaten?  
A. No.
- Q. Did he hear of him getting beaten?  
A. No.
- Q. Did he have any conversation with this man when he was resting?  
A. Kept complaining of hunger but I told him this no way for it. He used to give him words of comfort.
- Q. Does he know Chang Chang Kieng?  
A. Yes, I know this man.
- Q. Did he die at Chusan Ryo?  
A. Yes.
- Q. About when?  
A. It was September or October when it was not too cold and when it was not snowing, yet.
- Q. What did he die of?  
A. I don't know what he died of. I think after about two weeks since he was confined.
- Q. Did he ever treat him for any wounds?  
A. No.
- Q. Did he eat while he was in?  
A. At the beginning he was eating but one or two days prior to his death he stopped eating.
- Q. How did he use the latrine?  
A. While he was able to walk. After he became unable to walk a bed pan was used.
- Q. Does he know Wang Dah You?  
A. Yes, I know.
- Q. Did he die at Chusan Ryo?  
A. Yes.
- Q. What did he die of?  
A. He died November or October when it was cold. He stopped going out for a walk. It was short time after he stopped going out for walk.
- Q. Did he have any wounds on his body?  
A. I forgot.
- Q. Did you see him getting beaten?  
A. No.



Q. Did you ever hear of him getting beaten?  
A. I forgot.

Q. What did he die of?  
A. He died short time after became ill. There was no chance to talk with h.  
so I don't know.

-----  
A CERTIFIED TRUE COPY:

*Charles R. Moulder*

CHARLES R. MOULDER  
CWO USA

CITY OF YOKOHAMA )  
                          ) SS:  
HONSHU, JAPAN     )

AFFIDAVIT OF EVELYN MANNING

I, Evelyn Manning, being duly sworn, do hereby depose and say:

That I am a stenographer employed by War Crimes Defense Division, Yokohama, Japan. That as part of my official duties, I regularly take shorthand and transcribe the same; that on Saturday, January 31, 1948, I was the stenographer present at the morning session of the interrogation of Lieu Jer Chee; that besides myself and the man being questioned, there were three interpreters and a member of the defense staff, Mr. Kaye; that I accurately transcribed the questions in English and the answers in English at that time, and I transcribed them Monday morning, which transcription is true and accurate to the best of my knowledge and belief; that the interpreter who accompanied Mr. Lieu did not object to the questions or answers at the time they were given

/s/ Evelyn Manning  
EVELYN MANNING

Subscribed and sworn to before me this 6th day of February 1948.

/s/ B. Shandler  
B. SHANDLER, Attorney  
War Crimes Defense Division

A CERTIFIED TRUE COPY:

Charles R. Moulder  
CHARLES R. MOULDER  
CWO                      USA

CITY OF YOKOHAMA )  
                              ) SS  
HONSHU, JAPAN     )

AFFIDAVIT OF BETH YOKOI

I, Beth Yokoi, being duly sworn, do hereby depose and say:

That I am a stenographer employed by War Crimes Defense Division, Yokohama, Japan. That as part of my official duties, I regularly take shorthand and transcribe the same; that on Saturday, January 31, 1948, I was the stenographer present at the afternoon session of the interrogation of Lieu Jer Chee; that besides myself and the man being questioned, there were three interpreters and a member of the defense staff, Mr. Kay; that I accurately transcribed the questions in English and the answers in English at that time, and I transcribed them Monday morning, which transcription is true and accurate to the best of my knowledge and belief; that the interpreter who accompanied Mr. Lieu did not object to the questions or answers at the time they were given.

/s/ Beth Yokoi  
BETH YOKOI

Subscribed and sworn to before me this \_\_\_\_\_ day of February 1948.

/s/ B. Shandler  
B. SHANDLER, Attorney  
War Crimes Defense Division

A CERTIFIED TRUE COPY

*Charles R. Moulder*

CHARLES R. MOULDER  
CWO                    USA

I certify that on or about the 31st day of January 1948, I was present at the time when LIEN JEN CHIE was being interrogated by the defense attorney Mr. IRA KAYE. At that time there were two interpreters and two stenographers who were taking down the questions and answers. As far as I could understand, the interpretations were correct.

Chang Ta-Chi

6 Feb. 1948

CERTIFIED TRUE COPY:

*Charles R. Moulder*

CHARLES R. MOULDER  
CWO USA

9. May 1940 - March 1944; Hydraulic Power plant; Korea; Mr. Murai, was in charge of the entire project and I was his assistant.
10. April 1944 - October 1945; Mining Facility Construction (diverting the current of Hanoaka river, and deepening the river bed); Hanaoka, Honshu, Japan. I was in charge of this engineering project and construction enterprise. Also, I was head of the Branch office in Hanaoka, and was directly under Mr. Nodomi, who was head of the Civil Engineering Department of Kashima-gumi, and who was situated at the home office in Tokyo.

16 April '46  
 In ~~October 1945~~, I was placed in Sugamo prison, and have been detained there ever since.

While in Korea, from 1940 to 1944, I was constructing a concrete dam at the Great Yaloo River, and erecting a 150,000 KW/H electric plant. However, in August of 1943, the course of the war compelled us to abandon this work, although it was almost completed. I received word from the home office in Tokyo to cease work, close the office, and adjust the remaining affairs. I proceeded to do so; but, in February 1944, when my work was just about finished, I became ill and went to the hospital. While in the hospital, the latter part of February 1944, I received a telegram from Mr. Watanabe (Kisaburo), the Managing Director of the home office, and who was the superior to my immediate superior (Notomi), stating that I was to be transferred to Japan proper; as there was a gigantic construction project being negotiated, and Kashima-gumi was in line for one of the sub-contracts.

As I had been living in Korea for the past 15 years having many friends and acquaintances there, I didn't desire to transfer. In addition, my health was not good. Therefore I declined the transfer. However, shortly thereafter, I received another telegram, this time from the President of the company, ordering me to immediately return to the main office in Tokyo. I then got a second telegram from Watanabe, stating that construction work was to begin at Hanaoka, and requesting to know the date I would return to the Tokyo office. Thus, my transfer became definite, though I was not at all enthusiastic. On the other hand, Hanaoka was near my old father's home; and the thought that I would be able to see him frequently, was my only consolation over this transfer.

I left Korea in early April 1944, and went back to Tokyo; where I was interviewed by Watanabe, and received my directions. I then left for Hanaoka. Upon arriving there, I found that the Branch office had already been established the previous November (1943), and was being managed by Kuno.

As far as I was concerned, I was not desirous of this transfer, and my feelings became deeper when my assignment began. First of all, the scale of work was small - only 1000 laborers - whereas, in Korea, the project entailed 20,000 men. Secondly, I was supposed to be in charge of the construction job, and to have control over the project; but, I couldn't do a thing without first contacting the Prefectural Government, as they controlled and allocated everything, in accordance with the Directive issued by the War Minister in Tokyo. In addition, there were many other things that were contrary to what I had been told at the home office, before

coming to Hanaoka; so I decided not to continue in my assignment by making my ill-health as a reason for resignation.

One month later, Director Watanabe, came to Hanaoka, so I told him about my dissatisfaction, bluntly, and asked him to withdraw my assignment to Hanaoka; but, he refused my request. However, he said that he would see what he could do towards dissolving my discontentment. Thus, I was officially assigned as Manager of the Hanaoka Branch office, and engineer in charge of construction, in May 1944.

The total amount of our contract (sub-contracted from Fujita-gumi\* was about 10 million yen; divided into about 120-130 phases, such as:

1. Dam construction	4,500,000. Y
2. Alteration of River	2,500,000. Y
3. Machine Installations	1,200,000. Y
4. Other constructions	1,800,000. Y

Total. 10,000,000. Y

The contract that Kashima-gumi held was only a sub-contract from Fujita-gumi; as they (Fujita-gumi) were the prime contractors with the Japanese Government. At the end of the war, Kashima-gumi was supposed to have about 30,000,000 yen work to perform on its contract with Fujita-gumi.

Even though Kashima-gumi had started its phase of construction work in March 1944 at Hanaoka, the formal contract with Fujita-gumi was not officially signed until March 1945.

In that formal contract, there were clauses that Fujita-gumi was to provide all the necessary buildings, places to work, electricity, food, medical supplies, clothing, and all other necessities for the housing of workers on the construction site. The Chuson Dormitory was one of the buildings provided by Fujita-gumi. Therefore any alterations or repairs or changes required the approval of Fujita-gumi.

In view of the fact that Fujita-gumi was the prime-contractor, all dealings with the Japanese Government had to be carried on by them. This was also true of the food, clothing, medicines and other living essentials. All were strictly rationed and apportioned by the Japanese Government, who turned over the regulated amount to Fujita-gumi for distribution. However, as Fujita-gumi had many sub-contractors they, in turn, figured out the amount that was due to each sub-contractor (in accordance with the number of employees employed by the sub-contractor) and gave that amount to the sub-contractor for distribution to the employees.

The Japanese Government controlled all these rations through its Prefectural Government offices; and, in this instance, it was the Akita Prefectural Government.

Kashima-gumi could not go directly to the Akita Prefectural Government and request an increase, or additional rations; as they were not the prime-contractors. These dealings had to be carried on by Fujita-gumi. (When I say we could not go to the Akita Prefectural Government for

additional rations, I do not mean that we couldn't request it of them; but, I do mean that it did us no good, as the Akita Prefectural Government would only give the food, clothing and medicines to the prime-contractor, Fujita-gumi. Many times I went directly to the Akita Prefectural Government for additional rations, but they would only deal with Fujita-gumi. I also requested additional rations from Fujita-gumi, and they would tell me that they would take the matter up with the Akita Prefectural Government; but, we never got the additional allotment requested. Fujita-gumi would tell me that the Akita Prefectural Government had orders to give only a certain amount to them, and, consequently, would not grant the request.)

About 2-3 times each month, I had my subordinates notify Fujita-gumi as to the number of employees working for Kashima-gumi; and, they (Fujita-gumi) would supply us with the proportionate amount of food, medicines, clothing, etc.

We received our allotment from Fujita-gumi about 2-3 times per month; then we would figure out our own distribution to the employees. We had to ration the supplies, carefully, among the employees; as there never was enough of anything to satisfy. We were all on short-rations; all hungry; all had insufficient clothing; but, there was nothing I could do about the situation, except make the best of what we had, and make it go as far as possible until the next allotment was received from Fujita-gumi. In fact, several times I, myself, went into the black-market and tried to buy extra food for the employees; however, the little I could buy didn't go very far. Once I was discovered by the Police, apprehended, and fined 4000 yen; which I paid out of my own pocket, but was later reimbursed by Kashima-gumi as my black-market attempts were for the benefit of the employees, and not for myself. Even after this, I still made efforts to obtain more food, and sometimes was successful. In addition, I had the laborers cultivate for gardens every available space we had. This provided a little additional food, such as greens, etc, but, not very much.

There was such strict rationing of all foods, clothing, medicines and other necessities, that I could do absolutely nothing towards increasing the amount which the Japanese Government allocated in accordance with its plans. I want this court to understand my position, and the fact that I could not over-rule a Government order; however, I also want this Court to know that I did everything in my power to better conditions, such as:

1. Many letters to the Governor of Akita Prefecture begging an increase in the food allotment to the Chinese; but my only answers were refusals.
2. Letters to the Akita Prefecture Government for a special increase in clothing for the Chinese; but met with refusal.
3. Letters to the Akita Prefectural Government for an increase in bedding materials; but refused.
4. Letters requesting additional toilet goods of the Akita Prefectural Government, for the Chinese; but refused.
5. Letters to the Chief of the Economic Section of the Akita Prefectural Government, asking for vegetables and supplementary foods; but refused.

6. Letters to Shimoda (Toshio) Minister of Agriculture, begging for more clothes, tabis, bedding, underwear, leggings, etc., for the Chinese. This in January 1945. I stated that all conceivable sources had been contacted, but I could not purchase. However, the Minister of Agriculture refused to honor my request.
7. Correspondence to the Director of the Labor Division of the Akita Prefectural Government requesting additional foods, medicines, clothing etc., but refused.
8. Request to the "Romu Hokoku Kai" (Society for Service to the Nation through Labor) for more clothes; but my requests were not honored.
9. I requisitioned Sake for the Chinese, in an effort to alleviate their condition.
10. There were many other times that I went outside the usual channels (that is, not going through Fujita-Gumi) in my attempts to better the conditions of all the laborers, but, these endeavors were futile.
11. Additional medicines were also requested by me; and, several times, I sent letters directly to the Minister of Welfare, Tokyo, in an effort to secure an increase but my requests were refused.
12. I corresponded with many Government Agencies, in an effort to increase our allocation of necessities; but, all my effort were useless. I could not secure an additional allotment, no matter where I went, or what I did, or whom I contacted.

In October 1945, my salary was 275 yen per month.

There has been much testimony about the Chinese never receiving any pay for their labors; and that they were brought to Japan against their will. However, the Chinese were paid in accordance with the contract terms for work done. The method and time of payment was decided upon by Gung Chung. The policy of the Home Ministry as announced by its adviser, HOMMA, was to allow the Chinese leaders to decide such matters and that was what we did in regards to pay. As far as the use of force to compel laborers to come to Japan is concerned all of the information supplied to me by the governmental and semi-governmental agencies involved was that the Chinese were voluntary contract labor. Never was one report received by me or to my subordinates as far as I know that any of the Chinese were either POWs or captured civilians or force labor. Chinese were not considered enemy aliens in Japan and as far as I know, they had left their country voluntarily in time of famine and general trouble to come to Japan in order to secure employment and make money.

All the Chinese were contract laborers, with a set wage agreement, hours of work, and terms of employment. I do not know how they were recruited in North China, by the North China Labor Association; but, I do know that the Kashima-Gumi had to pay them in accordance with the contractual agreement, which the North China Labor Association had settled with them, (The Chinese) in North China. It was always my understanding that these Chinese had come to Japan voluntarily; and I am very much surprised to hear, in court, that they now claim to have been POWs and involuntary civilian workers. These statements are absolutely false. In fact there were rumors around the construction job that many of these Chinese had deserted the Chinese Army and fled to Japan to work; as conditions in China were very bad, and getting worse all the time.

At the construction job, the leader of the Chinese, Gung Chung, requested some of the salary of the Chinese laborers be withheld by the Company; because, if the Chinese were paid it all, they would gamble and fight among themselves, and cause more



trouble than if the Company held custody of some of their salary, and then gave it to them when the term of their contract expired, and they were to return to China. In addition, Gung Chung said that unless the Company held back a portion of their salary, that (the Chinese) would have no money left when they returned to China.

As a result of this request by the Chinese leader, we held back some of the salary of the Chinese laborers; but, kept strict records of all the money due to them; and, this money was to be turned over to them at the expiration of the contract, when they were to go back to China.

However, Gung Chung, as representative and leader of the Chinese Laborers, many times, received money from the company to pay out to the laborers as wages for work performed. (I told all this to the prosecution; and also, told them that no money was paid to the laborers, as it was given to Gung Chung, as representative of the Chinese laborers, and he was distributing it to them; or was supposed to have given it to them.)

I never received any complaints from the Chinese laborers, nor did I ever hear that they desired it any different than Gung Chung had requested; therefore, I assumed he was distributing it to them.

In the case of deceased Chinese, provisions were made to remit that portion of their pay (which had been withheld at the request of Gung Chung and was in the custody of the company) to the North China Labor Association in Peiping, together with the "condolence money", for distribution to the relatives of the deceased. I know that this happened two or three times; but, around November or December 1944, this practice had to cease, due to communications being virtually cut-off between North China and Japan. (I know it was about this time, because it was right after the disaster in which the Ferry connection between Japan and Korea was torpedoed in Tsushima Straits.) Also as there were many procedures to be carried on in sending money to North China, and there were the Exchange Control procedures to follow, we couldn't send any money through these channels. Therefore, we held the money, and intended to make final settlement of the funds due these deceased Chinese, by giving it to the Chinese laborers, who were going back to China after their contract term, to be distributed to the relatives of the deceased. However, the surrender came, and I was later sent to Akita prison; but, while there (about Dec. '45) I heard that all the money due the dead Chinese, together with the "condolence money", had been given to the repatriated Chinese to bring back to China and distribute to the relatives of the deceased.

Due to the extreme shortage of Medical men and Doctors in Japan, the Minister of Welfare restricted their activities; and, also, prevented any of them from employment by private firms, unless such employment had first been approved by the Minister of Welfare.

Specification 1:

"Cite specification"

The prosecution has said that the enterprise at Hanaoka was a "Chinese Labor Camp" but, this is absolutely wrong. In the first place, it was not a "Labor Camp" - - but, was merely the usual type of construction undertaking; where the employees were living at the work-site, and taking their meals in a common mess-hall. This is quite usual in Civil Engineering and Construction projects, because many workers are needed; and before they would agree to work away from their homes, they would have to be assured of places to live and eat. In the second place, there were many other laborers on the job besides the Chinese; such as Koreans and Japanese laborers; and all of them were housed and fed at the construction site. The approximate number of employees was as follows:

<u>Date</u>	<u>Japanese</u>	<u>Korean</u>	<u>Chinese.</u>
Sept '44	500	500	300
Jan '45	500	500	250
Apr '45	400	600	200
Jul '45	400	600	800

*Were these dead?*

Police regulations under the Home Ministry as enunciated by Homma, prohibited the mingling of Chinese, Koreans, and Japanese laborers. As I understood it, some Koreans were believed to be Communist agitators and since Chinese from North China also might contain some who were communists the Home Ministry wanted to do everything possible to reduce contacts between these groups.

However, due to the difference in customs and language, each nationality had their own sleeping dormitories; but, they were in the same location, and close together. Therefore, this construction enterprise, by no stretch of the imagination, could be called a "Chinese Labor Camp."

The prosecution also stated that I was "general manager of four labor camp"; and, this is also entirely incorrect.

There were no "labor camps", and there was only one construction enterprise of which I was general manager.

The prosecution also say that "about 1 July 1945 to 15 October 1945, I was Commander of Chusan Chinese Labor Camp"; but, again they are absolutely wrong. It was not a labor camp; we had many other workers and employces besides the Chinese; and, it was not a military enterprise, being a civilian undertaking entirely. Therefore, to say that I was "Commander" is not correct as I was not in the Army, not connected with the Army, not associated with the Army, and, as far as I was concerned, not answerable to the Army. Consequently, the word "Commander" has no application to my position as Manager of the Civil Engineering Construction enterprise at Hanaoka.

The prosecution says that these Chinese were "POWs and civilian internees"; but, they were contract laborers, the same as any other worker who agrees to employment for a term, and for a stipulated amount of money, and for housing and food. In fact, I had heard, many times, and from many sources, that many of the Chinese were deserters from the Chinese Army; and that many others had come over to Japan because of the famine, starvation and other horrible conditions in China. Therefore, to the best of my knowledge they were not POWs or internees.

The prosecution says that I "willfully and unlawfully disregarded my duty"; but, I sincerely tell this Commission that such an assertion is false and completely in error. I am a citizen of Japan, and am governed and controlled by the laws of Japan. Whatever those laws are, I must follow them. I have no authority to change, or to ignore them. When those laws state that things are to be done in a certain manner, or that only so much food is to be given to each person, I have no alternative but to follow those laws, even though I disagree with them. Therefore, not having any discretion, or authority, to do otherwise, I could not willfully do wrong by following the laws that were in existence; nor could I be acting unlawfully when I was doing as the law directed, and when to do otherwise would have been unlawful; nor could I be disregarding my duty, when I was obeying the same law, or laws, that created my duty. I firmly believe that I acted as any honest man would have acted if he were in my position, in Japan, in war-time, and faced with all the restrictions, and rationing, and procedures, that confronted me. In fact, I did more than I was called upon to do, in an effort to help out the laborers; as I knew that conditions were difficult; but, on the other hand, conditions all over Japan were hard - - everyone was hungry; all were inadequately clothed; no one had sufficient charcoal or electricity; Doctors were very scarce; and medicines were practically unobtainable.

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Specification 1: sub-spec a:

Nolle-pross'd.  
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Specification 1: sub-specification b:

Nolle-pross'd

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Specification 1: sub-specification c:

"Food situation".

I believe that I have thoroughly explained the food rationing system, and the fact that I could do nothing to change or alter the amount allocated by the Japanese Government. (Pages of my statement.)

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Specification 1: sub-specification d:

"Clothing situation"

I believe that Pages of my statement explain how all clothing was strictly rationed; and the fact that there was nothing I could do, although I tried many times, to secure an additional supply.

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Specification 1: sub-specification e.

"Fuel and Light Situation"

All fuels and electricity were controlled and rationed by the Japanese Government, the same as food, clothing and medicines; therefore, everything I have said about my inability to obtain additional supplies - even though I tried time and time again - applies equally to this situation.

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Specification 1: sub-specification f.

"Installation of a Canteen"

In view of the conditions in Japan in 1944 and 1945 - the fact that all the people were hungry, cold, ill-clothed, lacked medicines and medical treatment; and, the fact that all food, clothing, fuel, light, medicines, and treatment by Physicians, were strictly controlled by the Japanese Government. This sub-specification f. is ridiculous. I can assure this Commission that if there was any additional food, or extra supplies, available, then these extras would not have gone into a canteen; but rather, would have been immediately distributed to my employees.

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Specification 1: sub-specification g:

"Sanitary Conditions"

As I have previously covered in my statement, all medicines and disinfecting materials were strictly rationed and allocated by the Japanese Government, therefore, it was impossible to obtain any additional supplies. In fact, very often, we never even received the amounts promised us. This was a condition over which I had no control; as I certainly couldn't buy, or produce, medicines, or disinfectants, when the Japanese Government prohibited the sale of them. I did the best with what little we could get; such as spreading lime around the latrines, when lime was made available to us; but, it wasn't available very often. In fact, we got very little of it. The only other alternative was to impress upon the employees the necessity for them to keep their own barracks and latrines as clean as possible. Therefore, the Chinese leaders were told that they would have to keep their own barracks and latrines clean; and the Koreans and Japanese were told the same. There was such a shortage of labor in Japan, that you couldn't specially hire or employ people for household or cleaning duties; so you had to do the next best thing and keep things as clean as you could.

There was plenty of water available for cleaning purposes; provided the Chinese wanted to avail themselves of it. My subordinates reported to me, however, that the Chinese would not avail themselves of these facilities. This refusal was the main cause of the lack of sanitation at Chuzan Ryo.

The Korean and Japanese laborers had the same facilities as the Chinese, and were issued the same instructions; however they kept things as clean as they could, with the little disinfectant we had available. They used the baths and latrines and never defecated, or urinated, in the barracks.

The Chinese had a heated bath, about 6' by 9', and this was for their daily use. The Koreans and Japanese had the same type of facilities.

In each Chinese barracks, there were 12 places to defecate and one place to urinate. This urinal accommodated about 20 persons at one time. They were connected with the barracks by a corridor; however, from the standpoint of sanitation, they were located at a suitable distance. The isolation wards had several latrines attached to it.

The Chinese had their own mess facilities; and the Chinese cooks were supposed to keep the place clean. However,

the men were supposed to clean their own utensils. The Koreans and Japanese had the same instructions.

I will honestly tell this Court that there were fleas, flies and bugs in the Chinese barracks (also the Korean and Japanese barracks) because we had no D. D. T. or other exterminating materials; and there was none available on ration, or by way of black-market purchases. Therefore, the cleanliness depended on the efforts of the men themselves; but, the Chinese would leave food and droppings around, which would attract the bugs and cause the filthy conditions. Then, they would do nothing towards trying to get rid of them; whereas the Koreans and Japanese were always cleaning and picking-up, in an effort to keep the bugs at a minimum.

Mosquito nets were out of the question; because of the extreme shortage of clothing materials. Any cloth that was available, was immediately made into body coverings.

Soap was unobtainable, as the Japanese Government had taken over all the sources of oils and grease; therefore, that item could not be obtained, anywhere.

Furthermore, as many of the Chinese were suffering from skin ailments, and the treatment by doctors and all other methods had failed to stamp out and cure it, I applied to the Akita Prefectural authorities and secured permission to send such cases to a hot springs for cure. Therefore, about April or May 1945, I sent Ise, Ishikawa and Suginoya to the Hikage hot-springs, to interview the proprietor and attempt to negotiate a contract, whereby the Chinese laborers (those with skin afflictions) could use the hot-springs; and Kashima-gumi would pay for such use. They were unsuccessful in these negotiations.

Again, in June 1945, I sent Kido (Kihei) and Hatakeyama to the same hot-springs; but they could not make an agreement with the proprietor.

In view of the above failures, I undertook the attempt and, with Dr. Ishizuka, went to the hot-springs and started negotiations. This was about 30 June 1945. It was while negotiating the contract with the owner of the Hikage hot-springs, that I was informed of the riot at Hanaoka; so, I had to leave, immediately, for Hanaoka. If it weren't for this mutiny, I believe I would have been successful in closing the contract for the use of the Hikage hot-springs by the Chinese afflicted with skin ailments.

In addition to the above, we had a large tub installed, for the use of the Chinese, and it was kept filled with boiling, water. This was for them to dip their clothes in and kill any lice or bugs. However, it was necessary for the Chinese leaders to use force on the Chinese to get them to de-lice their articles of clothing. This tub was about 4 ft by 5 ft. by 3 ft deep; and was available 24 hrs every day; and was located between the 3rd Co. barracks and the Isolation quarters.

In view of the shortages and restrictions in Japan at the time; I think we did everything possible to keep the area as clean as could be, under the circumstances; and I honestly feel this Court will understand the problems which confronted

me, and agree that the conditions were not within my power to alter, or correct.

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Specification 1: sub-specification h:

"Medical Inspections."

I don't know of any law, either civil or military, that says employees must be medically examined at least once a month. The custom in Japan, and I imagine in practically all countries, is that business firms have a first-aid station, or a dispensary, at the Company; and, the employees report to the person in charge, when they have complaints. If the one in charge of the dispensary can help them, he does; if he can't help them, they must go elsewhere for treatment.

We had a dispensary, with a first-aid man (Takahashi) in attendance; and there were also 2-3 Chinese medical orderlies. These men were not doctors; but, as I have previously pointed out in this statement, all medicines and doctors came under the control of the Minister of Welfare, and you had to requisition for medicines or Doctors through the Minister. If the Minister of Welfare refused your request, then you could do nothing further to obtain them. This was exactly the situation I was in, as my requests to the Minister of Welfare were refused, and I had to get along without any Doctor, and with little or no medicines, the best I could. In fact, I even went to the Fujita-gumi corp. and had them agree that Dr. Ouichi (the head of the Hanaoka Mining Hosp), Dr. Isumi and Dr. Miura, would visit the Dormitory, in turn, at least three times per week, on an average; and that one of them would come in response to an "urgent call". However, I couldn't get Fujita-gumi to allow us to send any sick Chinese to the Hospital for treatment; and the prosecution knows that I tried to have the Chinese admitted to the Hospital. (Mr. Faison interviewed Dr. Ouichi at the Meiji Bldg., Tokyo, and I heard from Hotoi (Eishi), who was present, what the questions and answers were about. In response to Mr. Faison's questions, Dr. Ouichi told him that we had requested to have the Chinese taken into the hospital, but he, Dr. Ouichi, had to refuse because he had orders against having the Chinese in the hospital) There was a strict order from the Tokko-ka-cho (the chief of the special higher police, who exercised jurisdiction over all foreigners, with special care to prevent sabotage, violence, etc., and the chief's name was Kanada) that the Chinese were not to occupy the same dormitory as the Koreans or Japanese; and these orders were extended to prevent the Chinese from being admitted to the Hanaoka Hospital (which was owned and operated by Fujita-gumi corp.) (As far as I was concerned, it made no difference whether the Chinese, Koreans, and Japanese were housed together, or not; but, the Government authorities prohibited it, so there was nothing I could do but follow the law and order.)

Therefore, in view of these three doctors (Ouichi,

Izumi, and Maira) visiting the Chinese dormitories, for purposes of checking and treating, we depended entirely on their advice; and always were ready to follow it and carry it out. They started their visits to Chuzan-Ryo about Oct. 1944.

Furthermore, Kashima-guni paid these doctors for this service, and also paid them for treatment of the Chinese. Their pay was especially good.

These doctors used to go through and inspect the dormitories; and their report was that the Chinese dormitories were filthy with excrement and human dirt; whereas the Korean and Japanese dorms were clean by comparison. As a result, the Chinese leaders would again be told to have the Chinese laborers police and clean their own barracks; and they were also told why it was necessary to keep their place clean; ~~but here again the Chinese would not cooperate.~~

The doctors also told us that the filthy habits of the Chinese laborers were causing an increase in dysentery; and, if they refused to cooperate, an epidemic was entirely possible. All this was explained to the Chinese leaders, but, we could never seem to get the Chinese to recognize the necessity for keeping their dorms and bodies and clothes clean, even though they were cautioned and told, time and time again.

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Specification 1: sub-specification i:

"Infirmary quarters"

We did have a dispensary located in the same building as the dormitories. This dispensary was 18ft by 24ft, and we had a 1st aid man (Takahashi) and 2-3 Chinese orderlies in constant attendance. Not being doctors, and the fact that we had little or no medicines, these men treated only the minor ailments; and would call Dr. Ouichi, at the Hanaoka Mining Hospital, for other cases.

Of course, the dispensary wasn't as well equipped as I would like to have had it; but, it was during war-time, with strict controls over medicines and supplies by the Minister of Welfare and we were fortunate to get what little medicines we did. Under such circumstances, there was nothing I could do to better this situation; or to provide that which was not procurable by Japanese law. The infirmary was built about June 1944.

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Specification 1: sub-specification i:

"Isolation quarters"

We had isolation quarters, which were separated from the barracks and not in or near that building. The isolation quarters were about 18ft by 48 ft., and were at least 60 ft. from the nearest part of the barracks. These were built about July 1944.

Whenever Dr. Ouichi instructed that a Chinese laborer be sent to the isolation quarters, he was separated and sent.



We acted on the instructions of Dr. Ouichi in regard to every thing connected with sick Chinese.

I want this court to understand that I had no access to any other doctors; and I was fortunate to even get these doctors to treat the Chinese laborers. It made no difference whether I was satisfied with their treatment, or not, because if I dispensed with their services, then I wouldn't have access to any other doctors. As I have previously stated, all doctors and medicines came under the control of the Minister of Welfare; and it was necessary to get the Minister's approval to employ a doctor, or to secure medicines; therefore, even though I had tried, many times, to get additional medicines and supplies, my requests were always refused.

On the average, there were about 20-30 Chinese in the isolation quarters, all the time; and these were the ones who had been ordered separated from the other by Dr. Ouichi.

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Specification 1: sub-specification k:

"Hospitalization"

As I have previously stated I tried to secure permission to have the Chinese admitted and treated at the Hanaoka Mining Hospital, but was refused. This hospital was controlled by Fujita-gumi corp., and I had absolutely nothing to say about its policies; therefore, when my request to use it was refused, there was nothing further I could do. However, I did succeed in getting them to send three doctors to the dormitory to treat the Chinese.

We had no hospital of our own; but, did have a dispensary and isolation ward. I had thought of trying to get permission to build a small hospital building of our own; but, as I thought it over, I knew it would be useless for me to try. I say this, because all building materials were under strict control and rationing laws, and you had to secure permission from the Minister of Forestry to utilize these items; and, in view of the many refusals I had previously received to my many requests to the Ministers of Agriculture and Welfare, I knew that this request would likewise be turned down. In addition, even though I would have been successful, it would still have been a useless project, as I couldn't get the authority for doctors, or medicines, from the Minister of Welfare.

Therefore, when the Japanese law prevented me from obtaining medicines, doctors, and materials to build a hospital, I certainly could not prevail as against these laws.

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~~Specification 1: sub-specification l:~~

~~"Rest days"~~

~~In Japan, those engaged in Civil Engineering work were given no weekly rest days. That has been the custom and practice for many years. However, the regular holidays,~~

~~set by the Government, were observed.~~

In addition to the above, all the holidays for the Chinese were agreed upon before they came to Japan to work: and these rest-days were fixed in the contract, which the North China Labor Association set with the Chinese. Then, we were informed as to the agreed-upon holidays, and they were observed by the Chinese.

As a matter of fact, however, the Chinese received 5-6 days off per month, on the average; as Hanaoka is situated in a particularly wet area of Honshu, and they were laid-off when the rain or snow was very heavy.

It must also be borne in mind that 1944 and 1945 were war years; and the Japanese Government had decreed that those engaged in Engineering work should not have any weekly holidays.

However, in view of the above, it worked out that the Chinese did receive, on the average, more than one weekly day of rest.

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Specification 1: sub-specification n: "Food for the sick."

The ration breakdown was different where workmen and non-workmen were concerned. Either the sick got less than the workers, or the workers would necessarily get less than their duties would entitle them to. In accordance with Homma's policy, this was put up to Gung Chung, the Chinese leader, and he asked that the ration of the sick be cut so that the workers could get their full ration, and he said that this would prevent malingering. The size and type of the ration for the sick depended on what was available at a particular time. Wherever possible, rice gruel was served, rather than manto, because it was more digestible, and hence, better for those with stomach disorders. TAKAHASHI took care of the diet for the sick. There were those who suffered from infected feet, and the like who got almost the same amount of food, while ill, as when they were working; and, there was some, whose illnesses was such, that they got less food than was normal; because it would have been bad from their health's point of view to give them the regular diet. Nevertheless, realizing that everyone was hungry, I did go into the black-market and secure additional food for the laborers, paying for such purchases out of my own funds, and also Company funds. On one occasion, I was apprehended by the police, and fined 4000 yen; but, I still tried to secure additional food, even after that. In addition, I had every available spot cultivated for garden purposes, in an attempt to alleviate the shortages.

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Specification 1: sub-specification n: "Deprivation of Food and Cigarettes."

This specification charges me with "permitting" the Chinese to be deprived of food and cigarettes; and I desire to state to this Commission that I would not lower myself to permit of such happenings. The first I even knew that such things were supposed to have occurred, is here in court; and I still believe the Chinese witnesses are lying about this, the same as they lied about not being voluntary contract employees. It seems obvious to me, from their conflicting stories, and evasive manner, that they are unworthy of belief.

If these things did happen, I never knew about it; and, I don't know how I'd ever find out, unless someone told me, which they never did. It must be remembered that this construction job at Hanaoka was quite large in scope; and, my job, as Manager, necessitated that I coordinate all the technical and constructional data, of necessity delegating the minor details to subordinates. I couldn't police and supervise each and every phase, personally; and, I honestly believe that I should not be held responsible when minor details turned out unfavorable (if they did) for the laborers. In other words, it was just something that any person was liable not to be aware of, due to other and more important activities.

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Specification 1: sub-specification of:

"Burial situation"

The disposal of the dead in Japan is accomplished by cremation; and, this custom is one of necessity, due to the extreme scarcity of available land. There is no surplus land; every possible bit being used for agricultural purposes. As a result, cremation presents the best answer; as a minimum of land is thereby used. However, fuel (oil, coal or wood) is needed to cremate; and, during the war, fuels were strictly rationed by the Minister of Forestry; and, additional supplies could not be obtained. Therefore, I could not have dead bodies cremated, unless I received the necessary fuels from the rationing board, which acted in accordance with the allotment orders of the Minister of Forestry. Furthermore, in order to cremate any bodies, we had to secure the permission of the Hanaoka Town Office (which was under the Akita Prefectural Government); but, when we got their permission, it was still necessary to obtain the fuel. We even had to secure their permission to bury bodies; but, they were very much against this procedure, as all the land was under cultivation for food production.

The conditions at Hanaoka were no different than conditions which existed all over Japan, at the time. I know that the dead in the cities and towns were piled up and left for days, as no fuels were obtainable for cremation. In fact, the over-all situation was so bad, that relatives had to bring their own fuel for cremation purposes.

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Specification 2:

"Cite Specification "

The Prosecution insists on calling the Civil Engineering Construction enterprise at Hanaoka a "Chinese labor camp"; but, as I have pointed out before, they are absolutely wrong. It was not a "labor camp"; but, only the usual type of engineering project, where the employees lived and ate at the site of work. There were Korean and Japanese laborers, besides the Chinese laborers, - and, all of them lived and had their meals on the job. There is nothing unusual, at all, about this procedure; as it is the practice in all large and

important engineering projects.

Again, the prosecution says that I was "Commander" at the Hanacka project; but, that is ridiculous. This project was not run by the military, nor was I ever in the military service; therefore, the work "Commander" cannot be applied to me. I was merely the Civil Engineer in charge of the Hanacka project for Kashima-Guni; or in other words, the General Manager of the construction job.

I want to point out to this Court that Specification 2 is a duplicate of Specification 1, sub-specification c and m; in that specification 1, sub-specification c, says that I contributed to the deaths of about 400 Chinese, between August 1944 to October 1945, by failing to supply them with food; and Specification 2 alleges that I contributed to the deaths of about 266 Chinese, within the same period, by failing to supply them with food. Therefore, as there was only a total of about 431 deaths in all, Specification 2 must be included within Specification 1, sub-specification c and m, else there would be a total of almost 700 deaths, which there wasn't.

Therefore, I sincerely beg this Commission to understand my position on Specification 1, sub-specification c and m, and Specification 2.

However, as the period between 1 July 1945 and 4 July 1945 was that of the mutiny and riot, I want to explain my activities between those dates.

I understand that it was about 10:30 p.m., 1 July 1945, that the riot broke out. At that time, I was stopping over at a certain hotel at a hot-springs resort called Hikage, which is located about 20 miles distant from Hanacka.

There were two purposes for my going to Hikage. The first was that at that time, two Chinese laborers had deserted and that these two had not been found up to that time, although a search was made in and around the mountain regions near Hanacka, under the direction of the police, for two or three days. The other important purpose was to negotiate with the proprietor of the hot-springs for the purpose of arranging to have these Chinese laborers suffering from skin diseases bathe in the nearby hot springs of Hikage as a cure.

There were numerous cases of those suffering from skin ailments among the Chinese laborers; and, although treatments by doctors and all other methods of treatment were tried, we were unable to stamp out and cure these diseases, permanently. Therefore, an application had been made, previously, to the police authorities and their permission was finally obtained to send such cases to a hot-springs for a cure. Men from our company were sent, on two occasions, to make arrangements; but they were unable to get a contract with the proprietor of the hot springs. (On the first occasion, SUGINOYA, ISL and ISHIKAWA were sent, and on the second occasion Kihei KIDO and Gisuke HATAKEYAMA, the latter the Assistant Police-Inspector and second in charge at the Odate Police Station, were sent.)

In order to conclude a contract as soon as possible, I myself set out, taking with me Dr. ISHIZUKA, the company's part-time doctor. Police-Sergeant ISHIKAWA, from the Odate

Police Station, also accompanied us.

I believe it was after midnight of 1 July (early in the morning of 2 July) that I was suddenly and unexpectedly aroused from sleep, by a hotel attendant. I was told that the Chinese laborers at Chuzan-Dormitory had rioted, and, that they had all fled into the mountains after causing deaths and injuries to a number of Japanese.

This news was communicated from the Odate Police Station to a police box, located about 4 miles away from the hot-springs, by means of the direct police telephone. From there, the information was relayed, via special forestry-warden telephone, to the hut of a forestry warden located near the hotel, and, from there, the news was brought to me at the hotel.

Upon hearing this, I immediately got up, dressed and set out for Hanaoka, by moonlight. I was repeatedly cautioned by Dr. ISHIZUKA that, since more than two hours had already elapsed since the riot broke out, I might meet up with large groups of the Chinese laborers on my way back to Hanaoka; and, that I had better wait until morning, in order to avoid any mishaps on the way. However, because the incident had to do with the Chusan-Ryo, and because I myself felt no particular danger, having no cause to be the object of any bitter feelings by the Chinese laborers, I set out to return, in spite of the fact that it was the middle of the night.

On the way, I saw that the villagers, both men and women, had apparently been warned by the police, and that in all the villages that I passed, they were guarding the entrances to the respective villages, armed with clubs, poles and the like. Although I came upon many persons who appeared to be Chinese laborers, as I neared Hanaoka, I was not attacked or molested.

As I approached Hanaoka, I came upon a truck coming towards me. In the driver's cab were police, and, in the back there were about 20 young men. Although I did not ask them where they were going, I was told that they were going to make the rounds of all the villages to inspect what measures had been taken as a precaution.

In a little while, I arrived at the police sub-station in Hanaoka. Already, a group of about 30 Chinese laborers, said to have been caught nearby, was standing on the road in front of the police-box. Lifting up the black-out curtains and entering the station, I saw two or three policemen. I was told that the police chief and his party had gone to inspect conditions at Chusan-Ryo and that they were, at that moment, at the branch office of the Kashima-guni.

Thereupon, I immediately set out for the branch office. From the outside, the office appeared dark because all the black-out curtains had been lowered. When I entered, the light inside almost blinded me. The room was in a mess. On the right, as I entered, an office desk had been made into an improvised bed, and three or four injured persons were lying on it. There was a doctor and about three nurses. In my chair, in the branch office director's room, Police Chief MIURA was seated, conferring with two or three armed subordinates over a map which was spread out on the desk. Almost before I could finish greeting them, the police chief told me the outline of the events concerning the riot.

I was told that four superintendents and one of the leaders of the Chinese laborers had been killed; that ISE and two other superintendents at the Chuzan - Ryo had suffered serious injuries; that one superintendent was missing, and that almost all the Chinese laborers had fled. The police chief then told me the following:

1. Emphasis will be placed on capturing the Chinese laborers, in order to set the anxieties of the public at ease, and to settle the incident speedily.
2. Officials and civilians alike shall mobilize necessary personnel and materials and shall cooperate with the police.
3. Until the general picture of this incident becomes clear, all Chinese laborers shall be detained as suspects involved in the riot.
4. The Hanaoka Police Sub-Station shall be the search and investigation headquarters.

The police chief further said in connection with Paragraph 2 above, that since the incident occurred at the work-site of Kashima-gumi, the Branch office manager, and others of the firm, cooperate under the direction of the police. I accepted this. Police Chief Miura then left. I saw him to the door. It was already dawn. I think it was about 4:00 a.m. 2 July 1945.

After Police Chief Miura had left, I summoned MOTOI the chief clerk, to the room and discussed with him our duties, along the lines just made clear by the Police Chief. I decided to have Motoi procure these materials which we expected the police to order us to get and to have KIDO who would soon arrive, arrange for the necessary personnel. I myself decided to remain at the headquarters (the police sub-station in Hanaoka) continuously, and to transmit any orders issued me, from there. According to Motoi, orders had already been received, at that time, to set up emergency kitchens to provide food to the police.

Furthermore, at that time, it was decided that, until prospects for a settlement of the incident should be reached, all work would temporarily be suspended; and, that company members should be sent to call upon the families of those killed, to notify them officially, as my representative, of the calamity; and, to express condolences to them. For this purpose, Kiyo YAMAMOTO and Teigen ARAI were dispatched.

Immediately thereafter, I inspected the Chuzan-Ryo. Inside, utensils and furniture were scattered all over, so that it was almost impossible to walk without stepping on them. The telephone line was cut, and all drawers of the desks were pulled out. The floor was literally covered with documents and papers. Wheatflour was scattered all over the corridor, showing that all kinds of looting took place, together with the rioting. Upon looking into the night-duty room, I saw the bodies of the superintendents, who had been killed as they slept. The entire room was splashed with blood. It was an unbearable sight.

Thinking that it would be better not to disturb the actual scene of the crime, and because the scene was so

terrible, I did not enter the room, but merely looked in from the windows, and then left. I saw one or two Chinese laborers walking along the corridors of the dormitory, but no police had as yet been stationed at that time, and the area had not yet been roped off. I think the time was just before or after five a.m. I then set out, right away, for the police sub-station in Hanaoka, without stopping by our branch office.

*20 last area was roped off*

From early in the morning, a large number of people were mobilized, not only from my branch office, but also from the Fujita-gumi, and other sub-contracting firms to the Fujita-gumi, other than the Kashima-gumi; and, from the civilian defence units; and from the local populace. These were sent to various districts, to search for the Chinese laborers, under the direction of the police; and, in addition, some were assigned to escorting and guarding those Chinese laborers who had been captured. The places of detention were located in three places; 1. the open space of the Kyoraku-Kan Theatre, near the police sub-station; 2. the open space in front of the Chuzan-Ryo; 3. the one inside the police sub-station itself. A chief guard, for each place, was named by the police chief, with police being stationed under each head. Under the police, members of the civilian defense units and others mobilized to assist temporarily, were stationed as assistants. In order to avoid confusion, all orders were to be issued from one command channel - - from Police Chief Miura at the headquarters, to the respective heads of the search parties; and, from them to those under them.

Up until about 8:00 a.m. of the 2nd, there were only two places of detention - - beside the Kyoraku-Kan Theater and the police sub-station. But, with the arrival of police reinforcements, a Police guard was newly dispatched to the Chuzan-Ryo, with police and assistants assigned to go with him. I had heard, through reports, that some of the Chinese laborers had remained at the Chuzan-Ryo, because of illness, and for other reasons. I had also seen one or two of them, when I looked into the Chuzan-Ryo that morning. Therefore, I told Police Chief Miura that those remaining were sick persons; and, that since they went to the extent of remaining, they most likely had nothing to do with the rioting. I then asked him if he intended to treat these persons as suspects.

In reply, Police Chief Miura stated: "Unless we investigate those who remained, even if they are sick persons, we can't tell whether or not they participated in the plans for the rioting. As I said in the beginning, we shall detain all Chinese laborers, for the time being."

He said this in the police sub-station, immediately after he had given orders to the guard heads. Gisuke HATEKEYAMA, second in command of the Odate Police Station, was there; and he also added words to the same effect.

*20 last area was roped off*

I later learned, through a report from SHIBATA, that all Chinese laborers, who were in the dormitory, were taken out to the open space in front of the Chuzan-Ryo, under the order of the police; that the Chuzan-Ryo was completely roped off, to prevent anyone from either entering, or leaving; that spectators would not be permitted to approach the place; that the dispensary could not be used; and, that treatments by the doctor employed by the mine hospital would be given

outdoors.

By the side of the police chief, there was a police officer, who was especially assigned to noting down the figures and statistics of the Chinese laborers who were captured, including even those who remained. I happened to be present when the Chief of the Special High Police Section and the Military Police commander came. I recall that a report was made to them, including those who remained and those who were captured.

From the morning of the 2nd, the captured Chinese laborers were successively transported in trucks, and made to alight in front of the headquarters. A roll-call was then held, and then they were taken to the cells inside the police sub-station, or to the open space alongside the Kyoraku-Kan Theater.

Those who were under heavy suspicion, and the leaders of the Chinese laborers, were confined in the cells at the sub-station; and the investigation rooms were filled to overflowing.

The open space near the Kyoraku-Kan Theater was a place where traffic in Hanaka was heaviest. As a result, the area surrounding the open space, where the Chinese laborers were detained was filled with residents of the town who had come to look.

I think it was about 9:00 a.m. of the 2nd, when I first saw the place. The Chinese laborers were tied with a rope behind their backs, and sitting on the ground.

From the outset of the incident, I had been ordered by Police Chief Miura to remain, insofar as possible, at the police sub-station; taking time out only to take meals and to sleep; to receive police orders and instructions; and to transmit them to the branch office. However, in view of the fact that there was much to do within the branch office, and numerous unexpected matters arose, I was unable to remain at the police sub-station at all times.

I asked Police Chief Miura to transfer the Chinese laborers to the Chuzan-Ryo dormitory, giving as my reason the fact that it would be more convenient in providing food for them. But, this was not permitted, because of the inconvenience this would entail, from the standpoint of supervision and control.

Furthermore, the Kyoraku-Kan Theater was not showing any thing at that time, and was empty. Feeling that this would not be inconvenient, from the standpoint of guarding and control, and that the Fujita-gumi corp would not refuse, if the influence of the police were brought to bear, I suggested the use of this theater to the police chief, saying that it was impossible to provide food outdoors.

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Towards evening of the 3rd, when I was at the branch office, the Chinese laborers, who were detained in the open space by the Kyoraku-Kan Theater, were divided into two groups, one being transferred to the open space in front of the branch office of the Kashima-gumi, and the other to the open space beside the former police sub-station. I did not know the reason for this move, since I was not at the police sub-station at that time, nor did I hear of it later.



On the following day, the 4th, because it was raining, fortunately, I strongly requested, towards evening, and succeeded in having all of the Chinese laborers returned to the Chuzan-Ryo. But there, they were not permitted to go into the rooms, and were quartered in the dirt corridor. From the 5th, an investigation of all the Chinese laborers was begun by the police; and, at the same time, a general cleaning and disinfection of the dormitory, both within and out, and the installation of new floor matting took place. About the 9th, the investigation was finally completed; and from the 10th, squads and sections were newly organized, and the laborers were finally permitted to return to their rooms, and bathing was allowed. On the 11th, they were ordered to bathe again, and to wash their clothing. On the 12th, all laborers underwent a physical and stool examination. On the 13th, the leaders of the Chinese laborers were decided. Needless to say, all this was done under the direction of the police authorities.

On the other hand, from about the 8th, negotiations were conducted concerning the supervisory personnel of the Chuzan-Ryo territory. Requests for the approval of the police were sought, on two occasions, to fill vacant personnel, and to select such personnel; but, on both occasions, this was refused. As a final proposal, it was suggested that I myself concurrently hold the post of director of the dormitory, for the time being; and, finally, on the morning of the 15th permission was obtained on this condition. And at noon of the 15th, the leaders of the Chinese laborers were assembled in the corridor in front of the office of the Chuzan-Ryo. At this time, Police Chief Miura gave a talk and instructions; and, I was introduced as the new director of the dormitory. At that time, Hitoshi TSUSHIDA acted as interpreter.

As Miura had previously told me to have the laborers put back to work as soon as possible, I had only those in good health perform light work, from the 16th on. I believe these totalled about half of all the Chinese laborers. I think Kameo TSAKIDA, a company member, is well acquainted with this matter.

Prior to the occurrence of the incident, there was not a single night watchman on guard. Following the incident, however, five or six policemen were stationed on guard, both night and day, during the rest of the month of July; and, in addition, four men from the personnel of the Chuzan-Ryo were stationed on guard each night, under orders of the police. This continued until the end of the war.

I don't think that this incident could not be called a small one, since five persons were killed at one stroke, and 800 Chinese laborers had deserted. Whatever the reason, the military police rushed to the scene of this incident from Tokyo, Sendai, Akita, Hirosaki, Morioka, etc., and conducted a detailed investigation. From the prefectural authorities, the chief of the prefectural police, the chief of the special high

police, member of the special high police section, and the chief procurator and procurators from the procurators' office were all mobilized. From the army headquarters in Akita, the commander, staff officers and many others came to the scene.

After an investigation by the police, about 17 or 18 of those directly connected with the rioting incident were selected and turned over to the Akita Procurator's Office, together with a large amount of evidence, to be placed on trial. Thus the rioting incident was settled.

Next, I should like to relate in detail the providing of food to the Chinese laborers immediately following the occurrence of the rioting incident.

On July 2nd when I returned to the branch office for lunch Shibata, the [redacted] clerk consulted me as to what to do about providing food to the Chinese laborers.

According to him (Shibata) the Chinese laborers had taken away all the food during the the wholesale desertaion; the cooking facilities and equipment, as well as the eating utensils, were all destroyed or taken away; repairs could not be made because entry into the premises was prohibited; and, that there was nothing he could do.

Realizing that the Chinese labors had missed two meals, even though it was due to the confusion, and seeing that if something were not done soon, it would be difficult to provide the evening meal, I summoned Hikos TAN KA, the clerk in charge of supplies, and Shinichi AOKI, the clerk in charge of construction. I told Tanaka to send someone from his department to the Fujita-guri, to negotiate for the replenishment of wheat-flour and eating utensils, and, at the same time, to make sure if it were possible to scrape together enough flour for one meal from the Chuzan-Ryo, where flour was scattered all over the floor. I told Aoki to send a man to the Chuzan-Ryo to size up prospects for repairs. I myself immediately went to the police sub-station, and reported the above situation, in detail, to Hiura. Then I requested that the police contact the Odate Food Corporation and inform it of the situation in order to replenish food supplies for the Chinese laborers; and asked him to use his good offices to have the TOI -Ryo dormitory do the cooking for us, since it was impossible to use the kitchen at the Chuzan-Ryo, and since the other dormitories for Koreans and Japanese had their hands full, in running emergency kitchens to provide food for the police and the large number of persons mobilized in order to capture the Chinese and to settle the incident.

On the 2nd, we were requested to provide food (rice-balls) for the police, members of the civilian defense units, and the local people who had rushed over, early in the morning, at the order of the police, to help as reinforcements. Naturally, a rationing system was in force at the time, and the branch office had no surplus supplies of food. The only thing we could do was to divert what little we had stored away as emergency supplies, and supplies which we had just received as rations for the Japanese and Korean laborers, and which fortunately had not been rationed as yet and were in the storeroom. These were provided for this purpose as a temporary measure. Even before this, the food situation was mutually acute with the laborers coming to us demanding food if the ration was delayed, even for one day. Therefore, if these

supplies were not replaced, or if this was delayed, the situation was such that, in addition to the rioting of the Chinese laborers, a new rioting incident might arise.

However, since the incident had already occurred, and since it was difficult to refuse to comply with a police order, I acceded to the request to feed the police, civilian defense units and the local people, although it was very difficult for us. I thought it was just a temporary measure. In order to carry out this order Motoi directed this work. But, in view of the fact that this was entirely unexpected and the fact that the persons who rushed over to help seized this opportunity to make up for their daily lack of food, and furthermore, the fact that they demanded a large amount as a right accruing to them, taking advantage of the occurrence of the incident, there was no unity whatsoever in their demands, and additional requests continued to be made. Motoi became exhausted with this busy activity. Furthermore, complaints continued to pour in, over the telephone, to the branch office, from various places, that the food is late; and that they had not received any food, and that the amount was insufficient. All these complaints came to me at the police sub-station.

After apologizing to each of these, I ordered Motoi, since I thought it would be only for a short time, to make all efforts to comply with the police request, even if he had to turn men and facilities from the Japanese and Korean camps, for this purpose. At the same time, I appealed to Police Chief Miura to appoint one person to give orders, with regard to providing food, and to have all requests made through this person; since it would only cause confusion, if requests for food were made, arbitrarily, by various persons, without unity. Therefore, Police Officer GOTO was appointed to be in charge of food for the police and the aiding units, & requests made to him. However, the investigation of the number of men mobilized was very lax, and there were some who consumed far more than the amount originally allocated per person per meal, eating two or three persons share at one time. I have heard that there were some spectators who pretended to participate only during meals. Requests for extra food rations continued to pour in. In addition, the military police were added, and the members of the families of the deceased continued to assemble. Moreover, the situation was such that the number of police reinforcements continued to increase, and it was most difficult to provide enough food for them alone.

When I thought of providing food for the Chinese laborers, it occurred to me, at first, to utilize the facilities of the Japanese and Korean laborers. However, the rice available was uncertain even by setting up emergency kitchens for the police alone; and because of this, it was impossible to provide new extra supplies for another three or four hundred persons. If food for the Chinese laborers was to be added, even though cooking facilities were inadequate, under the existing situation, then it was clear as daylight that this would be seeking to do the impossible, and would only serve to increase the confusion.

When I thought of the numerous troubles I would be causing the Fujita-gumi if I asked it to help us, in view of the outbreak of the rioting incident, it was most trying for me to request the Toa-Ryo to handle the food for the Chinese laborers for us. But, this was the only possibility

left for me. As a last resort, therefore, I requested Police Chief Miura to use his good offices to make this possible, but he did not readily agree to this.

Apparently understanding my predicament, Seiichiro KUBO of the Fujita-gumi went to the trouble of telephoning, himself, to the Tea-Ryo and asked if it were possible to handle the cooking for the Chuzan-Ryo. In a short while, an answer was received, stating that it was impossible to undertake the request because of the shortage of firewood.

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As a result, the only means left to provide food for the Chinese laborers was to completely abandon providing food to the police, the members of the civilian defense units and the local residents who had been mobilized to help, and to give this food to the Chinese laborers.

I felt it most inconsistent that the receiving of double rations, by those persons who had been mobilized to help, and who were eating the food prepared at emergency kitchens set up by the branch office, without bringing their own food, should be done under orders of the police who were responsible for controlling rations. Therefore, pointing out this fact, in a roundabout manner, I suggested that emergency food for such persons be ceased; but the matter was not even considered, because it was claimed to be unthinkable.

Later, I believe it was about three o'clock in the afternoon, the results of the investigation, which I had previously ordered the supply clerk and construction clerk to make, began to come in.

I remember the details well, because Genko M.SAKI, who was in charge of building, telephoned in the prospects for making repairs; while T/K/YABU, in charge of supplies, came by bicycle to the police sub-station to report in person. According to them, the amount of food, which the Chinese laborers took when they deserted, amounted, in all, to three days' supplies; including one days' supplies, which had previously been given to them in advance, and supplies amounting to two days' supplies which had been stored temporarily in the dispensary. Upon stepping over at the rationing center at the mine and investigating, it was learned that, since the allocation for the Tea-Ryo had not yet been delivered and was still there, this could temporarily be diverted to us; providing we obtain the understanding and approval of the Tea-Ryo.

I recall that, at that time, it was customary to ration ten days' supplies of food at one time, and that the last ration had been made, just prior to the occurrence of the rioting incident. I also remember that there were rumors

that the rioting incident was timed, and selected, to coincide with this rationing. I believe, therefore, that, after deducting three or four days' supplies, there still remained five or six days' supplies.

As for the kitchen, the principal articles that were destroyed were the oven and pans to steam bread, while there were a considerable number of small articles that were lost or destroyed. However, because entry into the building was prohibited exact details were unknown.

After hearing these reports, I felt greatly relieved. I immediately reported the facts to Police Chief Miura, and at the same time, feeling that food could be provided for the evening meal at the latest, if preparations were begun right away. I requested permission to use the kitchen facilities of the Chuzan-Ryo. As I have stated previously, entry into Chuzan-Ryo was strictly prohibited, from that morning, in preparation for a thorough inspection by the procurator; and in order to leave things untouched at the scene of the crimes. But, when I requested permission to use the kitchen facilities, Police Chief Miura refused. His reason was that he must first make sure of the desires of the procurators.

As far as I was concerned, all means of providing food for the Chinese laborers were now closed to me. I therefore asked rather strongly "then what is to be done about providing food for the Chinese laborers?"

To this, the police chief replied: "Aren't even we working without eating?" The situation at the Chuzan-Ryo will most likely be cleared up sometime tomorrow. Food can be provided after that. That's sufficient. They say that the Chinese took off three days' supplies of food. There's no need to get excited and try to do things in a day or two."

Since I felt it would serve no good purpose to appeal to him further, I let things pass at that time.

Inadvertently, pages were incorrectly numbered.

Page 26 was skipped. .

On my way home, I stopped over by the Kyoesaku-Kan Theater to see how the Chinese laborers detained there were faring. I found that their number had considerably increased. In my estimation, there were more than three hundred of them. They were quite full of pep, and less tired than I had expected. Some of them were drinking water from a water-faucet nearby. Upon asking one of the police on guard, I learned that they were being permitted to drink water since morning. I continued on my way home, considerably relieved.

As soon as I returned to our branch office, I requested Motoi, the chief clerk, that since the police had not as yet given their permission as to providing food for the Chinese laborers, he made all efforts towards providing food for the police; and to meet their requirements, by using all the personnel and facilities of the Japanese and Korean, so that there would be no complaints from the police on the following day.

On the 3rd, notification was received from various places that the Chinese laborers who had deserted had been seen in various places. From early morning, the headquarters was very busy. Those who were captured were brought, one after another, in trucks, to the front of the police sub-station and let off there. Then roll-call was taken. They were then divided into those to be transferred to the open space, or to the place of detention inside the sub-station.

The weather was very good from morning on this day, and the number of those mobilized to help was much greater than the preceding day. I had thought that today I would be able to provide food for the laborers, but the great number of people worried me. I believe it was about 10:00 a.m. that I telephoned to Motoi to ask how things were going.

He told me that they were doing the best they could, from early in the morning, having mobilized all the persons and facilities of the Japanese and Koreans. He said, however, that because of the large number of rice-balls to be made, the women were burning their hands because they had to make the rice-balls without waiting for the rice to cool.

Because I felt that if this could not be done in time to meet requirements, it would hinder the providing of food for the Chinese laborers, I consulted Mr. Kubo, of Fujita-gumi, with a view of settling this problem in one stroke. I asked him if the mine would not undertake to prepare food for 600 persons; adding that, if this could not be done then enough for 300, or even 200, would be sufficient. Kubo agreed, although he said he could not answer definitely until he had consulted with the persons concerned. He said, however, that he would do all he could. I did this because it was my idea that the only thing to do was to prepare more than enough food for the police, military police and local persons who had been mobilized to help, and to provide what was left to the Chinese laborers as a surplus. I did not tell Police Chief Miura of this, however.

On the other hand, whenever I had the chance, I explained the situation with a view to obtaining formal permission to provide food to the Chinese laborers. I explained my case as follows:

1. It was my belief that the great majority of the Chinese laborers had merely been stirred up into rioting.
2. Non-issuance of food would only serve to impede production, in the long run.
3. The nation could not permit the loss of even a single worker, in view of the shortage of workers.
4. The only way to provide food for the Chinese laborers was to permit the use of the Chuzan-Ryo.

With regard to Paragraph 4 above, I repeatedly made appeals but, the feeling of the police toward the Chinese laborers, became only firmer; as reports continued to pour in that a group of deserters, including the leader, had thrown rocks from the top of the mountains, and prevented the search parties from approaching; and that they were damaging the crops of the local populace, indiscriminately.

On that day, I had to return to our branch office, continuously, to look after the procurators and Military police, who came to investigate, and the families of the victims, who gathered.

In addition to the question of providing food, a new cause for worry came up on the afternoon of that day. This was the fact that the Chinese laborers were left out in the open. This measure was taken, from the beginning, by the police, and, I was not in a position, at that time, to express any opposition to it. I suggested to Police Chief Miura that they be assembled at the Chuzan-Ryo, or that they be placed within the Kyoraku-Kan Theater; giving as my reason, that this would be more convenient in providing food for them. But, this request was refused, on the grounds that it would be inconvenient, from the standpoint of control by the police.

The food for the police, military police and local persons, mobilized to help, prepared in the emergency food kitchens, was not such a difficulty in the morning; but, at noon, we were forced to provide for considerable extra rations. We still had complaints that food was not served until about two o'clock in the afternoon.

The embalming of the bodies of the superintendents, and others, who were the victims of the rioting, was completed that day and were brought to the branch office in the afternoon. They were then placed in coffins and laid before an altar. Incense was burned for them. Since I was the nominal chief mourner for the joint funeral, I returned to the branch office, after obtaining the understanding of Chief Miura.

Before going, I appealed to Chief Miura once more, asking him to reconsider the problem of providing food for the Chinese laborers. I told him that the use of the Chuzan-Ryo was absolutely necessary, in order to provide them the food; and that, if possible, give his consent, he said "I'll talk the matter over with the procurator, tonight, fully."

On the evening of that day as it began to grow dark, a group of Chinese laborers, led by the guard commander, were



transferred to the open space in front of our branch office. Upon inquiring, I learned that those by the side of the Kyoraku-Kan Theater had been divided into two groups, one being transferred to a place near the former police sub-station and the other brought here.

That night, I learned that Mr. Kubo of the mine, whom I had earlier asked to prepare food, had provided a considerable amount to the police, and had asked that even just a bit of the surplus be given to the Chinese laborers; but, that none had been given to the Chinese laborers.

That night, the personnel of our branch office, and the members of the families of the victims, held a wake for the deceased. Naturally, I was present, remaining until after midnight. I spread a straw mat on the floor of the office, and slept with my clothes on. I got up the next morning and immediately left for the police sub-station, without bothering to eat breakfast. I think it was about 6:00 a.m. The police chief had just gotten up and had not yet washed up.

I could see that he had slept on the top of a desk in the office of the station. After exchanging morning greetings, I brought up the matter of providing food for the Chinese laborers, just as he got up "Yes, it's about that," he started to say, and hurried off to the lavatory. In a short while, he washed up and returned. Putting on the coat of his uniform, which was hanging on the back of a chair, and, as if rushing me, he said "I'd forgotten. I'd forgotten. Start making preparations right away."

This attitude of his was quite a change from that of the preceding day. I was at a loss to know what he had "forgotten," but it was enough for me that it was now permissible to give food to the Chinese laborers. I made sure by asking, "Then it's all right to use the Chinese cooks and the facilities of the Chuzan-Ryo dormitory?" He replied: "The cooks might be needed for further questioning, but I guess it's all right. Speak to the guard commander and pick them out. I'll speak to the procurator about the dormitory."

Just then, Mr Kubo of the mine came. I told him about it and got him to help us. I then telephoned to the labor clerk at the branch office and instructed him to send someone to the open space by the Kyoraku-Kan Theater to escort the Chinese cooks back to the Chuzan-Ryo dormitory, since permission had been obtained to issue food to the Chinese laborers.

Upon going over to the open space to take a look, I found that Kubo had already begun picking out the cooks from among the Chinese laborers. I believe there were six or seven of them. I remember that one of them, a man with a freckled face, was said to be one of the leaders and was left for questioning, in view of what the police chief had said.

Soon the men sent from our company, to escort the cooks, arrived. Therefore, I sent them back to the Chuzan-Ryo dormitory, with the cooks. I recall that the men were ARIKE and ECHIGOYA. After seeing them off, I returned and reported all immediately to Police Chief Miura. When I asked him about using the Chuzan-Ryo dormitory, he said that the procurator had just stopped over at the police sub-station

and then had gone to the Chuzan-Ryo, and that he had fully explained the matter to him. He added: "The procurator will probably finish during the morning."

Thinking to issue food as soon as the cooking was done, regardless of the time, I telephoned to Ariake, at the Chuzan-Ryo dormitory, in order to find out the situation there, and asked him how things were going. He replied that just then an investigation of the kitchen was being made in the night duty room for superintendents, where the murder was committed. He added that the investigation of the kitchen had not been made first; and, that at the present rate, this would not be finished during the morning. I immediately reported this to Miura, and asked him to do something about speeding up the investigation. He looked at his watch and said "He (the procurator) said he'd be back for lunch. He should be coming soon. I'll see him then and talk to him about it."

When I went back to our branch office for lunch, I called Ariake and asked him once more of the situation. He said the procurator claimed he had not been asked by the police chief to start the kitchen. Thus, I learned that all my requests made to Police Chief Miura, on the previous day, and on the day before that, when I stated that the kitchen of the Chuzan-Ryo dormitory was very necessary and that I wanted the kitchen inspected first, had not been conveyed to the procurator; probably having been forgotten in the excitement of the mutiny."

I ordered Ariake to make all preparations, which could be made beforehand, and to continue to hold himself in readiness at the Chuzan-Ryo dormitory, so that cooking could be started immediately after the completion of the investigation; and to keep in touch with me. Before evening, he contacted me twice and on each occasion I reported the facts to the police chief.

Chief Miura himself telephoned to the police officer stationed on guard duty at the Chuzan-Ryo dormitory asking, "How much longer will it take?" It seemed that, just at that time, the investigation of the scene near the bath, where the head cook had been killed, was going on as the police chief, after first asking that he wanted to have the procurator called to the telephone, hung up, saying, "It's far away. Never mind."

Thus, it was towards evening of that day, that the investigation ended. Immediately thereafter, cooking was begun, and the food transported and issued to the laborers. According to my recollection, this was after it had already become dark. Because of various circumstances, I was unable to observe closely the situation of the food issuance; but, I heard that the food provided then was a gruel made from 4 grade wheat-flour. It was originally planned to issue bread. However, the opinion was advanced that it would be harmful to give the laborers a normal diet after having missed several meals. Therefore, it was decided on that day, after consulting with the police chief, also, to serve them gruel. I remember that the amount was gradually increased, and that from the 7th, the normal diet of bread was restored.

Because I thought it was more convenient, viewed from all aspects, to have all negotiations with the procurator done through the police chief, I left this, from the beginning, to him; and, I and my subordinates did not at any time negotiate

directly with the procurator, concerning the use of the Chuzan-Ryo dormitory. Even before the occurrence of the rioting incident, nothing of an important nature could be accomplished, so far as it had to do with the Chuzan-Ryo dormitory, without seeking and obtaining the instructions of the police. This tendency, of course, became especially greater, immediately after the outbreak of the incident. I myself took station at the police sub-station every day, and acted under the direction of the police chief in carrying out his orders. It was impossible for me to make any decisions, at my own discretion, concerning a matter so important as that of providing food. If I had issued food, in disregard of the orders of the police authorities, I believe I would naturally have been confined in a police detention cell.

Therefore, I honestly believe that I did everything within my power to get food to the Chinese laborers; but, due to forces more powerful than I, and due to factors which I could not question or overcome, my activities were limited and subject to the consent and approval of the higher authorities of Akita Prefecture.

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Specification 3 (cite specification)

I have previously explained, in detail, why the prosecution is in error in alleging that the Hanaoka construction enterprise was a "Chinese labor camp"; and in alleging that there were "four labor camps"; and in alleging that I was "Commander" - - therefore, I do not feel it necessary to again point out to the court these prosecution mistakes, as I believe these errors are very clear. Consequently, I feel confident that the court will correct these erroneous assertions.

According to my long years of experience, in order to train the non-experienced for civil engineering work, at least one year is necessary, even for those qualified for the work.

Although the North China Labor Association publicized the fact that the Chinese laborers were all experienced, most of those who actually arrived at Hanaoka had no previous experience. It seemed that more than a year would be necessary for them to get acclimatized. Therefore, I made up my plan, and put it to practice, to make the first year a training period for them, and, the remaining year as the actual working period.

Consequently, in having the Chinese laborers work in the first year, I had it in my mind (1) to have them acclimatized; (2) to build up their physique so that they would be able to bear the labor; and, (3) to have them acquire the technique of the work. I did not count upon their efficiency.

From a purely economic standpoint, any kind of civil engineering work should be based on the contract system. As for the Japanese and Korean laborers, due also to the fact that they were all experienced laborers, I had them work, without exception, on the basis of contract work in the construction work at Hanacka, and had their wages paid according to the amount of work they performed. As for the Chinese laborers, however, it was altogether impossible to treat them on the same basis as the Japanese and Koreans; and, as it was a training period for them, I had them work on a time basis. The hours imposed on them were the actual working hours which were provided for in the contract with the North China Labor Association.

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Specification 3, sub-specification a:

"Excessive work"

I wish to make clear that ISE had nothing whatsoever to do with the amount or type of work that was to be done. He could not change the working hours, the amount of work to be done or working conditions, in any way. His sole duty in that regard to the company was to see that those who reported for work call in the morning got out to the work site. In substance he was just a caretaker who took care of the dormitory and its immediate surroundings. The amount of work was not fixed by the labor supervisors like FUKUDA or SHIMIZU. They were told by the operations section what was expected and they outlined this to the Chinese through the Chinese leaders. They are obviously men of limited education and experience and no engineering project would allow men of this type to make such **decisions** as to the amount of work a group of men could accomplish. They could not change the working conditions or the hours or the amount of labor. They could not excuse a Chinese from work because of illness.

Here also I want to explain that they were paid a daily wage by the company. The wage was fixed. They got no extra bonus or wage for getting more work out of the Chinese. They were not paid overtime for working the Chinese longer hours. ISE too, Received no such bonuses or extra wage if the Chinese performed a certain amount of work or if a quota of Chinese laborers went out to work each day. There was nothing that Ise or the labor supervisors stood to gain by adopting a harsh policy toward the Chinese. The Chinese laborers were working under the same conditions & hours as the Japanese & Korean laborers; and were not required to work as hard; because, in the first place, they did not have the skill & technique which was necessary to civil engineering work. Therefore, it was necessary to view them in the light of apprentices & take time to train them in the work. Furthermore, the Chinese, themselves, never complained about the type of work; & if I'm not mistaken not any of the prosecution witnesses has said that the hours they worked were any different than those of other workmen; or that the hours per day were any more than they considered ordinary. The Chinese were not skilled workmen; therefore, it was necessary to assign them to unskilled work; whereas the Japanese & Koreans (some of them) were skilled workers & they had to be given the technical jobs. It could work out no other way. I frequently issued instructions to the foremen to train the Chinese patiently, as they were not skilled workmen, and were unfamiliar with the duties. Therefore, to specially select their work, with this in mind.

I inspected them while at work and I found out that, not only was there no case of their being worked excessively, but, some of them were rather idle.

I never received any report from the chief of the works section that the labor for them was excessive, nor did I receive any complaint from them that their work was excessive.

By an order of the Akita-ken Patriotic Labor Association (Romu Hokoku Kai), a labor "attack week" was instituted, from June 24 to July 3, 1945, throughout the Akita Prefecture. As the riparian work, in which the Chinese laborers had been engaged, was also designated as an object of this "attack week", the Chinese laborers also had to participate in this week. The aim of the "attack week" was to stimulate the material desire of the laborers, by offering them food, fatigue-dress and daily necessities, which were then none too sufficient, in exchange for any measure of progress that could be made in the construction work, that had to do with more production.

As I remember it, the "attack week" required (1) more working hours, (2) the work to be done on the contract work basis without exception, and (3) to eliminate accidents.

Following the notification in regard to the "attack week", a conference was convened by the Akita Patriotic Labor Association to give explanations. But, as I was unable to attend, I sent Kihei KIDO, chief of the works section, and SHIBATA. I had them ascertain whether the Chinese laborers were to observe the "attack week." The reply was that, regardless of being Japanese, Korean or Chinese, all were required to participate; and, so I had the Chinese laborers join in the order.

In carrying out this scheme, the chief of the Odate Branch of the Patriotic Labor Society, the chief of the Mobilization Office of Odate, as well as others, slept on the work-site for the purposes of publicity and encouragement.

The Chinese laborers were to be allotted the same amount of work as the Japanese and Koreans; but, in consideration of the actual conditions, they were only given 50 per cent of the work allotted to the Japanese and Koreans. However, I was later informed by KIDO that, according to a study made after the week, their allotment of work was no more than 30 per cent.

During the "attack week", I constantly required the chief of the works section, and the chief of the works unit, to report to me about the conditions of the Chinese laborers. They reported to me that, although the work might not be an easy one, it was never of a kind that could not be endured. As the work was of temporary nature, and its volume was such as described above, it can never be considered to have been excessive.

The hours of work, the conditions under which work was carried on, & the labors performed, were all in accordance with Civil Engineering practice & custom; bearing in mind, at all times, that the years 1944 & 1945 were war years.

As to my being in a position to refuse to observe the increase in hours worked during the "attack week", I want it understood that this "attack week" was instituted under official orders; consequently, I could do nothing about it.

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Spec. #3; sub-spec. b;

"Arduous labor when ill"

I never compelled the sick to go to work, nor did I permit anyone to do so. On the contrary, we had a dispensary to handle the complaints; &, if these complaints were serious, an urgent call was out right thru to the Hanaoka Mining Hospital, & a doctor came right down.

I know that many Chinese used to try to avoid going to work by pretending to be sick; and, would be very angry when the dispensary would not approve their requests. I don't doubt but that some of these requests should have been honored; however, most of them were unfounded. Faced with a situation such as this, mistakes were bound to occur. ( I had heard that the same situation faced the dispensary men in the Japanese & Korean Dormitories; but, on a lesser scale.)

The fact that a dispensary was made available to the Chinese laborers; and the fact that sick-call was open to them; and the fact that many of them, daily, were excused from work, because they complained of ailments, shows that we acted in good faith. And, as I have said before, I think it would happen anywhere that a few mistakes would be made, & a few who were sick would be dis-believed, & not allowed to refrain from work.

Furthermore, the prosecution seems to think that I should have personally conducted these sick-calls, in addition to being the Civil Engineer in charge of a 10,000,000 Yen construction project. I honestly believe that I did what any other honorable business man would have done, & does, in relying on my subordinates to carry thru with their jobs, in a faithful manner. And, if there were errors and mistakes made, and I did not know about them, beforehand, nor could I have learned of them in the usual course of my business activities, I should not be held responsible. This court must bear in mind that I was not a military man; but rather a civilian. Therefore, the theory of Command Responsibility cannot apply, and does not apply.

*If true  
ask him  
about the*

After 15 July '45, when I concurrently became dormitory inspector, I had the weak laborers picked out & laid off for the day. This, even if they expressed a desire to go to work.

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Spec. #3; sub-spec. c;

"Unhealthful & Dangerous work".

I want to point out to the court that not one Chinese ever said that anyone had been hurt, injured, or rendered sick as a result of the type of work they were performing. Therefore, it follows that the work could not have been unhealthful or dangerous.

In addition, the work of the Chinese was out in the open air, and I don't see how anyone can contend that work in the open is unhealthy.

As to the conditions of work being unhealthful, I can only say that they were subject to the same conditions of work as ourselves. They were not made to work, unless the Japanese & Koreans also worked. They were given the same rest periods as the others; and, for all purposes, no discrimination was shown against the Chinese workers.

The work selected for them was:

- 1 - Reclamation work,
- 2 - Earthwork,
- 3 - Concrete work, and
- 4 - Farming.

The Concrete & Reclamation work was only for a short time (1 month respectively); therefore, their work consisted, mostly, of farming & earthwork. However, as to the earthwork, such part of it as would require technique; or would entail difficulties, or where skill was necessary; was assigned to the skilled Japanese, or Korean, laborer. As a result, there were many cases in which casualties resulted among the Japanese & Korean laborers; but not a case happened among the Chinese.

As for the work during winter, not only the Japanese and Korean workers, but the American and British prisoners of war as well as the Chinese laborers employed by the Fujita Gumi, were all working during the winter. Moreover, although there is heavy snow in the Hanaoka district, the temperature during the daytime is not very low. It makes no obstacle for work, nor is it injurious to health.

I examined the statistics of the temperature of the past 10 years in the district, and I noticed that the coldest season between December and February marked the average of 2 degrees centigrade during the daytime - (35.6 degrees F).

Bon-fires were constantly made on the work-site during the work; and instructions were given by me that, when the thermometer in the Branch Office dropped to more than -5 degrees centigrade, the work should stop.

*Did the work ever stop?  
How many days?*

In order to cope with the heat in mid-summer, resting places, with roofs, were erected on the work-site. I also gave instructions that the 15 minutes rests in the morning, and in the afternoon, should be prolonged to 30 minutes.

I ordered the work stopped on rainy days. Rubber boots were provided in the Chuzanryo dormitory, for the Chinese to be used in places where water was gushing out. As rubber boots were scarce, they were not provided for Japanese and Korean laborers. As I remember it, these rubber boots were bought in the black market, for the Prefectural Government would not give any ration of them, despite our petitions.

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Spec. #3; sub-spec. d;

"Work as disciplinary measure"

Punishment, in the form of imposing work, was not allowed, in any case, by the police or the North China Labor Association; &, I never permitted it. I never witnessed such a case, nor did I hear of it.

As it is the human nature for the superintendants to end the work as early as possible, & return to the dormitory, it is almost unthinkable that they should order any Chinese to remain & work, thus obliging himself (the superintendant) to remain & work, also. On the face of it, this is ridiculous.

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Spec. #4: (Cite Spec)

Again, the prosecution calls the construction job a "Chinese Labor Camp"; whereas it was nothing of the kind. It was purely & simply a civil engineering enterprise, with Chinese, Japanese & Korean laborers working, living & eating at the construction site.

The prosecution insists that there were "four labor camps"; but, again, they are in error, as there was only one construction project.

The prosecution insists on saying that I was "Commander"; but I was nothing of the sort. My capacity was General Manager of the project; & I was, by no stretch of the imagination, connected with the military. I was a civilian, at all times; & doing the work of a civilian; being paid by a civilian organization; supervising civilian employees; and only engaging civilians as laborers and employees.

I want this court to understand, & bear in mind, that I was not of the military; but, that I was a civilian, at all times. Therefore, I beg of this commission to judge me in the light of my true capacity - - - that of a civilian civil engineer.

The prosecution further says that I "failed to control & restrain members of my command from doing certain acts: I desire to point out that, being a civilian, there were no "member of my command". Such a relationship can only exist in & is solely peculiar to, the Military.

In case there was any wrongful act on the part of the Chinese laborers, punishment was strictly prohibited by the police, from the very beginning, and such was not allowed to anyone. In order to cope with such wrongful acts, the instructions from the police were to control them by the autonomy among the Chinese laborers; and, for grave offenders it was ordered to hand them directly to the police for punishment. From the beginning, there was no detention room established in the dormitory.

*What wrongful acts by the Chinese?*  
When there was any wrongful act on the part of the Chinese laborers, the superintendent reported the matter to the Chinese unit leader, Chinese squad leader or Chinese company leader, according to the degree of the offence; and had them reprovved through these Chinese leaders. There was no case that the superintendent was allowed to punish them directly, and the Chinese leaders were never compelled, or given suggestion, to punish them. Even when the punishment was voluntarily imposed by the Chinese leaders, the use of force was never permitted.

In case when a grave offence was committed, the superintendent reported the matter to the dormitory inspector, and the latter reported the matter to the head commander of the Chinese laborers, or to the police.

The fact that the dormitory inspector was prohibited to rely upon the use of force as punishment was the same as with the superintendents.

*Was not reporting that division of fact?*  
As for the most atrocious offence, the superintendent sometimes reported directly to the police, and later informed the dormitory inspector of the fact.

I never observed any instance of the Chinese laborers being actually punished; nor have I received any such report, either from the dormitory inspector, or from the labor affairs chief.

In regard to those Chinese laborers who fled from the dormitory, even if there was no other offence committed by them, the case was investigated by the police; and, after the investigation, they were detained in the detention room of the police station.

Regarding Sub-specs. (a) and (b), of Spec #4, I received no report from the dormitory inspector, nor from SHIBATA or MOTOI. I do not know whether this comes under the case or not, but there was an instance, about two weeks before the riot, as I remember it, in which policeman GOTO came to the Branch Office, around luncheon time, and said; "I have just handed one escaped Chinese laborer, who had been detained, over to the Chuzanryo dormitory. I have strictly called the attention of ISE and the Chinese commander."

I did not, however, hear that this escape was punished nor could I even think of him being punished by force, judging by what I was informed



of then, because he had already been punished by being detained in the police station.

As for the items from (c) to (p) and from (q) to (y), I did not receive any report from ISE, SHIBATA or MOTOI, nor did I witness them myself. I did not hear nor did I receive any complaint from the Chinese laborers.

As I was, however, informed by the police, after the July 1 incident, to the effect that there were some among the superintendents who violated the regulation, and directly inflicted punishment on the Chinese, and that this was one of the causes that led to their riot, I had the labor affairs chief and the dormitory inspector investigate the matter.

As a result of the investigations, I discovered that there were some superintendents who violated the regulation. I found out from those who survived the murderous July muting that they had only punished the Chinese by slapping them; and that there was no other offences of an atrocious nature. But, as even the slapping was prohibited, the violators were not to remain unquestioned and I dismissed the offenders from the dormitory at once.

About June 20 as I remember it, I heard a rumour that there was a brawl among the superintendents, after drinking, and as I observed the slacking of discipline among them, I called in all of them to the office of the dormitory that evening and, showing them the "five rules for the superintendents," I admonished them.

I later heard that, in the evening of the riot incident, all the superintendents gathered in the office of the dormitory and practiced the Chinese language, under the instruction of interpreter HIMORI; and, I think this was the result of my admonition given on one of the five rules. I think that those present in that evening were ISE, HIMORI, UYEMOTO, OBATA (Sonosuke), ISHIKAWA, FUKUDA, SHIMIZU, INOMATA, NAGASAKI, YOSHIYA, ECHIGOYA and SATO (Taroji).

The policy taken by the police, regarding the punishment of the Chinese laborers, never changed from the beginning to the last.

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In addition, the prosecution is attempting to charge me with responsibility (in sub-specs. a to y, inclusive) for alleged acts of mistreatment by several of my employees. This attempt is groundless; & this court should readily recognize the obvious reasons why such responsibility cannot attach to me.

- 1 - I was not of the military; therefore, no such thing as "command responsibility" can be invoked as against me. That theory is only applicable when a man is in the army; and dealing are between army personnel.
- 2 - I was a civilian, at all times; & my dealings were with civilians. Therefore, "command responsibility" cannot apply. An entirely different doctrine of responsibility is viewed when a person is a civilian.
- 3 - In Civil Engineering projects, and in all civilian enterprises, an employer is not responsible for the criminal acts of his employees (regardless of it being during wartime), unless:

The employer has prior notice that his employee is going to commit the act & fails to stop him; or,

*Did you not know?*

*Who were they?  
Did you even hear a rumour that were...*

b - when the employer is the instigator of the unlawful act.

In no other instance, can an employer be held liable for the unlawful acts of his employees. Furthermore, just supposing my employees did do some unlawful acts, it is ridiculous to say that they were acting for the benefit of the Kashima-gumi corp. or for the benefit of myself. These unlawful acts reduced the efficiency of the laborers, & reduced the number of laborers available for work; therefore, when my employees did these acts, they were directly working against the interests of Kashima-gumi, & myself. The company & I were vitally concerned in having the laborers in the best possible physical condition; & to have as many of them available, as possible. Therefore, I certainly would not condone any such acts on the part of my employees, as the acts would be directly contrary to the desires of Kashima-gumi & myself.

*Did you know?*

*I never knew that there were any such acts; because, if I did I certainly would have put a stop to it, immediately. It stands to reason that such would have had to be my feelings, and they honestly were.*

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Spec. #4; sub-specs. a, b, f, g, h & i:

"Ise & Fukuda forcing Gun-Chun et al to beat other Chinese."

There has been absolutely no evidence in this case that any Chinese was forced to beat another Chinese. Several of the witnesses have used the words "was forced"; but, not one of them ever saw, or heard, of an instance where a Chinese was punished for refusing to beat another Chinese. This fact should speak for itself.

Some of these witnesses have even said that they saw or heard of, a Chinese refuse to hit another Chinese; &, that he wasn't punished for refusing to do so. That should prove to this court that no Chinese was ever forced to mistreat another Chinese.

From what I've heard, I feel that Gun-Chun acted on his own impulses; and, the witnesses are now trying to cover-up his (Gun Chun's) own voluntary acts, by saying that he "was forced" to do so.

I also feel that the reason my counsel were not permitted to interview Gun-Chun, was because the prosecution and the Chinese Ministry did not want him to testify to those facts; and they had him sent right back to China.

Furthermore, when anyone says he was forced to mistreat another, it means that, if he didn't do it, he would have been beaten himself. Such a thing never happened. Therefore, I honestly feel that the entire story is a falsehood; &, if the Chinese did mistreat each other, they did it because they wanted to.

*What was the policy?*

The policy of the Home Ministry as enunciated by Homma was that we could expect the Chinese leaders to punish the Chinese for breaking rules and regulations and that if we wanted to keep the leaders, should not interfere with them in the admission of discipline.

Assuming that some of my employees did ask Gun-Chun to strike another Chinese, he didn't have to do it if he didn't want to. Under those circumstances, no one can say Gun-Chun was forced to do so. And, if any Chinese died as a result of Gun-Chun beating him, Gun-Chun is the murderer - - - no one else.

I never told any of my employees, or any Chinese, to beat a Chinese laborer; as such instructions would only work against what I was trying to do; namely, have my laborers in the best physical condition to perform the work. I think this court will understand my position in a matter of that nature.

In addition to all this, I was not in a position to personally observe these acts; or, for that matter, know they were going on. It must be remembered that I was General Manager of the entire construction project, with thousands of employees, problems, conferences, technical difficulties, and others; consequently, these things were too far removed from my field of observation, or knowledge. I had to depend on my employees, and the reports I received from them. I certainly couldn't do it by myself.

There is another reason why I never knew these things were going on, & I was not at fault in not knowing. These acts were supposed to have been performed by employees with whom I very seldom, if ever, come in contact with. They were the laboring group - - - not my direct subordinates - - - nor the subordinates of my direct subordinates - - - but rather, still more removed from me. Therefore, in a project of this size, I never knew what these men were actually doing, except thru reports which were sent up thru channels. If any of these reports stopped on the way, naturally, I had no other means of checking.

In view of all this, I honestly feel that I should not be held responsible for alleged acts of this nature.

\* \* \* \* \*

Spec. #4, sub-specs. c, d, e & m:

"Fukuda beating Chang Shin-shang; Tien Fing-duk, Chang Cheng-Kiang & Lian Son-so, in Oct '44 & Sept '44, respectively".

I know nothing about Fukuda supposedly beating these Chinese. I didn't see the acts, because, if I had, I surely would have stopped them. If I had knowledge that they were going to take place, I would not have allowed them to happen. I didn't hear about them afterwards; because I would there have called Fukuda in & discharged him; and, quite probably, reported him to the police. (My status as a civilian would have prevented me from doing anything else.)

I don't even recall these Chinese names; nor do I recall even having heard about their deaths. However, I do know that a death-certificate was made out for all who died on the job; and that Dr Duchi, as a rule, signed these death - certificates. Therefore, as far as I ever knew, and, not being a medical man, all the deaths were due to the causes that showed on these death certificates.

I never heard any rumors that men had died for different reasons than the doctor stated on these certificates.

If these 4 incidents did take place, they were the first acts of this nature by him, as he didn't come to work at Hanaoka until the middle of Aug. 1944. Therefore, under those circumstances, no one can honestly say that I should have known that he was apt to break the rules, & take matters into his own hands. Certainly, the company, & his own supervisors, cannot be said to know everything about him, in 2-3 months, so as to be able to tell what he is liable to do.

As I have previously said, I had no contact with these men, & relied on my immediate subordinates for reports, etc. If I didn't receive these reports, then I was in no position to ever find out about these things.

The same situation applies throughout all business enterprises, everywhere; & this project was no different than any other.

\*\*\*\*\*

Spec. #4, sub-spec. j, k, l & n;

"Mistreatments by Fukuda"

I know nothing about any of these alleged incidents; therefore, all I can do is refer this court to my previous explanations of the reasons why I didn't know of them; and, the reasons why I was not negligent, in not knowing of them.

I feel it necessary, however, to again request the court to appreciate my position; and the fact that a General Manager of any large business firm, never has any direct contact with his ordinary employees. Therefore, he is dependant upon reports, for his information. To do otherwise would mean that he never could handle the business and technical problems which are always present.

\*\*\*\*\*

Spec. #4, sub-spec. o;

"Fukuda mistreating 17"

If the prosecution and the Chinese witnesses don't know who these 17 Chinese laborers were, then I can't understand how they would ever expect me to know about such a matter.

These 17 Chinese, no doubt, include many of those Chinese named in the other specifications, & of whom the same mistreatments has already been alleged. I can't understand this situation, & can offer nothing that would be helpful to this court.

I can't ever recall hearing of any group being deprived of their noon meal.

Furthermore, what I have previously explained to this court, would seem to apply in this situation, also.

\*\*\*\*\*

Spec. #4, sub-spec. p;

"Fukuda mistreating Yi Son-shin"

I know nothing about this incident. Furthermore, I note that it was supposed to have happened in Jan '44; whereas I didn't arrive at the Hanaoka project until after that date.

*More to Amend?*

Fukuda wasn't there at that time, either; as I don't think he started work until August '44.

In addition, I can only offer my previous explanations as to why I am not responsible for acts such as this.

\*\*\*\*\*

Spec. #4, sub-specs. s, t, v, & w;

"Shimizu mistreating"

There is absolutely nothing I can say about these incidents, except;

- 1 - I did not know, beforehand, that they were going to happen; else I certainly would have taken steps to prevent them.
- 2 - I did not see them occur.
- 3 - I never received any reports from anyone, that they had happened; because, if I had, I would have several Shimizu from the company; &, also, reported him to the police - (that would have been the extent of my action, as I was a civilian & could do nothing more.)
- 4 - I can't understand how anyone can say that I was at fault in not knowing that such things (assuming they happened) were going on, as:
  - a - My position was so far removed from incidents of this nature, that I could not possibly learn of them, unless they were reported to me thru my immediate subordinates.
  - b - My position as General Manager of the project necessitated executive direction over the business & management phase; not permitting me to assume personal supervision over the details of the operation. That phase was the function of my subordinates, who were to report to me; & their subordinates were, in turn, to report to them. Therefore, unless I just happened to be at the scene when one of my employees did a particular act, I was dependant upon information from reports; and, if I received no report, I never learned of the incident.

As I recall it, SHIMIZU was married sometime in the winter of 1945 and no longer lived at the dormitory. From information I gathered, I do not believe SHIMIZU spent his nights at the dormitory after this. He lived at Hanaoka with his wife, and would usually return after the evening meal. The incidents charging him with beatings at night, after the winter of 1945, must be in error.

Specification 4, sub-specification u;

"Shimizu mistreating"

May I point out to the court that this sub-spec. u is the same as Shimizu spec. #5; therefore, as he is alleged to have been the perpetrator of this incident, and the court has already struck the words "thereby causing many of them to lose consciousness", in his specification, I believe this phrase should be taken out of mine.

As far as Shimizu beating 40 Chinese, in June '45, I can only say that I was not aware of it. Furthermore, it seems to me that some of these 40 Chinese may be the ones that have already been named in other specifications and who were supposed to have been mistreated by Shimizu.

In view of this uncertainty, I can add nothing to what I have already stated.

When the prosecution and the witnesses can't identify these 40 supposed victims, I think it very unfair for them to require me to do something which they admit is impossible. I know nothing about this alleged incident.

\*\*\*\*\*

Spec. #4, sub-specs. x;

"Acts by Shimizu"

The prosecution doesn't designate any Chinese by name; therefore, it is impossible for me to defend myself in this matter. If I only knew who these Chinese were supposed to be, I could have the company records checked the death - certificates checked, and probably secure some reliable witnesses who would show to this court that these men never died as a result of what is being charged. As it is now, there is absolutely nothing I can do about it, except say that I am ignorant of any such happenings.

*How many Chinese died?*

I know that many Chinese died; but, that does not mean that they died as a result of what the prosecution says here. That is why I beg the court to insist that the prosecution disclose the names of these Chinese to me; otherwise, it is taking unfair advantage of my inability to defend myself.

Furthermore, I have previously explained to the court about the clothing situation, & the fact that I could do nothing about it. Also, that the Chinese received the same allotment & consideration as the Japanese & Korean laborers; & were worked under the same conditions. If the Japanese & Korean laborers did not work, the Chinese didn't, either.

\*\*\*\*\*

Spec. #4, sub-spec. y;

"Acts by Shimizu"

First the prosecution charges that the Chinese were not properly clothed for winter (sub-spec. x); now, they say that these ~~some~~ Chinese were not properly clothed for summer. These 2 charges seem ~~in~~ inconsistent; because, in the summer, when its ~~hat~~, few clothes are necessary; whereas, in the winter, more clothing should be had. So, it seems to me that only one of these charges makes sense.

*How many died of sunstroke?*

As far as summer clothing is concerned, if a man is ~~hat~~, he only needs to take off his clothes; and, I have heard nothing about anyone stopping them from doing so.

They all had straw hats, which was adequate protection from the sun; &, it was the same as the Japanese & Korean laborers had. In addition, their resting places were covered from the sun.

When it rained, they had straw rain--coats & hats; but, if the rain was too heavy, work was cancelled for that day. The same applied to the Japanese & Korean workers.

I must respectfully state to the court that I can't see any merit to charge like this one.

SHIMIZU as I have stated before, had nothing to do with the working conditions or the clothes worn by the workers.

Spec. #5; (Cite Spec.) (as clarified by the B/Particulars)

I won't take up the time of this court by again stating the reasons why the prosecution is in error when they say:

- 1 - "Chusan Chinese Labor camp",
- 2 - "four labor camps", and
- 3 - "Commander".

However, again I might point out that I was a civilian, not a military man; therefore, the word "Commander" does not apply to me, or my position in the project. I was the general manager, & a civilian, it all times

I never forced any of my employees to strike the Chinese. That is a deliberate lie. I never requested that they do so, either; and, anyone who says I did is not stating the truth. All I can do is deny such a charge; &, that is all anyone could do, under the circumstances. I sincerely want this court to believe me, when I say that I never forced or ordered my workers to mistreat another.

I believe that there has been no Chinese witness who ever said that I forced them to beat another; and, if they did, it is not the truth.

As I have stated before, my desire was to have my employees in the best physical condition, at all times; as there was a big job to be done at Hanaoka - - - - therefore, to force, or order, beatings would only lessen my worker's efficiency, and I didn't want that. This, also, was the attitude of the company. And, I certainly would not do things which obviously was against the interests of the company, & against my own interests.

\* \* \* \* \*

Spec. #6; (Cite Spec.) (as clarified by the B/Particulars)

Again, the prosecution insists on charging me as "Commander", but, I won't go into that again. I believe this court knows that such a term is not applicable to me in my status at Hanaoka.

I will point out, however, that when the prosecution uses the words - "members of my command" - they are entirely in error; as that situation can only exist in the military field. I was in no wise connected, or associated, with the Military; being a civilian, & associated with a civilian project, using civilian employees.

I am now charged with "permitting"; whereas, in spec. #5, I was charged with "forcing". And yet, both the "permitting" & the "forcing" pertain to the same Chinese, because the Bill of Particulars names the Chinese who were supposed to have been mistreated. This doesn't make sense, because I couldn't "force", & at the same time "permit", one of my employees to abuse the same Chinese laborer, at the same time. It seems to me that the prosecution does not/<sup>know</sup> what it is trying to say I am responsible for; and are only trying to confuse everyone. If they can't tell what happened, I don't know how I can be expected to answer & aid this court. It is impossible.

All I can do is deny that I ever "permitted" any employee to strike a Chinese employee.

My reasons for not allowing such things are the same as I have stated in answer to specification #5.

If such incidents took place, I, certainly, never permitted them; and, if I had any knowledge that such things were happening, I would have taken immediate steps to stop them.

\* \* \* \* \*

I strongly request this Commission to bear in mind that the report Mr. Simpson made, on the sanitary conditions of Chuzan-Ryo, was the result of an inspection, months after liberation and when the Japanese had no control over the actions of the Chinese; and even the Americans, stationed around Hanaoka, had trouble controlling them. What Mr. Simpson saw was not Chuzan-Ryo looked like during the time that the engineering project was going on. The demoralization that followed the surrender of Japan and the impossibility of any Japanese and, for the most part any American, to do anything with the Chinese is the background that cannot be ignored in reading Simpson's report. There is one thing that I must say on behalf of Mr. Shibata. His position in the branch office was not a position of authority nor could he make decisions independent of me. He had no control of the funds of the Company. He could not hire or fire people. He just checked up on things for me. Shibata attempted to keep things as clean as possible at Chuzan-Ryo and so did Mr. Ise. Shibata's duty was solely to report these conditions to me, which he faithfully did. The fact that sanitation was not the best possible was not do in any way to Shibata's failing to do his duty or Ise to do his duty. The only way that the dormitory could function along sanitary lines was to have the full cooperation of the Chinese in making use of the lime and disinfectants provided them and to keep their own quarters clean. From what I could observe, Ise did all that he could to impress that fact on the Chinese, but they did not cooperate to carry out the necessary sanitation measures.

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Specification 5 or 6 - B/Particulars #6 and 11:

"Hsiao Chieh-Tien"

I must strongly deny any knowledge of this alleged incident; or, anything whatsoever to do with it. I never brought back a Chinese laborer who had left the camp; and, I was never present when any one of them was punished (if they were); and, I never ordered any Chinese to be punished. I know nothing of this incident, and cannot recall any matter that even resembles it.

Furthermore, the prosecution witnesses have definitely stated that this alleged occurrence took place in April 1945, around midnight, and that Shimizu was present and acted as my interpreter. This is impossible, for the following reasons:

1. All during April 1945, and the first part of of May 1945 Shimizu and Shibata were in Shimoneseki, to meet, and escort back, the new group of Chinese laborers.
2. Shimizu's Chinese was not good enough for even the simplest of interpretation. He was originally hired as an interpreter; but, he



could not speak, or understand; the necessary dialect; therefore, he had to be transferred to the job of labor supervisor.

3. Up to the time of the coming of the second group of Chinese laborers, I stayed at the dormitory, at night, on only one occasion; and, that was when the first group of Chinese laborers had arrived. At no other time did I remain in the dormitory at night.

Therefore, on the basis of these facts, this incident just could not have happened.

Finances: I desire to explain the method of handling the finances at the branch office at Hanaoka.

Motoi took care of figuring the monthly expenses for the office workers (nothing to do with the Chinese, Japanese or Korean laborers), the monthly expenses for office maintenance, and the monthly expenses for all rationed items (food, clothing, medicines, etc), and then submitted this report to me, around the 15th of each month. This report covered the funds necessary for the next full month. (The expenses for the rationed items - food, clothing, medicines, etc - remained fairly constant per man; as we could do nothing about increasing these items, although we tried.

Kido (Kihei) computed the monthly wages for all laborers (Chinese, Korean and Japanese), and submitted this to me on about the 15th of the month. These figures were for the next full month.

I then approved both of these reports, and requisitioned the total amount from the main office in Tokyo. In turn, the home office would forward the sum I requested to the Akita bank at Odate, and I would draw from there.

My signature and seal was necessary on all checks, before the Akita bank would honor for payment. No one else had the authority to sign their name and draw money. However, I gave Motoi authority to sign my name to checks, for payment of routine bills; such as, the monthly wages for all employees and laborers, rationed items, incidentals, and the like. These were the usual and routine matters, and didn't need to clear through me. On all other matters, such as purchasing food, clothing, medicines, etc. in the black-market (if and when we were fortunate to get anything,) or matters involving anything unusual and not routine, I had to approve the bills, and sign the checks, myself, in payment.

Motoi had no authority to act on his own initiative, except in routine matters.

Shibata had no authority to purchase, or sign, anything. His direct superior was Motoi, and he (Shibata) could only act after authority and approval was received from Motoi or myself. Shibata was the so-called "chief of the labor section"; but, he only transmitted that which Motoi and I authorized him to do. In other words, he only carried our instructions to the others.

Ise was directly under Shibata and had no authority either. He could not purchase or sign anything; but, had to have prior approval in all matters. He just carried out the instructions given to him, by passing them along to others.


I state that these facts are true to the best of my knowledge and belief.

s/Masatoshi Kohno  
KONO (Masatoshi)  
s/Japanese Characters.

I certify that this statement was duly translated to Kono (Masatoshi), and he said the contents thereof were true.

s/T/4 Takeshi Tsutsui  
T/4 Takeshi Tsutsui

CERTIFIED TRUE COPY

  
CHARLES R. MOULDER  
CWO USA.

Ex 110

AFFIDAVIT OF TORAHIKO HIKAGE

Age: 34  
Present Address: c/o Hikage Onsen, Yatate-Mura, Kita Akita-Gun, Akita-Ken.  
Present Occupation: Proprietor of Hikage Onsen (sulphur spring). (Seal)

I was managing this HIKAGE ONSEN since 1932. I met Dr. Tsunakuni Ishizuka day after the outbreak of the riot incident caused by the Kashima Chinese laborers at HANAOKA-Machi. About this time I was bedridden with malaria and Dr. Ishizuka, a part time employee of Kashima-Gumi, came to see me in my room. He told me that KONO, Chief of Hanaoka Dispatch Office of Kashima-Gumi, had been here to see me about detail negotiation of the utilization of HIKAGE ONSEN for his Chinese laborers with skin disease. However, he left for Hanaoka-machi because of the riot incident caused by his Chinese laborers. Consequently I did not see him but my employees saw him here (HIKAGE ONSEN).

Prior to this, Kashima Gumi representatives came twice to negotiate with me about the utilization of my hot spring for the Chinese laborers. I remember Hatakeyama, Odate's Assist. Police Inspector, came to my place when there was snow on the ground. A Kashima-Gumi representative came with him and he did the negotiation with me.

I remember SUGINOYA, a Kashima-Gumi representative, came on another occasion to negotiate about the usage of the sulfur spring for the Kashima-Gumi's Chinese laborers. However, I don't know when he came but he did come to HIKAGE ONSEN with two other Kashima employees.

The foregoing statements have been transcribed to me in Japanese and I swear that the facts contained therein are true.

(Signed in Japanese) (Seal)  
/t/ TORAHIKO HIKAGE

I, KUMAO K. TODA and HIROSHI YAMADA, hereby certify that before TORAHIKO HIKAGE signed the above statement, I transcribed the same into Japanese.

/s/ Hiroshi Yamada  
HIROSHI YAMADA  
Investigator, W.C.D.D.

/s/ Kumao K. Toda  
/t/ KUMAO K. TODA  
Investigator, WCDD

Sworn to before me and subscribed in my presence at Yokohama, Japan, this 13th day of JAN. 1948.

/s/ Kumao K. Toda  
/t/ KUMAO K. TODA  
Investigator, WCDD

CERTIFIED TRUE COPY:  
*Charles R. Moulder*  
CHARLES R. MOULDER  
CWO USA

(Seal)

*Knows Kono. Met him at Police Box  
Hanaoka Mines. late in fall 1944.  
What did you tell Ito?*

Ex. 111

Defense Exhibit \_\_\_\_\_

Statement, under oath, of Ise, (Chitoku), age 39, of Akita-ken, Akita-gun, Odate-macho, #29 Aza Kaneshaboga. I am a Buddhist by religion.

I am married and have four children: Kazuko (daughter) age 12; Soji (son) age 11; Norihiko (son) age 9; and Zuiko (daughter) age 5. My wife's name is Yone, age 38. I have a sister and brother, Mikiko age 20, and Kinjo age 16 respectively. My father's name is Kinzo, age 62. All live at the above address. I am the main support of the entire family, as the only other one who works is my sister Mikiko.

On 1 April 1916, I entered the Odate primary school and finished the six year course on 23 March 1922. I then entered the Odate middle school (1 April 1922), but left on March 10 1925, when I was in the third class.

In October 1925, I became employed at the Odate District Court, at Odate-machi; and, in April 1943, I was transferred to the Borioka branch of the Noshiro District Court. I left there 20 June 1944, and became employed by Kashinaguni on 12 July 1944, as a clerk. I remained with Kashinaguni until the end of October 1945.

I was placed in Sugamo prison on 16 April 1946, and have been there ever since.

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Specification 3:

"Cite Specification"

The prosecution says that the project at Hanaoka was a Chinese Labor Camp; but, they are wrong. It was a construction project to change the current, and deepen the river bed, of the Hanaoka river. Many laborers were necessary to do this job, as it was a large undertaking. There were Korean and Japanese laborers, in addition to the Chinese workers. All of them lived at the enterprise, in dormitories provided by the company. However, they all had separate living quarters; because of orders from the Home Ministry. (I believe these orders came to us from a Tokyo Police Official named Homma.) It was just the ordinary type of work, where the workers lived on the job. I knew of many similar instances of workers living at their working place; and, this was just another instance of it.

The prosecution calls me Commander of the project; but again, they are in error. I was only a clerk, and had no authority to act on my own initiative in any matters at all. I only carried the instructions I received from Shibata (who was my direct boss) to the workers who were under me. (Motoi was Shibata's boss; and Kono was the branch Manager. Shibata had no authority, either, as he could only act if, and when, he received instructions from Motoi or Kono.)

I could not change any of the working procedures; nor

could I change or alter any of the company policy, rules, or regulations. My job was just to see that the laborers did their work; and, if one of them didn't, I couldn't fire him; but could only report him to my superior (Shibata) or report him to his Chinese leader.

I had no authority to make any purchases for the company; nor did I have the right to sign any checks.

Furthermore, the word Commander has no application to me; as I was a civilian, at all times. I was working for civilians, and was on a civilian construction job. I had nothing to do with the Military; therefore, as a commander can only be connected with the Army, it can readily be seen that such a designation is completely in error.

The prosecution also says that the Chinese laborers were prisoners of war and internees; but, I want to tell this court that not one of the Chinese employees ever made any mention of ever having come to Japan against his will. I had many contacts with Gun Chun, and the other Chinese leaders, but they never mentioned such a thing. On the other hand, I heard many rumors that some of them had deserted the Chinese Army, as conditions in China were bad, and had come to Japan to work and earn money. This must have been true, because Gun Chun (who was the leader of all the Chinese) requested that part of the salary of the Chinese be held back by the company, and given to the Chinese workers at the end of the contract period, when they were going back to China. In addition, I never heard any remarks from the Chinese workers that this arrangement was against their approval. Therefore, I can't believe that they didn't come to Japan voluntarily; and, I honestly feel that these Chinese workers were "contract laborers", and came to Japan of their own free will.

-----  
Specification 3; sub-specification a:

"Sanitary conditions."

The Chinese, Korean and Japanese laborers had their own dormitories; and their own latrines. Due to the extreme shortage of man-power in Japan, at that time, it was necessary that every man do his best to keep their own place clean. The Korean and Japanese workers cleaned their own dormitories; and the Chinese were supposed to do likewise.

The sanitary facilities for the Korean and Japanese workers were the same as for the Chinese employees.

The Chinese had about 10-12 latrines for defecation; and, one large latrine (accomodating about 20 persons) for urinating. These latrines were connected with the Chinese dormitory, but were a safe distance away. However, I received reports from the Chinese leaders ( and I saw for myself) that the Chinese workers were refusing to use the

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latrines; but instead, would dirty in the dormitory and corridors. I reported this condition to Shibata, who reported it to Motoi and Kono. There was nothing else I could do about it. Then the Chinese leaders would be called in (and sometimes I was told to tell this to Gun Chun) and told that they (the leaders) would have to see that the Chinese kept the dormitory clean; and that they would have to use the latrines. The danger of these dirty conditions was told to them; and the fact that disease would spread if they continued to dirty the sleeping places and living places. I was continually passing these instructions along to the Chinese; but, they didn't seem to care.

Medicines and disinfectants were strictly rationed by the Japanese government, and we had very little available. However, we used to get some lime, once in awhile, and this would be spread around the dormitories and the latrines. However, we were never able to get sufficient; therefore, we had to depend on the men to do their best to keep things as clean as possible.

There was plenty of water for washing; but, the Chinese didn't seem to want to use it. We had to keep after the leaders to get the Chinese workers to wash their bodies and clothes.

The Chinese had a hot water bath, for daily use; and this was about 6' by 9-10'.

There was also a tub, about 4ft by 5ft by 2ft. deep filled with boiling water; and this was for the Chinese to de-louse their clothes. It was available all the time; but, I know we had to speak to the Chinese leaders, many times, to get them to force the Chinese workers to clean their clothes.

The Chinese had their own eating place, and were supposed to keep it clean. They were also supposed to clean their own dishes and utensils.

I know that Kono was very much disturbed about the unsanitary habits of the Chinese; because he feared that an epidemic of disease would spread out. Therefore, he was continually passing along instruction to the Chinese leaders to have their men keep the places as clean as possible. I say this because, in about May 1945, he sent me to the Hikage hot-springs, with Ishikawa and Suginoya, to see if we couldn't use the hot-springs for the Chinese who had skin ailments. Later on, he sent someone else; then finally, went himself to see if he couldn't secure the owner's permission.

I honestly feel that we did everything possible to see that the Chinese dormitories and latrines were kept clean; but, the Chinese would not cooperate. They just didn't seem to care how dirty the place got; and, regardless of telling them many times, they did nothing to clean up. It must be remembered that they were the ones who had to keep it clean, as there was no other available help to do so - - and yet, they refused to cooperate.

I know that Kono wrote many letters to the Rationing Control Agencies, and to the Government Agencies, request

ing additional medicines and disinfectants; but, was not successful in getting any.

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Specification 3: sub-specification b:

"Infirmery quarters"

The Chinese had an infirmery located in the same building as their dormitories. There were several Chinese orderlies (not doctors) and a Japanese 1st aid man, Takahashi, on constant duty. (Takahashi was not a doctor.) These men treated only minor cases, as they had very little medicines and bandages. (As I have said before, all medicines were under strict Government control, and were rationed. Therefore, we could only get that amount which the Government decided we should have - and no more)

This infirmery was fairly large, being about 20 ft by 25 ft., and was built before I came to work for Kashima gumi. I heard it was built in June 1944.

Dr. Ouichi, who was the head of the Hanaoka Mining Hospital (owned by Fujita-gumi) would be called to treat any of the serious cases. I know that Kono had to go to the Fujita-gumi company in order to secure the services of Dr. Ouichi; but, they would not allow any of the Chinese to be admitted to the Hanaoka Mining Hospital. In addition, Kono had to agree to pay Dr. Ouichi, out of Kashima-gumi funds, for this service.

There were no doctors available that we could hire; as all doctors came under Government supervision and control, and approval of the Minister of Welfare was necessary before a doctor could go to work for any company.

In view of all this, we made the best possible use of the infirmery that we had; as there was nothing that could be done to further equip it with anything.

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Specification 3: sub-specification c:

"Isolation quarters"

The isolation quarters were located about 60-70 feet outside of the Chinese dormitory; and was about 20 ft. by 50ft. large.

I would say that there were about 25 Chinese, on the average, always in these isolation quarters. Dr. Ouichi would be the one to have them sent there, as he was a medical doctor. If he instructed a Chinese to be sent there, we always acted on what he said.



However, there was still a severe shortage of medicines; so, when a man was put in the isolation quarters, it was actually only to safeguard the other men against possible infection; because, he could only be treated by the Chinese orderlies with the limited supply of medicines that were available from the dispensary.

As I have said before, there was no possible way that additional medicines or materials could be had; therefore, we had to make the best use of the limited facilities that we had.

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Specification 3: sub-specification d.

"Nolle-pross'd"

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Specification 3: sub-specification e;

"Deprivation of food"

I never deprived the Chinese of any of their food allotment; and never so much as took a single bit of their food. I never heard that any of the Japanese employees did so, either. This is something I can't believe, because, if it had ever happened, I'm sure the Chinese would have said something about it then; instead of waiting until now.

Everyone in Japan was on a strict ration allowance; and, I will frankly say that the amount accorded us was insufficient. We were all hungry - all the time; but, there was just nothing that could be done about it.

I know that Kono tried, many times, to buy extra food, for the Chinese on the blackmarket; and, was apprehended once, and fined. In addition, we had gardens at every available spot on the project, in an effort to alleviate the food shortage. The Chinese knew of all this, and knew that we could not do anything more. In fact, some of the Chinese were working these gardens.

Therefore, if the Chinese think they were being deprived of a portion of their food because they were always hungry (like the rest of us), they are definitely mistaken.

I want to explain the procedure for distributing food to the Chinese, so this court can see that there was no opportunity for the Japanese to steal any part of it; and, if any was stolen, it was by the Chinese themselves. Fujita-gumi (the main contractor with the Japanese Government) received the entire food allotment from the Government Control Agency; and, allocated it to their various sub-contractors in accordance with the number of employees each sub-contractor had. The ration allotment per man was constant. When Fujita-gumi received the rations from the Government Agency, they contacted us (as we were one of their sub-contractors,) and told us to come over

and got our proportion. Saito, who was in charge of the Kashima-gumi warehouse, then would go to Fujita-gumi, receive the allotment, and have it brought back to the Kashima-gumi warehouse.

My responsibility was the Chuzan-Ryo warehouse; and, I would request of Saito several days advance supply of rations (usually about five days supply). These advance rations would then be brought over to the Chuzan warehouse.

Lee Fun Chie (Chinese Head Cook) would then come to the Chuzan warehouse and requisition 1-2 days advance rations. (These rations were always weighed before being handed over to him - and they were weighed in his (Lee Fun Chie's) presence, with either myself Obata or Echigoya present. (Obata and Echigoya were Hodoins, and were under me.) Lee Fun Chie would then take the rations back to the store-room for the Chinese laborers. From then on, Lee Fun Chie had sole control and custody of the food.

When the food was given to Lee Fun Chie, it was weighed in his presence; and, at the rate of 733 grams per person per day.

Lee Fun Chie then distributed it to the Chinese kitchen workers, who prepared it as they wanted. It was then distributed to the Chinese laborers by the Chinese themselves.

Therefore, if there was any shortage, it had to occur after it was given to Lee Fun Chie; as he always received the set amount of 733 grams per man from the Chusan warehouse.

-----  
Specification 3: sub-specification f:

"Sick - - - - Food "

The Home Ministry had issued instructions, through Homma, that the sick Chinese were not to receive the full ration of 733 grams per man per day. However, no instructions were received as to just how much less the ration was to be.

As there was no set proportion for the types of sickness, (some men having stomach trouble and others with foot disease) a reduction in grams for the sick depended upon the orders of Dr. Quichi, or upon what Gun Chung had to say.

I knew that Gun Chung was called in by Kono, and told of the instructions from the Home Ministry. Kono further said that it would be possible to divide the rations equally among the sick and working Chinese; but, that would mean the working man was receiving the same as the one who didn't. Also, that such an equal distribution would mean that the working Chinese would receive less than they were

Was you present?

Go into with Chinese witnesses

Object Instruction

entitled to.

Gun Chung said that he didn't want an equal distribution because it wouldn't be fair to the working Chinese; therefore, he wanted the non-workers to get less.

It is impossible to say just how much less the non-workers received; because, it varied in accordance with their ailments. If a man was sick with stomach trouble, Dr. Ouichi would advise less food for him, than for one who was sick with foot trouble; and yet, both men would receive less than the working Chinese.

*Dr. Ouichi  
Did you  
instruct less  
food?*

Therefore, in reducing the amount of food to the sick, we acted as instructed by Dr. Ouichi (who was a medical man and supposed to know what was best for the patient); and also as Gun Chung, the Chinese leader, said he wanted it done.

-----  
Specification 3: sub-specification g:

"Burial"

I know that a few days after the first group of Chinese laborers arrived, about 10-15 August 1944, Kono, policeman Konno, Gun Chung and a representative from the North China Labor Association had a meeting about how to take care of the remains of any Chinese who should die. (I wasn't present but heard of it later.)

Kono asked Gun Chung what should be done with any Chinese who should die. Gun Chung said that they should be buried in the ocean; but Kono told him that was not the custom of the Japanese; that the Japanese cremated the bodies. Gun Chung then said that would be a favorable method. Then Kono asked him if he wanted a Buddhist ceremony performed; but, Gun Chung said that there were many different sects among the Chinese; therefore, to just cremate the remains, have the ashes brought back to the Chusan dormitory and given to the custody of the Chinese, and a religious ceremony could be performed in China when the remains were brought back, by the other Chinese laborers, at the end of the contract period.

Kono then suggested that a ceremony be performed one year from then (the date of the conference) and the ashes of any Chinese who dies in that year be included in the ceremony. (The ceremony was to take place about 15 August 1945) This was also agreed upon.

Up until about June or July 1945, the Chinese who died were cremated, and the ashes returned to the Chusan dormitory and given to the custody of the Chinese.

After June or July 1945, fuel for cremation could not be obtained; therefore, any one who died had to be buried.

I know that when they were burried (after the above date), a Buddhist Priest performed a ceremony over the body.

Due to the extreme shortage of fuel and wood, it was necessary to bury people without a box; however, if any wood was available, it was used.

Permission had to be obtained from the village government (who in turn had to get authority from the Prefectural Government) in order to cremate, or bury, a body.

I know that conditions everywhere in Japan were very bad for cremation and burial; and I heard that dead bodies would have to be held for several days before they could be disposed of.

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Specification 4:

"Cite specification "

The Hanaoka project was not a "Chinese Labor Camp" merely because the Chinese laborers lived and ate at the work-site; because, in projects of this kind it was the usual procedure for the men to live at their work. Especially so, in view of the terrible shortage of housing in Japan. It was always necessary for Companies to provide housing for its employees in order to induce them to leave their homes and work at a place far away. Of course, there were some exceptions in that a few employees were hired at the scene of work, and they continued to live at their homes.

I was not a "Commander" but merely a clerk working for Kashima-gumi corp. I was not associated with the Military in any way, and neither were my co-workers.

It was purely a civilian undertaking, at all times; therefore, I couldn't have been a "Commander", as that designation is applicable only when a person is in the Army.

I will also repeat again that there never was any mention by the Chinese laborers that they were prisoners of war, or had been taken to Japan against their will. In fact, I heard, many times, that some of them had deserted the Chinese Army, and had come to Japan to work and earn money. I also heard that conditions in China were very bad, and that the people were starving, had no clothes, couldn't find work, and that many were sick; therefore, I readily believed that these Chinese came over to Japan to work and earn money. In addition, Gun Chung had requested that part of the salary of the Chinese be held in custody by the company, so that the Chinese would have money when they returned to China, at the end of the contract work time.

I can't understand the prosecution using the words "force" and "permit"; because, these words mean exactly the opposite. I couldn't "force" someone to do something, and, at the same time, "permit" them to do it; as "force" seems to mean making a person do a thing, when he doesn't want to; whereas, "permit" seems to mean allowing a person to

do a thing, when he wants to do it. Therefore, there isn't much I can say to defend myself in such a situation.

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Specification 4: sub-specification a:

"Nolle pross'd"

Specification 4: sub-specification b:

"Sick to work"

I am not a medical man, and know very little about illnesses and medicines.

At the dispensary, there was the 1st aid man, Takahashi, and 2-3 Chinese medical orderlies; and, even though they were not doctors, they had some medical experience. Therefore, if they decided that a man was not sick but was merely trying to stay out of work by faking sickness, I was not qualified to go against their opinion and instructions. Also, if they said a man was not too sick to work, I was not in any position to dispute their decision. That was their job.

Furthermore, Dr. Ouichi, who was a qualified medical doctor, often refused to honor the complaints of the laborers; and said that they were not sick, and were only trying to stay out from work.

We had to be guided by the advice and instructions of Takahashi, the Chinese Orderlies and Dr. Ouichi, because they were medical men, and supposed to know whether a man was really sick, or whether he was just saying so.

I had no authority to go against their orders; and always acted as they advised.

I do know that some of the men who had ailments wanted to go to work, and refused to stay out; because, they did not want to receive lesser rations of food.

I want this court to understand that I was in no position to "force" any Chinese to work when he was sick; and, as far as "permitting" a man to work when he wants to, I can't see anything wrong in that.

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Specification 4: sub-specification c:

"Unhealthful work".

The Chinese were working out in the open, digging ditches, gardening, and cement work, and, there is

certainly nothing unhealthy about that type of work. The Chinese never complained about the work they were doing; and neither did the Korean or Japanese laborers. In fact, that type of work is universal in all kinds of construction projects. I feel that working on that type of job would be very healthy.

The conditions of work were not unhealthy, and the Chinese were not made to work any different hours than the Korean or Japanese workers. If the Korean or Japanese laborers had a day off, the Chinese got the same. They were all issued the same kind of footwear and clothing; and, no partiality was shown.

If it rained too hard, no one worked, but, if it was only the usual wet weather, everyone worked. On rainy days, the Chinese had straw rain-coats and hats; the Japanese and Koreans had the same.

In the summer time, they could take the rest period in shelters, to guard against the sun. All of them had large straw hats to protect them against the sun, while working.

I had nothing to do with the hours of work, or the conditions of work. I had no authority to change any of these.

*Who did?*

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Specification 4: sub-specification d:

"Nolle pross'd"

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Specification 5: sub-specification a:

"Chang Shin-Shang by Fukuda"

I don't recall any Chinese by this name; and, must deny any knowledge of the incident. Furthermore, the name Chang Shin-Shang does not appear in any death certificate.

The only one to mention this matter was witness Chung Jin-Tin; and, he said that Fukuda was the only Japanese present, and that it took place at 6 p.m. about October 1944. He also says that Cho De-Lin was present, as was Pei Tsing Hwa. However, Cho De-Lin, in his statement (Pres Exb 1), does not even mention anyone by that name; not does he say anything about an incident which even resembles it. In addition, there is absolutely nothing from Pei Tsing Hwa.

I'm sure that, if this incident ever happened, especially in the manner described by Chun Jin-Tin, there would have

been some mention of it by Cho-Do Lin or Pei Tsing Hwa. But, they are both silent on it.

Jai Shu Tou also says that he never heard of any mistreatment to Chang-Shin-Shang.

The death list (Pros Exb 2) does not mention anyone by the name of Chang Shin-Shang; but, it mentions a name somewhat like it - Chang Shie-Shien. If this is the Chinese to which the prosecution is referring, their own evidence shows he died on 21 January 1945, from disease; and, not in October 1944, from an alleged beating.

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Specification 5: sub-specification b:

"Tien Ying Duk by Fukuda"

This affair is supposed to have happened in November 1944, at the worksite. I was not present; never heard of it before; and, in fact, never even heard of the name before.

Witness Chun Jin-Tin is the only person to mention anything about Tien Ying-Duk; and, he says that Cho Do-Lin and Pei Tsing-Hwa were present, and carried Tien Ying-Duk back to the dormitory. And yet, not one of them (Cho Do-Lin or Pei Tsing Hwa) ever mentions anything about such an incident; and I'm sure they would have, especially if it occurred as Chun Jin-Tin said it did. Furthermore, there is no Chinese by that name (Tien Ying-Duk) listed on the death list submitted by the prosecution (Pros exb 2); however, there is the name Tien Yin Tio, who died on 28 November 1944, but, he is said to have died of disease. In addition, this can't possibly be the man to whom Chun Jin-Tin referred (Tien Ying-Duk), because this man (Tien Yin-Tei) was only 31 years old; whereas Chun Jin Tin said that Tien Ying-Duk was 50-51 years of age.

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Specification 5; sub-specification c:

"Chang Chang-Kiang by Fukuda"

This is another incident of which I know nothing; in fact, I can't even recall ever hearing the name. Therefore, there is little that I can say that will help this court; however, Chun Jin-Tin is the only witness to mention this incident - in spite of the fact that it was supposed to have happened in November 1944, at the work site, in front of many other. There are no affidavits that mention such a matter.

Fukuda is supposed to have hit him (Chang Chang-Kiang) on the head with a rock; but, he wasn't unconscious, and kept on working right through until April 1945, when he died. In addition, Chun Jin-Tin merely said that Chang Chang-Kiang died; but, didn't ever say that he saw the dead

body; or, that anyone else saw the dead body.

The death list (Pros Exb 1) doesn't even mention such a name; and, there is no name that is similar to it.

All these things lead me to believe that Chun Jin-Tin is making-up a big story, out of things that never happened. I say this, because, in two other matters (the Chang Shin-Shang and Tien Ying-Duk incidents) he said that Cho Do-Lin and Poi Tsing Hwa never made any mention of these matters; and, I am sure they would have mentioned them, if they actually happened.

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Specification 5: sub-specification h:

"Shieh Ton Tau by Fukuda"

I have heard the testimony about Shieh Ton Tau being beaten by Fukuda and Obata; but, I deny any knowledge of this matter. Furthermore, Chun Jin Tin and Wang Chin Lin say I was present when this beating was supposed to be going on; but, Li Kwan-Ron, who said he got the story from Shieh Ton Tau, makes no mention of my presence. In addition, Li Ko-Jin and Lo Shi-Lin, who were supposed to have been eye-witnesses, make no mention of my name. I also deny any participation.

Furthermore, not one of these witnesses makes any mention that Shieh Ton Tau died as a result of this beating (if it did happen); and, I'm certain they would have, if what they actually saw warranted such a conclusion. In fact, Li Ko Jin frankly admits that he doesn't know what caused Shieh Ton Tau's death; and, the others avoid making any remarks about the cause.

In addition, the prosecution shows a death certificate (Pros Exb 1) and that says Shieh Ton Tau died 12 July 1945 from "heat stroke". This must be true; and, the reason why the witnesses would not say that Shieh Ton Tau died as a result of the alleged mistreatment by Fukuda and Obata.

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Specification 5: sub-specification q:

"Yie Shie-Lin by Shimizu"

I don't recall any incident of this nature; and, I can't remember any Chinese by the name of Yie Shie-Lin.

I have heard the testimony of Jai Shu Ton and Li Kwan Ron; but, everything seems to be mixed-up, leading me to believe that both Jai Shu Ton and Li Kwan Ron are mistaken in this matter.

Jai Shu Ton said that Fukuda and Obata beat Yie Shie Lin with a shovel, in August 1944, at the dormitory, for running away, and yet, Li Kwan-Ron said that it was Shimizu who beat Yie Shie Lin, with a shovel, about September or October 1944. Then, Li Kwan Ron went on to say that Fukuda beat Yie Shie Lin in Jan 1945, however, when Li Kwan Ron came back into the court, after the week-end, he changed his story to say that Shimizu was the one who beat Yie Shie-Lin in January 1945.

*Explain*

In view of all this, especially when the prosecution and the witnesses don't know what is supposed to have happened, I can't understand how they expect me to know about it.

I wasn't present when it took place, if it did; and, I never heard anything about it until here in court.

In addition, the prosecution has introduced a death certificate (Pres Exb 2), where it says that Yie Shie-Lin died from a certain kind of disease.

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Specification 5: sub-specification r;

"Lee Tan Tsu by Shimizu"

This is supposed to have happened in February 1945, at the working place; and, Shimizu is said to have struck him. I never heard about this, and was not present when it is said to have happened. From what I have heard in court, it must have been a very minor matter; because Jai Shu Ton, who said he was an eye-witness, merely said that Lee Tan Tsu was struck on the buttocks, and that his fingers were hurt when he placed his hands there.

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Specification 5: sub-specification s:

"40 Chinese by Shimizu"

I never heard of this incident, and can't help the court in any way. However, I might point out that Shimizu is supposed to have perpetrated this act; and, the court

found that he didn't "cause them to lose consciousness". Therefore, I believe that the words "so severely as to cause many of them to lose consciousness" should be stricken from my specification, also.

Specification 5: sub-specification t:

"Sun Chien-Chie by Shimizu"

I have thought about this matter many times; but, I can't think of an incident that resembles it in any way.

I have heard the testimony of Li Iwan Ron and the affidavit of Li Ko Jin; but, still I sincerely say that no such affair happened, to the best of my knowledge. I want this court to believe me, because I am not trying to suppress any facts.

Li Kwon Ron said that Shimizu refused sick-leave to Sun Chien-Chie, and then kicked him in the chest several times, and that he died about 10 minutes later. In the first place Shimizu had no authority to grant, or refuse, sick leave; as this authority was the job of the dispensary, run by Takahashi and the Chinese medical orderlies. If they refused to allow a man to stay out of work, there was nothing Shimizu could do about it; as he had to follow their instructions and see that the man went to work. Furthermore, if Shimizu did kick anyone in the chest, it couldn't hurt very much, because he would be wearing soft rubber tabis. In fact, if he ever kicked hard, I think he would have hurt his foot more than the man's chest.

Li Kwon-Ron also says that Jai Shu-Ton, Chang Chan-Wu and Lien carried Sun Chien Chie away; but, Jai Shu Ton never mentioned such an affair, either in his testimony, or in his affidavit. Also, there is no mention of it from either Chang Chan-Wu or Lieu. I'm sure that they would have had something to say about this matter, if it ever happened as Li Kwon-Ron would have you believe.

Li Ko Jin said that Sun Chien-Chie was very thin, and that he was always coughing and excreting blood; and that Shimizu made him work. As I have said before, Shimizu could not make a man work; as he had no authority to do so. That was the job of Takahashi, and the Chinese medical orderlies. If they said a man should work, Shimizu had to take him. There was nothing he could do about it. Li Ko-Jin also said that Shimizu kicked Sun Chien Chie on the left breast, as he was relieving himself; and that Sun Chien Chie fell down. I can only say that anyone would fall over, if he was pushed or prodded while squatting down. That doesn't mean he was kicked hard. If Shimizu did kick Sun Chien Chie hard, he would have hurt himself more than Sun Chien Chie because of the soft rubber tabis he was wearing. Also, Li Ko-Jin said that Sun Chien Chie was frothing at the mouth, after Shimizu kicked him; but, the kick couldn't have done that, because Li Ko-Jin already said that Sun Chien-Chie was always frothing with a "bloody flux". Therefore, it seems to me that he clearly died of his sickness, and not due to any act of Shimizu's.

Furthermore, Li Ko-Jin said that he came to me, and that I sent Lieu Jer-Chee and another to the work site; but he is mistaken, as I can't recall ever doing anything like that. If it was so, I can't understand why Lieu Jer-Chee and Chung Jan-Woo have remained silent.

I am telling this court the truth when I say that I know nothing about this alleged affair.

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Specification 5; sub-specification v and w:

"work by Shimizu"

There is nothing further I can say about these 2 sub-specifications; as they are a duplicate of specification 4, sub-specification b and c.

Shimizu had no authority to compel anyone to work; or to do anything about the clothing they wore. He was just an ordinary employee, and had to take the clothes that were issued to him. Also, he couldn't do a thing about the clothes to the Chinese, as all that came under the control of the Agencies of the Japanese Government. (Neither Kong or myself could do anything about it, as I have previously pointed out.)

We all had certain jobs to do; and the Chinese laborers never complained before. They were working at the same jobs, and under the same conditions, as the Korean and Japanese laborers; and no partiality was shown - either in hours of work, type of work, clothing available, or conditions of work.

Furthermore, sub-specifications v and w are duplicates of each other; and, I sincerely request that the court correct this matter. Also, correct these two sub-specification in view of the same charge being contained within Specification 4, sub-specification b and c.

Specifications 1 and 2:

Specification 5, sub-Spec. F and G:

"DEATH OF CHO FA-GUE"

Before going any further, I desire to point out to this court the fact that Specifications 1 and 2, and Specification 5, sub-Specifications 5 and G, are all one and the same incident, namely, charging me with causing the death of Cho Fa-gue. However, I think the prosecution is being very unfair, because they are trying to make it appear as four separate incidents, which it definitely isn't. Therefore, I will make one explanation to this Court, and it will cover Specifications one and two, and Specification five, sub-Specifications F and G.

The prosecution says that I "forced" Gun Chung to beat Cho Fa Gue, and that Cho Fa Gue died three days later.

I honestly deny any knowledge of, or participation in, this alleged affair. I was not present; never heard of it happening; and, never received any word of it from Gun Chung, or any other Chinese.

1. Lie Kwan-ron said that he doesn't know who participated; as he only heard about the mistreatment.
2. Lie Gio-shun made no mention that I was even present when this affair was supposed to have happened; and yet, he gives details and names, and said he saw it.
3. Jai Shu-ton said that I was present; but, that I didn't participate, in any way. (Jai Shu-ton is mistaken about my being present, as I wasn't).
4. Cho Do-lin said that I arrived after the beating had started, and that I made the remark "no good"; but, he, also, doesn't say that I participated in any way. (I must tell this court that Cho Do-lin is wrong about my presence, as I just wasn't there).
5. Li Ko-jin said that he saw me beat Cho Fa-gue; and, that I ordered Gun-Chung, Chun Jin-tin and Cho Do-lin to beat Cho Fa-gue. But, Li Ko-jin told Mr. Simpson that he only witnessed the mistreatment of two Chinese (Shiea Ten-tau and Lieu Zai-ye), for escaping; and yet, he now changes his story and tells about Cho Fa-gue. Also, he never made any mention of the Cho Fa-gue matter in his affidavit to Mr. Simpson. I think Li Ko-jin is lying about this matter. Furthermore, Li Ko-jin said that I beat Cho Fa-gue; whereas, Jai Shu-ton, Cho Do-lin, Chun Jin-tin, Chung Chow-gwow, and Wang Chen-lin said that I didn't beat Cho Fa-gue.  
Li Ko-jin also said that I ordered Gun Chung, Chun Jin-tin and Cho Do-lin to beat Cho Fa-gue; but, Lie Gio-shun, Jai-Shu-ton and Cho Do-lin say that I did not participate at all, and didn't give any orders. Even Chun Jin-tin said that I wasn't the one who told him (Chun Jin-tin) to hit Cho Fa-gue.  
In addition, Chun Jin-tin said I gave Gun Chung the order in writing; and, if that is so, Li Ko-jin is lying about hearing me order the striking.
6. Chung Chow-gwow said I told Gun Chung to beat Cho Fa-gue; but, he never made any mention of this incident, before, when he was interviewed by Mr. Simpson. Furthermore, he shows that Li Ko-jin is lying, because he names someone different as being the one who told Chun Jin-tin and Cho Do-lin to beat Cho Fa-gue. But even Chung Chow-gwow is mistaken about me being present, or being the one who ordered Gun Chung to hit Cho Fa-gue, because he said he heard me give the order to Gun Chung; but, Chun Jin-tin said that the order was in writing; therefore, Chung Chow-gwow could not have heard any such thing, and is mistaken. In addition to all this, Cho Do-lin said that I didn't arrive until after the mistreatment had started, and that I didn't participate in any way.

7. Chun Jin-tin said I gave orders to Gun Chung, in writing, to hit Cho Fa-gue; but, that I didn't strike Cho Fa-gue. However, I don't think anyone can believe Cho Jin-tin, either; because he first said that I told Gun Chung to strike Cho Fa-gue. Then, when it was brought out that Gun Chung couldn't understand Japanese, and I couldn't speak Chinese, he changed his story to say that I gave the order in writing. This is ridiculous.
- Also, Chun Jin-tin shows Li Ko-jin to be lying, because he (Chun Jin-tin) said that someone else ordered him (Chun Jin-tin) to beat Cho Fa-gue, and not I, as Li Ko-jin would have you believe.
8. Wang Chen-lin said I ordered Gun Chung, in Chinese, to beat Cho Fa-gue, but, in the first place, I can't speak Chinese; and, his story is different than Chun Jin-tin, who said the order was in writing.

In view of all the different stories, and the fact that there is a great conflict as to even my presence at the time, I think this court should believe me, when I sincerely say that I wasn't there, when this incident was supposed to have happened.

However, if the court should believe that I was present -- which I wasn't -- then, there is still no grounds for belief that I "forced" anyone to do anything. Merely telling a person to do a thing does not mean that you "forced" him. Nevertheless, I want to say again that I wasn't even present; so, how could I tell anyone, anything.

It seems very strange to me that no statement was taken from Gun Chung; and that my American Counsel were not permitted to see him; and that he was sent back to China. Gun Chung would have told this court the truth, and that I never "forced", or told, him to strike any Chinese. Also, that he would have told this court that, if there was any mistreatment, the Chinese did it themselves, on their own initiative.

As for Fukuda telling anyone to beat Cho Fa-gue, all I can tell this court is that I don't know anything about such a matter; as I wasn't present, and never heard about it afterwards.

Furthermore, the prosecution's own evidence, in the death certificate (Prosecution Exhibit No. 2), shows that Cho Fa-gue died as the result of beri-beri and a nutritional disturbance; and not from any mistreatment or beating.

I am telling the absolute truth to this court.

"WANG TIN-BIN BY FUKUDA"

I know nothing about this alleged incident, and deny being present when it was supposed to have happened. I never heard about it from any of the Chinese, either.

However, after hearing the prosecution evidence, I feel that everything is so confused and mixed up, that it is hard to believe that such an incident ever happened.

1. GUN-CHUNG said that FUKUDA ordered him to beat WANG TIN-BUN; and this was in the office, and no other Chinese could possibly have heard such a conversation.

2. LI KWON-RON said that he witnessed it, and that I ordered GUN-CHUNG to beat WANG TIN-BUN; but, this is an obvious lie, in view of Gun-Chung's story. Also, a few days after this, LI KWON-RON changed his story and said that he did not hear me give any orders to GUN-CHUNG.

Furthermore, LI KWON-RON went on to say that OBATA, FUKUDA, and SHIMIZU beat WANG TIN-BUN; but, JA I-MIN and LI GIE-SHUN, who were supposed to be present, say that the only ones who struck WANG TIN-BUN were GUN-CHUNG and another Chinese.

In addition to all this, LI KWON-RON is the only one who ever mentions SHIMIZU as being present.

3. JA I-MIN said that GUN-CHUNG was the only one who beat WANG TIN-BUN and does not implicate FUKUDA or anyone else. He says that I was present part of the time; but, doesn't say that I had a thing to do with it. (He is mistaken about my presence for even a "part of the time", as I was not there at any time)

4. LI GIE-SHUN said that I was not present; but, he did say that he saw FUKUDA order GUN-CHUNG to beat WANG TIN-BUN. However, he could not have heard anything of the sort, because GUN-CHUNG said that no Chinese could possibly hear FUKUDA tell him (GUN-CHUNG) to beat WANG TIN-BUN, because the instruction were given in the office and no Chinese were present.

Furthermore, his story is contrary to LI CHIE-CHUN, who says that FUKUDA did not order, but did beat.

5. LI CHIE-CHUN says that the "camp authorities" ordered the beating; but, he can't say who these people were. This sort of bears out GUN-CHUNG in that no one could hear any orders, as they were given (if they were) in the privacy of the office. In addition, LI CHIE-CHUN makes no mention of my presence.

6. JAI SHU-TON and WANG CHEN-LIN could not give any details, or names relative to this matter.

Therefore, as three Chinese (GUN-CHUNG, LI GIE-SHUN, and LI CHIE-CHUN) said I was not present; and, JA I-MIN said I was there only part of the time; and only LI KWON-RON said I had anything to do with it; I think this court should believe me when I say that I was not present, and do not know anything about it.

In view of all this, not being present and not knowing anything about it, I should not be held responsible for acts of other employees; because being a civilian, I am not responsible as I did not direct or order these acts to be committed.

Furthermore, I would like to point out that these sub-Specifications d and e, charge FUKUDA with "forcing GUN-CHUNG to beat; and do not charge FUKUDA, himself, with any beating. Therefore, only GUN-CHUNG and LI GIE-SHUN can be used to support this charge; and LI GIE-SHUN must be disregarded, as he said he heard FUKUDA order GUN-CHUNG to beat WANG TIN-BUN; but this would be impossible as GUN-CHUNG said the instruction was given in private and no Chinese could possibly

hear it. That leaves only GUN-CHUNG, and he does not say that FUKUDA "forced" him to beat WANG TIN-BUN. He only says that FUKUDA ordered him; but does not show any force, or fear. It looks to me as if GUN-CHUNG might have only been told (if he ever was) to "punish" WANG TIN-BUN; and then, did all the rest on his own authority.

I firmly believe that this is the reason the Chinese Ministry and the prosecution refused my attorneys the right to interview GUN-CHUN, and had been sent right back to China.

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Specification 5, sub-Specification u:

"LIEU ZAI-YEE BY SHIMIZU"

I do not know anything about SHIMIZU supposedly beating and burning LIEU ZAI-YEE; as I was not present at the time, nor did I hear about it from any of the Chinese.

There are certain phases of the testimony about this matter that I would like to comment on to this court:

1. LIEU ZAI-YEE said he escaped and was brought back to the mine, then SHIMIZU tied his wrists, made him lie on the ground, then applied "firetongs" to his chest, neck and feet. When the work was over, he went back to camp and SHIMIZU forced water down his throat, and beat him. That is all he said.

Now, there is the story of the alleged victim; and he does not mention one thing about being burned. All he says is that SHIMIZU applied "firetongs" to his chest, neck and feet.

"Firetongs" are things which are used to pick up hot objects; but by themselves, cannot burn anyone. And, from what LIEU ZAI-YEE said himself, SHIMIZU did not burn him; but merely pressed "firetongs" to his chest, neck and feet. Then LIEU ZAI-YEE said that SHIMIZU beat him back at the dormitory; but he did not consider it important enough to say anything more about it.

The prosecution knows all this because it is in the C.I.C. report, page 16, (Pros. Exhibit No. 1); and yet, they are trying to make this a serious burning affair, in spite of the victim, himself, saying that he was not burned. \*

I also want to point out to this court that Mr. Simpson, C.I.C. report, page 16, said that there were scars on his chest, neck, and feet; and that there was a "burn, about eight inches long on the calf of his right leg." But the burn on the calf of his right leg could not have been the result of any act by SHIMIZU; because LIEU ZAI-YEE said that the "firetongs" were applied only to his chest, neck and feet. That would account for the scars, assuming that SHIMIZU actually did the act. But as LIEU ZAI-YEE said he was not burned by SHIMIZU, the "burn on the calf of his right leg" must have been from something else.

2. LI KO-JIN said SHIMIZU touched fire to LIEU ZAI-YEE's feet; but LI KO-JIN must be lying because the alleged victim said that the only things that touched his feet were the "firetongs".

LI KO-JIN also said that he (LI KO-JIN) walked back to the dormitory with LIEU ZAI-YEE; which shows that LI KO-JIN is lying about SHIMIZU applying fire to LIEU ZAI-YEE's feet, because if LIEU ZAI-YEE's feet had been burned, he would not have been able to walk back to the dormitory.

LI KO-JIN said that SHIMIZU and FUKUDA beat LIEU ZAI-YEE at the dormitory; but again LI KO-JIN is lying, because LIEU ZAI-YEE said that the only one who beat him at the dormitory was SHIMIZU.

3. JAI SHU-TON said he did not see anything happen at the work site; but saw SHIMIZU kick LIEU ZAI-YEE with rubber "tabis", at the dormitory.

JAI SHU-TON shows that LI KO-JIN must be lying, because LI KO-JIN said SHIMIZU and FUKUDA beat LIEU ZAI-YEE with a pole.

Even if JAI SHU-TON saw SHIMIZU kick LIEU ZAI-YEE with rubber "tabis", it could not have been very hard; because SHIMIZU would have hurt his own foot if he kicked anyone with those "tabis" on.

JAI SHU-TON further shows LI KO-JIN to be lying because he (JAI SHU-TON) also says that only SHIMIZU was involved.



4. JA I-MIN said that he could not give any details as he was in no position to see what was going on at the dormitory.

5. LI GIE-SHUN said that SHIMIZU only poured water on LIEU ZAI-YEE at the dormitory.

6. LIEU JER-CHEE said he saw SHIMIZU, FUKUDA and YOSHIYA beat LIEU ZAI-YEE, at the dormitory; and then FUKUDA threw water on him. It is clear that LIEU JER-CHEE is lying because he says that SHIMIZU, FUKUDA and YOSHIYA beat LIEU ZAI-YEE at the dormitory; whereas LIEU ZAI-YEE says that only SHIMIZU beat him.

LIEU JER-CHEE said that FUKUDA was the one who poured water over LIEU ZAI-YEE; and this shows that LIEU JER-CHEE did not see the incident at all because the victim (LIEU ZAI-YEE) and LI GIE-SHUN both say that it was SHIMIZU who poured the water.

7. CHUNG CHOW-GWOW said that at the dormitory, he saw SHIMIZU place fire on LIEU ZAI-YEE's feet then tie him to a door-post. It should be clear to anyone that CHUNG CHOW-GWOW is lying because every other Chinese said that SHIMIZU did not burn LIEU ZAI-YEE at the dormitory; nor did SHIMIZU tie him to any door-post.

Furthermore, CHUNG CHOW-GWOW tried to have me present at the time; when all the others said that I was not.

8. CHUN JIN-TIN did not see the affair; but said he saw LIEU ZAI-YEE's burns, the next day, at the work site. This means that LIEU ZAI-YEE was able to go to work; therefore, he could not have been burned very much, if he was at all.

9. LI KWON-RON said he saw SHIMIZU beat and burn LIEU ZAI-YEE at the work site; but later, on cross-examination, he said that he (LI KWON-RON) was down in a ditch at the time and that the ditch with the dirt piled on the outside of it was about twelve feet deep. Therefore, I do not see how he could possibly have been in any position to see what went on. If he did see SHIMIZU apply the "firetongs", he might easily imagine, from his position, that LIEU ZAI-YEE was being burned; which he actually was not.

In view of all this, I do not think it possible to believe that SHIMIZU ever burned LIEU ZAI-YEE.

There is one other thing I want to tell this court about the LIEU ZAI-YEE matter. In the latter part of August 1947, Mr. TAISON came to Sugamo Prison, and had SHIMIZU, MOTOI and myself brought into the same room. With TAISON was a woman interpreter. TAISON asked questions of MOTOI, and MOTOI kept writing in Japanese. After he finished, MOTOI showed it to me. The statement said that he (MOTOI) heard that SHIMIZU had burned a Chinese; and that he thought he heard it from me. I said that I was not the one who told him; and furthermore, that I never knew a thing about it. TAISON then asked me (through the woman interpreter) if I would still claim my ignorance of this affair; but I said that I still did not know anything about it and had never heard. Then TAISON called in FUKUDA and gave MOTOI's statement to him; but as FUKUDA could not read it, I read it to him. FUKUDA said he (FUKUDA) knew nothing about it and had never heard; and furthermore, as he (FUKUDA) was always at the dormitory, he would have heard about it if it had ever happened. Then TAISON pointed to me again and wanted to know if I would say that I knew about it; but I still told the truth and said that I did not. The woman interpreter then said to me in a sharp manner, "You know about it, but are only acting that you don't". The TAISON took MOTOI's statement and left.

I talked to SHIMIZU about this matter later and SHIMIZU said that it never happened. He then told me that about August 1946, prosecutor SMITH, and an interpreter, came to see him at Sugamo; and that they brought a Chinese with them. The interpreter then told the Chinese (SHIMIZU did not remember his name) that this was SHIMIZU. Then they asked SHIMIZU if he knew the name of the Chinese, and SHIMIZU said he did not. Then SMITH told SHIMIZU (through the

The prosecution now says that I "permitted" others to mistreat the Chinese; whereas, in Specification 7, they charged me with "forcing" others to mistreat these same Chinese. This type of a charge is certainly inconsistent; as I could not "force" and at the same time "permit". All I can say about this kind of charge is that it is very unfair; because, if the prosecution has no idea of what the situation was or has no idea of what I am supposed to have done, then I can't defend against things of which no one has an understanding. It is taking advantage of my inability to clearly have the acts explained to me, and prevents me from showing my position.

I can only repeat again, that I had no authority or control over any employees, as I was simply a civilian clerk. Therefore, I could not grant permission to anyone to mistreat a person; nor could I exercise any sort of discretion in my position as a clerk.

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Specification 7 and 8; ( as clarified by Bill of Particulars Nos. 6 and 11).

"HSIAO CHIEH-TIEN BY FUKUDA AND SHIMIZU"

I do not know anything about this matter, and deny being present when it happened if it ever did.

I believe the Chinese witnesses have deliberately lied about this incident, and this court can very easily see my reasons for saying this.

1. JAI SHU-TON said it happened in April 1945, at midnight, in the dormitory, and that KONO, SHIMIZU, OBATA, FUKUDA and myself were present. This is not true, as KONO never came to the dormitory at night; in fact, I can honestly say that he never was present in the dormitory at night.

JAI SHU-TON said that SHIMIZU was present. This is also a lie as SHIMIZU left Hanaoka on 5 April 1945, for Shimomoseki, and did not return until May. Therefore, he could not have been there.

JAI SHU-TON said that KONO told SHIMIZU that HSIAO CHIEH-TIEN was to be beaten; but, KONO could not have said anything of the sort, because he was never at the dormitory at night; and SHIMIZU, during April 1945, was in Shimomoseki.

JAI SHU-TON said that FUKUDA beat HSIAO CHIEH-TIEN with a pick-handle, until it broke; but, that is a clear lie, as you could not possibly break a pick-handle by beating a person.

JAI SHU-TON said that SHIMIZU beat HSIAO CHIEH-TIEN; but SHIMIZU was away at Shimomoseki at the time.

JAI SHU-TON said that KONO ordered GUN-CHUNG to then beat CHAO SHU-SHING, as he was the group leader; and that SHIMIZU then beat CHAO SHU-SHING. However, SHIMIZU was in Shimomoseki, and, KONO is supposed to have told all this through SHIMIZU; therefore, the lie is clear.

2. CHUN JIN-TIN said that KONO and I ordered HSIAO CHIEH-TIEN to be beaten, and that OBATA, FUKUDA and SHIMIZU beat him. But, by naming SHIMIZU, he showed that he was deliberately lying; because SHIMIZU was in Shimomoseki at the time. And as SHIMIZU would be the only one who could possibly be used as an interpreter, he (CHUN JIN-TIN) must be lying about KONO or myself giving any orders.

CHUN JIN-TIN also said KONO ordered GUN-CHUNG to beat and that SHIMIZU also beat CHAO SHU-SHING; but, here again is a falsehood, because SHIMIZU was not at Hanaoka at the time.

3. LI KWON-RON said that KONO brought HSIAO CHIEH-TIEN back to camp at midnight, April 1945; but it stands to reason that KONO, as manager of such a

large project, would not be roaming around the country-side, at midnight; and would never bring a Chinese back to the dormitory at such an hour.

LI KWON-ROK said that SHIMIZU did the interpreting for KONO; but this is impossible, as SHIMIZU was far away in Shimonoseki.

LI KWON-ROK said that FUKUDA ordered GUN-CHUNG to beat CHAO SHU-SHING; which shows that LI KWON-ROK is also making up this story as the others (CHUN JIN-TIN and JAI SHU-TON) said it was KONO.

LI KWON-ROK said that SHIMIZU beat CHAO SHU-SHING; but SHIMIZU was not around at the time.

In addition to all this, the prosecution's own witness, LIEU JER-CHEN, who testified here, admitted that he knew SHIMIZU was in Shimonoseki during April 1945; and that should prove to this court that JAI SHU-TON, CHUN JIN-TIN and LI KWON-ROK are lying about this entire matter.

Furthermore, the prosecution's own evidence (Pres. Exhibit No.2, death certificate) shows that HSIAO CHIEH-TIEN died four months after this incident was supposed to have taken place; therefore, I do not see how anyone can possibly say that this mistreatment (if it ever did happen) caused his death.

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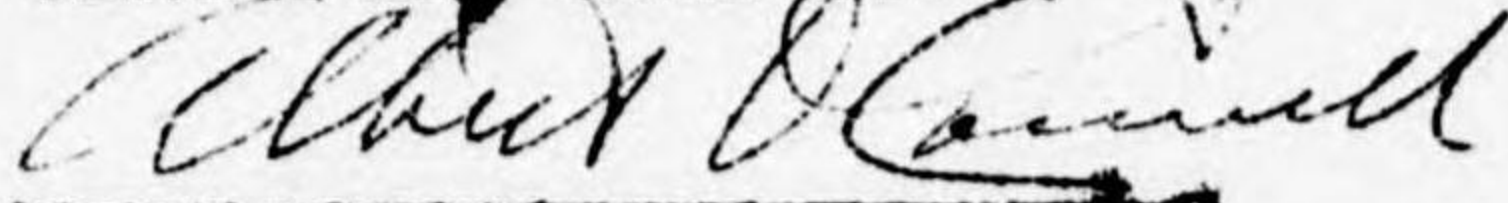
I state that these facts are true to the best of my knowledge and belief.

s/Ise Chitoku  
Ise (Chitoku)

I certify that the above statement has been interpreted and translated to Chitoku Ise, and he said the contents were true and correct.

s/Takeshi Tsutsui  
Takeshi Tsutsui

CERTIFIED TRUE COPY:



ALBERT O'CONNELL JR.

Ex. 112.

CHINESE ADMINISTRATION EXPENSES

211.

YEAR	Particulars	Slip No.	Debit	Credit	Balance
1944	10. 10. Maruka Dohtetsu Kaisha:				
	big & small lunch				
	big lunch 295 @ 1.50				
	small " 5 @ .91	9/22 4	447.05		447.05
	" Yoshimatsu Suginoya: Sandals	" "		4.55	
	13 pairs @ .35	" "		28.30	
	" Fotei Shokuhinbu: Baking powder	" "		15.80	
	" Yoshimatsu Suginoya: "	" "		31.20	
	" Kichizo Ariga: Tooth powder 13.				
	" Accountant of Hanaoka-machi:				
	additional tax on cremation	9/11 116	.20		
	fees for deceased Chinese	9/14 117	40.00		
	" Sonosuke Obata: Cremation fees				
	" Hanaoka Hospital, Medical				
	treatment expenses for				
	invalid Chinese	9/15 118	137.60		
	" Sonosuke Obata: Cremation fees	" 119	20.00		
	" Hanaoka Hospital: Medical				
	treatment expenses	9/16 120	41.60		
	" " "	9/17 121	37.20		
	" " "	9/18 122	3.45		
	" Yoshimatsu Suginoya: Tobacco				
	" Masatoshi Kohno: Barber tools				
	for Chinese	" 123	150.00		
	" Sonosuke Obata: Cremation fees	9/19 124	40.00		
	" Accountant: Fowl for Chinese				
	invalids	" 125	20.00		
	" Toyokichi Takahashi: Purchase of				
	pigs	" 126	420.00		
	" Hanaoka Hospital: Medical				
	treatment, etc.	9/21 127	75.60		
	" " "	" 128	41.20		
	" Shozo Kusahira: Purchase of				
	vegetables, etc.	" 129	55.40		
	" Accountant: Medical treatment,	9/23 130	31.20		
	" As thanks-money to				
	President of Hanaoka				
	Hospital	" 131	500.00		
	" " Consultation of invalids	9/25 132	25.00		
	" " " "	9/26 133	79.40		
	" Sonosuke Obata: Cremation fees				
	for 4 bodies	" 134	80.00		
	" Accountant: Purchase of				
	vegetables	9/27 135	18.80		
	" Masayoshi Nagai: Medicine costs	10/1 136	52.00		
	" Sadayoshi Fujino: Cost of				
	vegetables for Chinese feast	" 137	105.00		
	" Yonosuke Higashi: Books for Chinese	10/2 138	12.30		
	" Motokichi Yamashita: Mirrors and				
	bells for Chinese	" 139	106.44		
	" Accountant, Consultation and treat-				
	ment of invalids	10/2 140	26.60		
	" Yoshio Echigoya: Medicine costs	" 141	30.00		
	" Masayoshi Nagai: Cremation fees	" 142	20.00		
	" Transfer from Head Office re				
	importation of Chinese labor	10/3 143	45,252.23		
	" Transfer from Head Office re				
	500 units of medicine for				
	Chinese	" 144	150.00		
					48,098.12

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