

一廿世帯當り一三六二弗ダアツタ。

南京隣接、田舎——田舎ノ縣ト

サル縣ノ二分一ノ地域ニ居住シテ并

タ農民ノ間デハ七農世帯ニ一人ハ

ゆズ殺サレタ(コトニイフタ)。全農家

屋ノ百分ノ四十八燒拂ハレタ。家

財ヲ除ク農被^害ハ四一〇〇〇〇〇〇〇

弗、一廿世帯當リニニ〇弗(一九三七

年)カラ一九三八年、支那弗ノ値ハ米國

通貨貨デ三〇セシトテソノ購買

力ハ米國通貨貨デ約一弗ダツタ。

一九三八年から一九三九年の間は国際救済委員会を以て調査を進めて居る。ソレに私ハ斯う言つて可い。ソレハ何人財産及生産設備、破壊の上は國民の主要階級、生命を危害を加へたコトがアツタ。一九三八年中及一九三九年一月は南京に來た日本人商人の難下を、軍の特務機関又ハ憲兵隊にヨリテ支那人から取上げ、商業用及居住用、設備家財を提供せられた。多クは場

合補償ハ當テカハレトカフタ。係シ
偶ニハ契約カ締結ヤラレ日本ノ公
署ニ登録ヤラレルコトニアツタガ
支拂ハ屢々握リフブサレテ支那人
ハ何ウスルコトモ出来ナカフタ。
支那人カウマク何かハ高賣行モ
始メルト彼ハ屢々日本人ヲ共同經
営者ニヤト要求セラレルコトシタ。
其ノ日本人ハ資本ヲ出ス不クテ
レバ仕事ヲスルコトモナク唯ダ必要
ナ新可ヤ保護ヲ特務機關或ハ憲

兵隊から得たト云フダケデシタ。オマ
 ケニ、銀行業、運送業、米、綿、糸、
 建築材料、電気器具、金属類、卸
 賣、直販賣力、新可制ニ依ル独占
 ニナソテ居リマシタ。軍ニ協力シテ
 居ル或ル支那人又ハ日本ノ機関及商
 社ノ下ノ他ノ支那使用人ハ徐々ニ斯
 ケ云フ企業ニ部分的ニ携ハルコトヲ
 新サレマシタ。然シ澤干山ノ支那人
 商業利益ハ極クトサキ高賣家
 内工業及行商ニ追詰メラレマシタ。

之ニ及シテ丈夫ノ身体ノ幾千ノ男

ヤ女ハ日本軍ノ需品補給所ヤ是

等軍需品運搬ノ臨時勞働ノ

安イ賃金ヲ受ケルコトニミツケノシ

暮セレルノ事ナリ

独占ハ支那人生産者ト消費

者ニ等シク^{用ラレ}不利益ヲ被ルマシ

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假令ハ私ハ米國大使館及日本

人官吏ノ或ハ好意アル援助ニミツ

テ南京國際救濟委員會委員

買ノ權利ヲ得テ

トシテ生産地ニ米ヲ運ハサト幾

月々努力メタガ無駄デシタ。斯ル努

力ニ就キ私ハ支那、商人達カ支那

自由我量

人官吏達又作面アル様ニ権限ヲ

持ツテ居ラナイノデ日中人隊長ニ

行クテ許シテ受ケルヤウニ言ハシテ

居ルヲ知ツタ経験ガゴザイマシタ。

南京ト蕪湖ノ間ニ米主要生産地

ハ南京デ一四ノ約

ニ日中人軍ニ依ツテ八弗カラ一〇弗ノ

相場

買収サレテ居リマシタ。然ルニ軍

隊ハ日中人高社ニ八弗ノ米ヲ

賣

津^支上海^及の田ロカラ四五弗^{一ビツ}の賣

タナ^一初動キヲ許シテ居リマシタ。

支那商人達ハ運搬ノ独占ト

統^一テ、卸賣高ヒヲ統制スルタメニ、

差別的ナリ

其ノ不明瞭ナル運用トニ因リテ

抑壓セ

息ノ根ヲ止メラレテ居リマシタ。私

商人達

ハ、私ノ調査中、支那^一が業カハシ

氣ニ、一外國經濟ノタメニ、自分

達々自^一々支那國民ノ苦カヤ

小傳ノ地位ニ引下ゲラレタトコボ

ス、一々屢々自^一身ニ殺シマシタ。取

分テ彼等ハ彼ノヤリ十種ノ方

面ニ於テハ^{差別的}顯著ナル統制ヲ指摘

シテ居リマシタ。——石炭、塩、

銀行業、綿、金屬類、ヤマト、石

灰、愛氣及用水設備。

尚又私ハ私ノ調査中ニ、商業地

邊ガ全般的ニ墾却ヤラシ、掠奪

ヤラシ而シテ吸收ヤラシク後

復興シタ時ニ、彼等ハ常ニ特務

機關ニヨリツキ、日中ノ共同復讐者

ヲ受入レル迄、常ニ脅迫ヤラシ

魔ヲマシラセマシタ。其ノ共同經營ニ
 者ハ、必要ナレバ何レノ許可ナク
 又利益ト交換ナサハアレバ安全保
 障ノ對策ナク又思フ儘ニ軍力
 ヲ援助ヲ求メ得ルヤウナ經營ニ
 上ノ發言ヨリ、當時供シテ居レタ。
 斯ウ云フ事、事實ニ判リ却フタコトナ
 レル。私ハ其ノ事ヲ日本經濟總
 事ヘノ手紙ニ明瞭ニ書キ、次ニ
 公表致シマシタ。日本ノ官憲
 カラハ反對ヲ拘束ス多クマシテ

シタ。

以上一九四六年六月廿五日私

手記シタキ、デアマリマス

マイナー・ジョー・スー・キス

前述ノ陳情書ハ一九四六年六月

二十五日東京ニテ本官ノ面会ニ

於テマイナー・ジョー・スー・キスニ依リ

認メラシメテ書キテシタ。

マイナー・ジョー・スー・キス
シタキ、デアマリマス

Expenses of witness, M. S. Bates.

General Secretary
IMTFE

IPS
Attn: Mr. Sutton

6 Aug 46

Request that a certificate as to accuracy of statements be attached to the letter and forwarded to this office.

Incl. Ltr fr Bates to IMTFE dtd 29 Jul.

*

V.W.

2.

From: IPS (Mr. Sutton) To: The General Secretary
IMTFE

Date: 7 Aug 46

The letter from M. S. Bates dated July 29, 1946, is returned herewith together with a statement certifying to the accuracy of same.

Incl. Ltr fr Bates to IMTFE dtd 29 Jul.
Statement certifying to accuracy of ltr from Bates.

D.N.S.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
INTERNATIONAL PROSECUTION SECTION

7 August 1946

TO : The Secretary, PACIFIC
International Military Tribunal for the Far East

FROM : David Nelson Sutton

I certify that the statements in the attached
letter from H. S. Bates dated July 29, 1946, are true
and correct to the best of my knowledge and belief.

DAVID NELSON SUTTON
Associate Counsel

Attachment

- _____ C Counter Intel
- _____ A Ex Gen Far East
- _____ C Civil Comd Sec
- _____ C Government Sec
- _____ C EdS Section
- _____ C Civil Int
- _____ C Stat & Rpt
- _____ C Public Aff
- _____ Gen Prop Agent
- _____ C Civil Int Sec
- _____ C Legal Sec
- _____ C Nat Resources Sec
- _____ Dir, C of Civ Para
- _____ C Int'l Proc Sec
- _____ C Gen Acct's Sec
- _____ Civil Prop Custodian
- _____ Hq Comd
- _____ Note and Return
- _____ Dist'n Desired
- _____ Signature
- _____ Dispatch
- _____ Attachment of
- _____ Reference
- _____ File

Attention: Mr. Sutton

W.P.

INTERNATIONAL PROSECUTION SECTION

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
AND
UNITED STATES ARMY FORCES, PACIFIC
Routing Slip

INTERNATIONAL
FROM: MILITARY TRIBUNAL DATE: 6 AUG 1946 1946
FOR THE

TO: FAR EAST

- | | |
|-----------------------------|------------------------------|
| Commander-in-Chief _____ | C Counter Intel O _____ |
| Military Secretary _____ | Fiscal Director _____ |
| Aide-de-Camp _____ | C Chaplain _____ |
| Chief of Staff _____ | C Sp Services _____ |
| Deputy Chief of Staff _____ | C I&E Services _____ |
| Secy, General Staff _____ | A Ex Cen Pur Off _____ |
| G-1 _____ | C Civil Comm Sec _____ |
| G-2 _____ | C Government Sec _____ |
| G-3 _____ | C E&S Section _____ |
| G-4 _____ | C Civil Intel Sec _____ |
| Adjutant General _____ | C Stat & Rpts Sec _____ |
| C Signal O _____ | C Public H&W Sec _____ |
| C Engineer _____ | Gen Proc Agent _____ |
| C Ordnance O _____ | C Civil I&E Sec _____ |
| C Chemical O _____ | C Legal Sec _____ |
| C Quartermaster _____ | C Nat Resources Sec _____ |
| Antiaircraft O _____ | Dir, O of Civ Pers _____ |
| Pub Relations O _____ | C Int'l Pros Sec <u>JTTT</u> |
| Inspector General _____ | C Gen Acct'g Sec _____ |
| Judge Advocate _____ | Civil Prop Custodian _____ |
| C Provost Marshal _____ | Hq Comdt _____ |
| C Surgeon _____ | _____ |

- FOR:
- | | |
|------------------------------|-----------------------|
| Approval _____ | Note and Return _____ |
| Comment or _____ | Dist'n Desired _____ |
| Concurrence _____ | Signature _____ |
| Information _____ | Dispatch _____ |
| Initials _____ | Attachment of _____ |
| Issuance of Orders _____ | Reference _____ |
| Necessary Action <u>JTTT</u> | File _____ |

Attention: Mr. Sutton

G.W.P.

946

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25 June 1946

Daily

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INTERNATIONAL PROSECUTION SECTION

24 June 1946

MEMORANDUM TO: MR. E. E. DANLY

FROM: David Nelson Sutton

I hand you herewith the affidavit of Dr. Miner Searle Bates relative to atrocities in China. Please assign a document number so that this may be processed for introduction in evidence. This section follows immediately Military Aggression in China.

#7247

DAVID NELSON SUTTON
Associate Counsel

Attachment

Received the original
of this letter and affidavit
enclosed therewith - 25 June 1946
E E Danly

Most of the looting in the
all of the looting in Nanjing

Begin New Page

(9)

Page 16

From the spring of 1938 until my departure from Nanking in May, 1941, the Nanking International Relief Committee ^{repeatedly} asked me to secure ^{dependable} information as to the actual living conditions and living problems of the population. First I assisted Mr. Lewis S. C. Smythe, professor of sociology in the University of Nanking to complete a survey of their ^{in the months Dec. 1937 to March 1938} losses, and the circumstances of food, employment and housing, in Nanking and adjacent districts. During the months of that investigation I discovered the following facts:

Losses from military operations were less than two per cent of the total losses. Practically all of the burning within the city walls ^{and much of that in rural areas} was done by the Japanese forces, very gradually. In Nanking ^{within} the Nanking walls, practically no buildings were burned prior to December 19, one week following the Japanese entry. At no time was there a general conflagration; but each day throughout six weeks ^{beginning from December 19, 1937} certain groups or blocks of buildings were ignited. Most of the looting in the ^{area and} ~~the~~ ^{area and} almost all of the looting in Nanking

(2)

and practically all of the violence against civilians, was also done by the Japanese forces. I clearly stated these facts in writing to the Japanese Consul-General, who thanked me for my report and made no unfavorable comment upon it at any time.

In the course of these same investigations I also came to know that the ^{looting and fire} losses caused in the way just stated comprised just over \$40,000,000 in Chinese currency for the families residing within the walls, some 231,000 persons. The loss in buildings and contents for the entire city, which ^{housed} just over 1,000,000 people at the outbreak of the war, was \$246,000,000 in Chinese currency, or \$1,262 per family of the pre-war population. Among the farm population residing in 1938 in the four and one-half counties (hsien) adjacent to Nanking. One resident in every seven farm families was killed. Forty per cent of all farm buildings were burned. Farm losses, domestic property, excluded, were \$41,000,000, or \$220 per family. (In ¹⁹³⁷ 1938

④ (4)

the exchange value of the Chinese dollar was thirty cents in American currency, and its purchasing power was about one dollar in American currency.

In further investigations made for the International Relief Committee during 1938 and 1939, I found that other serious handicaps, over and above destruction of personal and productive property, affected the life of important parts of the population. During 1938 and the first months of 1939, any Japanese merchant who came to Nanking was offered both a commercial and a residential property.

Statement of H. S. Bates

(5)

at property, which were taken from Chinese owners by the Special Service Organ of the Army, or by the Gendarmerie. Often no compensation whatever was allowed; but in others a ~~hypothetical~~ contract was drawn up and filed in Japanese offices, though payments were often withheld and the Chinese owner had no recourse. When a Chinese succeeded in rebuilding some little business, he frequently was ~~not~~ required to accept a Japanese partner who provided no capital and who did nothing for the business except to secure needed permits or protection from the Special Service or the Gendarmerie. Moreover, wholesale dealings in banking, transportation, rice, cotton, yarn, building materials, electrical goods, metals, were made monopolies either by direct act or the use of licensing controls. Gradually certain ~~suppate~~ ^{Chinese} other assistants of Japanese organs and firms were allowed fractional participation in these enterprises. But the mass of Chinese business interests were driven into the smallest shops, domestic manufacturing, and mere peddling; while thousands of able-bodied men and women were able to live only by accepting the low pay of casual laborers at the Japanese supply dumps or in their transportation enterprises. The monopolies were used against the interests of Chinese producers and consumers alike. For example, ^{as a member of} the Nanking International Relief Committee, with some friendly support from the American Embassy and from Japanese civilian officials, ^I strove ^{in vain} for months at a time, to secure the right to buy rice in producing areas. The important rice districts between Nanking and Wuhu were held by the Japanese Army to price of eight and ten dollars per picul when the Nanking price was about twenty dollars; while the Army authorized a Japanese trading concern to move the eight-dollar rice to Tainan and to Shanghai to sell at forty and forty-five dollars per picul. My ~~survey report presented to the Japanese authorities under the title, "AN INVESTIGATION IN THE NANKING AREA AND SUNDRY ECONOMIC DATA, CON-~~

In these efforts I had the same experience of Chinese who were collaborating with the Army. Chinese merchants constantly complained that ~~they~~ officials had no discretionary power. But were required to refer applications to Japanese colonels.

Course I learned in the course of my investigation (6)

in the course of my investigations

controls Chinese business-men ^{were} throttled by the monopoly of transportation and the discriminatory use of it to control all whole-sale trade. ^{I frequently heard them} They complain bitterly that they and their people ^{were} reduced to the status of coolies and shoboyes for an alien economy. Specifically, they point ^{ed} out ~~monopolies~~ or discriminatory controls in such varied lines as the following: coal, salt, banking, cotton,

metals, cement, lime, electric and water installations. Furthermore, they assert that when a Chinese business ^{was} ~~is~~ ^{painfully} developed after the general experience of burning, looting, and confiscation of commercial sites, it ^{was continually} ~~is~~ frequently threatened and hampered ^{by the Special Service Section} until it accepted a Japanese partner; who then provided the ever-necessary permits and a measure of security, in exchange for a first claim on returns and a managerial voice that ^{could} ~~can~~ ^{aid front the military} summon baronets at will. Under such conditions there cannot be much revival of Chinese commercial and industrial enterprise."

These facts were notorious. I clearly stated them in writing to the Japanese Consul-General, and ~~published~~ then published them, ~~without~~ without objection or restraint by the Japanese authorities.

(A) ~~referred to a contract~~

(B) ~~How many of the~~ ~~factories~~ ~~in the~~ ~~area~~

What ~~was~~ ~~the~~ ~~case~~ ~~in~~ ~~Beas~~ - and that ~~no~~ ~~one~~ ~~could~~ ~~not~~ ~~do~~ ~~it~~

DRAFT FOR STATEMENT IN EVIDENCE.

~~H. S. Bates~~

Statement of Miner Searle Bates
I, Miner Searle Bates, was born in Newark, Ohio, May 28, 1897.
I resided in Nanking, China, from 1920 to 1941 as professor of history in the University of Nanking, and returned to that post in 1945.

From 1937 to 1941 I served as Chairman of the Emergency Committee of the University, responsible for its interests and properties in Nanking when the students and most of the staff removed to free territory in West China. I was also a member of the International Safety Zone Committee (Nanking) 1937-1938, which from 1938 to 1941 continued as the Nanking International Relief Committee; and was Chairman of the latter from 1939 to 1941.

I cooperated with Professor Lewis S. C. Smythe of the University of Nanking in the International Relief Committee's survey published in 1938 under the title WAR DAMAGE IN THE NANKING AREA. I carried out several other inquiries during the years 1938 to 1941 on ~~general~~ economic and general conditions and on narcotics, usually with special reference to Nanking or to the occupied portions of East Central China. Several of these inquiries were published by the Nanking International Relief Committee, by the "Chinese Recorder," by the "China Christian Year Book," by the "China Press," and by the "Shanghai Evening Post." It was my practice to send a copy of the reports, in advance of publication, to the Japanese Consul-General in Nanking, marked "For information of the Japanese authorities," and with a request for corrections and additional facts. ~~No correction was ever made~~ Acknowledgment of the reports was made with thanks, no corrections were ever offered, and the only complaint made was by the gendarmerie in the case of one report on narcotics which ~~indicated~~ which indicated that ~~body~~ organization to be concerned with irregular profits from the trade.

As an active member of the International Safety Zone Committee, living with Professor Lewis S. C. Smythe who was its Secretary, I ~~wish to affirm~~ *am familiar* my full confidence in its reports and lists of cases, as submitted to the Japanese authorities in Nanking during December, 1937, and the first

months of 1938, (as filed in) duplicate in the documents of the American Embassy (Nanking), and as later printed by Professor Shu-hsi Hsu under the title, DOCUMENTS OF THE NANKING [INTERNATIONAL] SAFETY ZONE.

It may be noticed in passing that for weeks after the capture of Nanking, more than 50,000 troops were loose in the city. (4) A few days after entry, our compounds secured from the Japanese gendarmerie command a

During the weeks of serious violence and disorder by the Japanese troops in Nanking, from December 13, 1937 to well into February, 1938, my special responsibility within the International Safety Zone was the supervision and attempted protection of the more than 30,000 refugees

living in the various compounds and buildings of the University of Nanking. Because the University properties were American-owned, and were thoroughly

marked with special official American and Japanese proclamations, as well as with numerous American flags, and also because the main University buildings immediately adjoined the Japanese Embassy where resided the

Japanese officials to whom we foreign residents had daily access, it was decided in conference among the members of the International Safety Zone

Committee that for a time I should supplement the reporting done by Professor Smythe as Secretary of the Committee, making separate and supplemental representations on behalf of the University of Nanking. For

weeks I prepared a letter almost daily, and usually delivered it in person to the officers of consular rank resident in the Japanese Embassy,

discussing the situation with them. In presenting a few excerpts from these letters, later filed in duplicate at the American Embassy,

I call attention to several points: (1) After the Japanese entered the city on the night of December 12-13, there was no resistance whatever; and

no allegation of sniping was made by the Japanese, save one vague case of a sailor wounded ten days later. (2) The Japanese officers continually

promised that measures would be taken to restore order among the troops, and soon began to give quotations from orders sent out of Tokyo to that

end. (3) The Japanese officers continually asked for lenient judgment on the plain view of your buildings and among your own neighbors.

on the ground.

Bates

on the ground that the numbers of military police and of gendarmes were inadequate, but would soon be increased. At one time they declared there were seventeen of such police, at another time, seventy, *yet* it may be noticed in passing that for weeks after the capture of Nanking, more than 50,000 troops were loose in the city. (4) A few days after entry, our complaints secured from the Japanese gendarmerie command a quantity of proclamations in Japanese language, to be posted on all entrances to foreign property, ordering soldiers to keep out. These proclamations were not merely disregarded a hundred times a day, they were frequently torn down by soldiers. I took to the Japanese Embassy pieces of proclamations so treated, in order to demonstrate the contempt of the troops for such weak measures of order. (5) In the seven weeks of acute disorder we did not see or hear of any significant act of discipline, much less of actual punishment for crimes committed by soldiers. Several of my foreign friends, who called the attention of Japanese officers to victims of rape or wounding, ~~in some cases~~ while the offender was still present, saw the officer require merely a salute from the

For months the troops could be identified.

soldier, whose name was not taken, and who was immediately free to go about his business. (6) In embarrassment and exasperation at their inability to do anything about the situation which brought forth daily protests and complaints, the officers of the Japanese Embassy frequently sought to defer the issue by asking me for up-to-date and specific information, claiming that improvement was actually in progress. This explains the manner and tone of certain letters presented by me to them.

For example, on December 16, 1937, I presented two letters, reporting for the two previous days many cases of looting, smashing doors, tearing down American flags and American Embassy proclamations - which proclamations were in Japanese language as well as in English and Chinese - the abduction of women, and rape on the University premises including thirty women in one University building on the night of the 15th.

On December 17 I wrote: "The reign of terror and brutality continues in the plain view of your buildings and among your own neighbors." I

reported various specific cases of rape and of forcible entry, including American residences occupied by Americans. This letter concluded as follows: "We respectfully ask you to compare these acts, which are small samples of what is happening to large numbers of residents of Nanking, with your Government's official statements of its concern for the welfare of the people of China, likewise of its protection of foreign property."

On December 18 I reported in these words, "Misery and terror continue everywhere because of the rape, violence and robbery of the soldiers." The previous night in the buildings of the University Middle School, eight women were raped, a frightened child was killed by a bayonet stroke and another child was wounded. The American flag was scornfully torn down by soldiers. "Soldiers climb over the walls many times day and night. Many persons could not sleep for three days, and there is hysterical fear. If this fear and despair results in resistance against the attack of soldiers upon women, there will be disastrous slaughter for which your authorities will be responsible." I detailed cases of rape in five other buildings of the University. There were no guards provided for the University buildings, despite promises that they would be provided. "It is being said on every street with tears and distress that where the Japanese Army is, no person and no house can be safe." I pleaded with the Embassy officers to visit with me "some of the places where this terror and suffering continues, so close to your walls."

On the afternoon of December 21 I replied to a request of the Embassy officers made that morning, by submitting the following facts: Many persons were being seized and taken away from the University for forced labor. "While I was with you in the Embassy today, my own house was looted for the fourth time. Seven other University houses have been looted today, and many have been entered several times." "Fires systematically laid by large bodies of soldiers working under the direction of officers, are rendering thousands of people homeless and without hope of return to normal work." "I have seen myself five cases of sol-

diers taking this afternoon food and bedding from poor people, usually requiring the people to go with the loot as carriers." I reported various specific cases of rape and robbery, including the theft of riches from the poor pullers. The American flag had for the second time been torn down from the American school, and was trampled by soldiers, who threatened to kill any person who should put it up again.

"Two members of the International Committee who have driven several miles in a car have not yet seen a gendarme." This letter closed ^{in these words} in despair:

"If the generals intend to destroy the people's homes and take away their last food and clothing, it is better to say so honestly than to deceive them and us with false hopes of order."

The next day I complained again of the forcible removal of men from the University for labor, of the soldiers' disregard of gendarmerie notices, of the entire absence of gendarmes from the streets. "Systematic looting with the use of trucks, followed by burning, continues close at hand." Specific cases of robbery, rape, and other violence were detailed.

On Christmas day I wrote to the ^{Japanese} Embassy, "New parties of stray, under soldiers without discipline or officers are going everywhere, stealing, raping, and taking away women." "In our own Sericulture Building alone there are on the average more than ten cases per day of rape or of abducting women." "Our residences continue to be entered day and night by soldiers who injure women and steal everything they wish." "Soldiers frequently tear down the proclamations put up by your military police." "Despite this disorder caused entirely by soldiers, we have no guard whatever and no military police have been seen near us."

On December 27 I reported again in writing: "Beginning more than a week ago, we were promised by you that within a few days order would be restored by replacement of troops, resumption of regular discipline, increase of military police, and so forth. Yet shameful disorder continues, and we see no serious efforts to stop it." Then followed detailed cases of seizure, of rape, of the cutting down and taking away of

the American flag. "The life of the whole people is filled with ~~all~~ suffering and fear, all caused by soldiers. Your officers have promised them protection, but the soldiers every day injure hundreds of persons most seriously." "Does not the Japanese Army care for its reputation?"

used These excerpts are sufficient to indicate the treatment of the University of Nanking and its neighborhood by the Japanese Army, during the trying weeks of the latter half of December, all of January, and the early days of February, ¹⁹³⁸ until some reasonable measure of discipline was inaugurated. On February 22 I made to the American Embassy a summary report of Japanese depredations on the properties of the University of Nanking within the city. They included 1720 recorded cases of forcible entry, usually by groups of armed soldiers; the removal of 647 men for compulsory labor; the raping of 290 women; more than sixty cases of murder, wounding, and other violence; seven instances of tearing down the American flag. This report did not include the removal of over 400 men during registration of refugees on the grounds of the University, under the accusation that they had formerly been soldiers in the Chinese Army; nor did it include the recruitment of male and female laborers under conditions of partial compulsion. Undoubtedly the actual cases of rape and other violence were more numerous than those reported, for reticence and fear of retribution for reporting were very marked.

Reference has been made to the removal of male refugees accused of having been soldiers. The outstanding instance in the experience of the University of Nanking, which was paralleled in greater or less degree at other points where registration of refugees was also carried on, occurred on December 20. Repeatedly addressing some 2,000 male refugees, Japanese officers, aided by Chinese required to speak on behalf of the officers urged and induced more than 200 of the men to admit that they had been Chinese soldiers or military carriers, and to seek immunity and security by volunteering for labor with the Japanese forces. In many cases they Japanese pressed or forced the admission by pointing out calloused

and asserting that they were due to carrying a rifle; or by pointing to the marks of a hat or cap upon the skin, and asserting that they represented the wearing of a Chinese army cap. It was apparent to me that some of the men so secured were actually Chinese soldiers who had abandoned their arms and uniforms after the city ceased to be defended, while many others were ordinary laborers and carriers who had never been soldiers. An unusually severe officer, well known to all Chinese and foreigners living in the vicinity, marched away more than two hundred men to be executed among many others gathered the same day from other points. During the next two or three weeks I learned some facts about the executions from four different survivors who escaped the machine-gun fire and bayoneting.

As early as January 10 I wrote to friends and relatives in America a message taken out of Nanking by the U. S. Navy salvage tug which came up the Yangtze River to work on the U.S.S. Panay. That message reported organized and extensive looting and burning, covering all parts of the city but especially the commercial sections. I had seen in use, and had secured samples, of chemical strips used by incendiary squads, and had seen fleets of army trucks working under the direction of officers to remove domestic and consumers' goods as loot. "Practically every building in the city has been robbed repeatedly by soldiers, including the American, British, and German Embassies or Ambassadors' residences, and a high percentage of all foreign property." The two chief German commercial properties were deliberately ignited, with the swastika flag flying upon them. The minimum estimate that I could make of cases of rape within our carefully organized and observed Safety Zone was 8,000. Our German colleagues in the International Safety Zone Committee set the estimate at 20,000. I may add that before the season was finished, in University properties soldiers had raped a girl of nine and a grand-

mother of seventy-six years. About one-third of the known cases of rape occurred in daylight, not infrequently along public streets. A good deal of that in rural areas, was done gradually by the Japanese. Frequently the same woman was raped by several soldiers in rapid succession; in one instance, at the Bible Teachers' Training School, a refugee woman was raped by seventeen soldiers successively.

Using the daily reports of the International Safety Zone Committee, and the burial records of squads supervised by the Committee, whose work I repeatedly inspected myself while in progress, I made a cautious estimate of 12,000 civilians, men, women and children, who were killed by Japanese soldiers in the period of terror after the taking of the city. This estimate I reported to the Japanese authorities and published in territory under their control. Upon

The survey of Nanking city inhabitants covered the people then and the observations of my German colleague in the Committee, Mr. Christian Kroeger, I estimated that we knew directly of more than 35,000 unarmed military prisoners executed by the Japanese and buried by the Red Swastika Society in collaboration with our Committee. Bodies buried by other organizations and by private persons, especially those outside the walls of the city, were numerous but were outside our immediate knowledge and therefore are not represented in these statements.

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In order to study the actual conditions and problems of the refugee population in the spring of 1938, the Nanking International Relief Committee undertook surveys of their losses, and of the circumstances of food, and employment, and housing. The results were reported to the Japanese authorities, and were published under the name of the Director of the surveys, Dr. Lewis S. C. Smythe, with the title, WAR DAMAGE IN THE NANKING AREA. In the Foreword to that publication,

I wrote: "Practically half of the burning within the city walls, and a good deal of that in rural areas, was done gradually by the Japanese forces (in Nanking, from December 19, one week after entry, to the beginning of February). For the period covered in the surveys, most of the looting in the entire area, and practically all of the violence against civilians, was also done by the Japanese forces." It is to be noted that for several days after entry into Nanking, the Japanese did not burn ^{any buildings,} nor did they ever burn the buildings of the National Government and of the Kuomintang. Thus, the whole process, lasting some six weeks, was one of controlled and deliberate burning, taking certain blocks of buildings each day.

The survey of Nanking city inhabitants covered the people then living within the walls, 221,000. Losses of these people were reported as just over forty million dollars in Chinese currency, or \$838 per family, from looting and fire. At that time the exchange value of the Chinese dollar was thirty cents in American currency, and its purchasing power was not far from one dollar in American currency. The loss in buildings and contents of the entire city, which had just one million people at the outbreak of the war, was two hundred forty-six million dollars in Chinese currency, or \$1,262 per family of the pre-war population.

The farm population of 1,078,000 in the four and one-half counties (hsien) immediately adjacent to Nanking, was also surveyed. One resident in every seven farm families was killed. Forty per cent of all farm buildings were burned. Farm losses, domestic property excluded, were forty-one million Chinese dollars, or \$220 per family.

Although the terror and wanton destruction at and near Nanking are notorious because prompt and thorough reports were made by neutral observers, the plight of cities, towns and villages a hundred miles in

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several directions was ~~very~~ ~~more~~ serious in ratio to their numbers. Little check by reporting was possible, high Japanese officers seldom resided in them or visited them, and there was not the salutary presence of foreign diplomats who returned to Nanking three weeks after its capture. I had American and Chinese friends of many years' standing, residing in Chinkiang, Kiangsu Province, and towns such as Yangchow, Taichow, Kaoyu, and Tsingkiangpu north of Chinkiang; also in towns and cities north of Nanking along the Tientsin-Pukow Railway, such as Puchen, Wuyi, Koutangchi, Luho, Wukiang, Hochow, Chuhsien, Mingkwang, Pengpu, Hwaiyuan, Nansucnow, Showchow, and Hsuehowfu; also in towns south and southwest of Nanking, such as Tushan, Snunhachen, Hushu, Kaoshun, Taiping, Panchiao, Tsaishih; Wunu and its vicinity; Horei and a group of towns and villages in that vicinity - these latter in Anhwei Province. Several of these places I visited during 1938 and 1939, and with the others I was in frequent touch through the travel of American missionary friends or Chinese friends. With variations of numbers and intensity, they all had the same experience of murder, rape, looting, confiscation, burning, abduction, compulsory service or labor. In several of these ^{towns named,} ~~places~~ there was no stable order until six to twelve months after the Japanese occupied them.

As a member of the Nanking International Relief Committee, I was particularly charged with making inquiries during the period 1938-1940 concerning the living problems of the local population, with a view to determining the needs and policies of relief. In addition to the great losses of buildings and movable property reported above under the War Damage survey, which included almost all the industrial and commercial property of the city - large and small alike - further heavy blows were dealt by the Japanese military at the opportunities of the Chinese population for securing a living. For more than a year, any Japanese merchant who would come to Nanking was offered both a commercial and a residenti-

al property, which were taken from Chinese owners by the Special Service Organ of the Army, or by the Gendarmerie. Often no compensation whatever was allowed; but in others a ~~nominal~~ contract was drawn up and filed in Japanese offices, though payments were often withheld and the Chinese owner had no recourse. When a Chinese succeeded in rebuilding some little business, he frequently was ~~not~~ required to accept a Japanese partner who provided no capital and who did nothing for the business except to secure needed permits or protection from the Special Service or the Gendarmerie. Moreover, ^{wholesale dealings in} banking, transportation, rice, cotton, yarn, building materials, electrical goods, metals, were made monopolies either by direct act or the use of licensing controls. Gradually certain puppets or ^{Chinese} other/assistants of Japanese organs and firms were allowed fractional participation in these enterprises. But the mass of Chinese business interests were driven into the smallest shops, domestic manufacturing, and mere peddling; while thousands of able-bodied men and women were able to live only by accepting the low pay of casual laborers at the Japanese supply dumps or in their transportation enterprises. ¶ The monopolies were used against the interests of Chinese producers and consumers alike. For example, the Nanking International Relief Committee, with some friendly support from the American Embassy and from Japanese civilian officials, strove for months at a time to secure the right to buy rice in producing areas. The important rice districts between Nanking and Wuhu were held by the Japanese Army to price of eight and ten dollars per picul when the Nanking price was about twenty dollars; while the Army authorized a Japanese trading concern to move the eight-dollar rice to Tsinan and to Shanghai to sell at forty and forty-five dollars per picul. ■ My survey report presented to the Japanese authorities under the title, CROP INVESTIGATION IN THE NANKING AREA AND SUNDRY ECONOMIC DATA, con-

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In the course of work for the Nanking International Relief Committee

Bates - 12

tained this statement: "There is manipulation of supplies and markets for military or official advantage, not for the benefit of producers or consumers in this area." (October, 1938). A more extensive survey, made at the close of 1938 and in January, 1939, a year after the Japanese capture of the city, concluded with such passages as these, interpretative of statistical reports on sample families: "Gradually relaxing from the terrible winter of 1937-1938, Nanking has attained a certain low level of economic and social life from which further improvement will be difficult under present military and political conditions and economic policies." "The present employment rate, 27 per cent of the total population, needs to be increased by one-half to approach normal. Moreover, the current figure is not so good as it seems. Tens of thousands are now driven to crude labor and ~~to~~ meager peddling. Correspondingly, there is little manufacture even on a domestic basis, and professional or skilled tasks of any sort are few."

"The inexorable injuries of the war situation would be bad enough. But beyond them are other troubles that keep men poor. It is better not to discuss here the enforced use of military notes, the ²h²oc wrought by opium and heroin, the continual interference with personal liberty and private property; because they are so closely linked with military procedure. They are, however, important bars to ¹economic improvement. Apparently less politico-military and more largely economic in their working are the general monopolistic and restrictive controls. Chinese business-men are throttled by the monopoly of transportation and the discriminatory use of it to control all wholesale trade. They complain bitterly that they and their people are reduced to the status of coolies and ¹sh¹boys for an alien economy. Specifically, they point out monopolies or discriminatory controls in such varied lines as the following: coal, salt, banking, cotton,

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In the course of work for the Nanking International Relief Committee,

Bates - 13

... attention was drawn to a suddenly increasing factor in the
 , metals, cement, lime, electric and water installations. Furthermore,
 they assert that when a Chinese business is painfully developed after the
 general experience of burning, looting, and confiscation of commercial
 sites, it is frequently threatened and hampered until it accepts a Japan-
 ese partner; who then provides the ever-necessary permits and a measure of
 security, in exchange for a first claim on returns and a managerial voice
 that can summon bayonets at will. Under such conditions there cannot
 be much revival of Chinese commercial and industrial enterprise."

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... a Committee of Peers and Representatives that had attempted for some
 years, with small results, to check the military patronage of the narcotic
 in the North and Manchuria.
 In November, 1938, I completed my investigation and report on narcotics
 in Nanking and adjacent areas, sent a copy to the Japanese Consul-General in
 Nanking, and published the report one week later. In November of the fol-
 lowing year, and considerable development of the public trade, I prepared
 and published a similar report, also submitted to the Japanese authorities in
 advance of publication. During 1940 I was asked by the editor of the
 CHINA CHRISTIAN YEAR BOOK to prepare an article on the narcotic problem in
 China. I therefore broadened the field of inquiry, and secured information
 from competent observers and investigators in fourteen provinces.

The only Japanese challenge to these reports came in 1939 upon the
 single specific point of a statement secured from puppet officials that the
 Gendarmerie and the Special Service Section of the Army drew irregular profits
 from opium and heroin. This statement the Gendarmerie directly asked me
 to withdraw. They neither offered nor asked for any correction as to any
 item of fact.

Opium is an old and great evil in China. It is not yet known why the
 generally diligent and Christy Chinese people are more inclined than any other
 important group in the entire world to fall into this wasting habit. The

In the course of work for the Nanking International Relief Committee during 1938, my attention was drawn to a suddenly increasing factor in the problem of general poverty - the turning of many refugees and other poor persons to narcotics. Opium and heroin were being distributed at very low prices by peddlers offering them as remedies for the pains of hunger, disease, and weakness: "If you use this, your stomach won't hurt you." "If you take a little of the white flour, your legs won't drag, and you'll feel as if you could jump over mountains."

I was encouraged by a high-minded Japanese visitor, Mr. Tagawa Daikichiro, member of the Diet, to seek adequate information which he might use in a Committee of Peers and Representatives that had attempted for some years, with small results, to check the military patronage of the narcotic evil in Korea and Manchuria.

In November, 1938, I completed my investigation and report on narcotics in Nanking and adjacent areas, sent a copy to the Japanese Consul-General in Nanking, and published the report one week later. In November of the following year, amid considerable development of the public trade, I prepared and published a similar report, also submitted to the Japanese authorities in advance of publication. During 1940 I was asked by the editor of the CHINA CHRISTIAN YEAR BOOK to prepare an article on the narcotic problem in China. I therefore broadened the field of inquiry, and secured information from competent observers and investigators in fourteen provinces.

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Opium is an old and great evil in China. It is not yet known why the generally diligent and thrifty Chinese people are more inclined than any other important group in the entire world to fall into this wasting habit. The

potential demand is enormous, offering expanding profit to interests so unscrupulous as to exploit the dangerous craving. In the past hundred years various private and official elements, Chinese and foreign, have supplied, and at times developed, the narcotic trade, contending with irregular success against efforts at reform and restraint.

During the decade before 1937, the National Government of China wiped out the poppy from large areas in the eastern and central provinces, where also the general consumption was markedly reduced. Despite many weak spots, including ports where foreign opium entered, and including the extensive narcotic manufacture and trade maintained by the Japanese and Koreans under the protection of concessions and extraterritoriality in Tientsin and adjoining areas of North China, government anti-opium measures were broadly effective in East and Central China and even in portions of the backward West. Not only were supplies cut down and dealers prosecuted, but individual addicts by tens of thousands were forced into registered and supervised deprivation of opium, with the aid of specially provided hospital treatment if required. The death penalty was applicable after a certain date ^{in each province,} both to the dealers and to smokers; and the penalty was sometimes exacted, with deterrent publicity.

In the seventeen years I had lived in Nanking prior to 1937, I had not come to recognize the appearance or smell of opium, though before 1930 I had seen indications of clandestine trade on Yangtze River steamers. In my 1938 report I wrote as follows: "The present generation has not known ~~the~~ large supply and consumption of opium in Nanking, nor open sale in a way to attract the poor and ignorant. Opium was used in a private and semi-private manner by certain members of official and merchant groups, usually of the older type, and by few others. Particularly during the last five years has the use of opium been slight, due to fairly consistent and cumulative government pressure against the trade, plus the result of educational efforts during the past thirty years." "But the changes of the year 1938 have brought an evil revolution. Today opium and heroin are abundantly

supplied by the public authorities, or by those who enjoy their favor and protection. Tens of thousands of persons have become addicts, including children and numerous young people of both sexes."

Despite the gross open results and the notorious nature of the narcotic trade, however, it is never easy to secure authorized statistics or precise quantitative data. The high value of goods in small bulk easily concealed, the possibilities of private gain through adulteration and through sales outside even the most thoroughly organized distributing system, the general ill-repute of all who deal in narcotics, are factors that consistently work for reticence. In the case of large revenues or profits, such as the puppet governments and their Japanese sponsors drew from narcotics in Nanking and Central China, there were no complete or honest statements of public finance; least of all were there true open statements regarding income from narcotics. Thus personal inquiry and local observation were required.

As set forth in the reports referred to, I myself, and reliable friends under my direction, quietly and tactfully inspected many opium and heroin establishments; secured copies of official regulations and of license forms; interviewed dealers and addicts of various levels; talked with the chief puppet police officer concerned with narcotics; collected reports of arrests and court cases; examined the books of an inspector of 175 opium dens; secured a statement from the employee who cut into portions the 3,000 ounces of opium distributed daily in the open public system in Nanking city during 1939; secured a mimeographed budget sheet used in the puppet Ministry of Finance; obtained private statements from puppet officials concerned with finance in both the municipal and regional puppet governments. In 1940 comparable inquiries were made for me by responsible American friends in many cities, such as Bishop A. A. Gilman in Hankow, Professor R. T. Sailer in Peiping, Dr. R. Thompson in Canton. The following material is taken from the reports of 1938, 1939, and 1940, as presented to the Japanese authorities and as published in Shanghai for circulation in territories under their control.

~~under their control.~~

In 1938 the regulations of the Nanking official system provided for 200 retail stores and smoking dens, the former taxed at the mean rate of \$2840 per quarter and the latter at \$50, \$100, and \$150, for three, six, and nine lamps, respectively. Single lamps in homes were to be registered with a mean tax of three dollars monthly. A certificate for the daily use of one-tenth of an ounce of ~~opium~~ opium was issued for a fee of \$2.20, over and above the cost of the drug itself. Special ~~licenses~~ licenses were available for hotels and also for brothels; and seven-day/^{private}licenses for marriages, funerals, and social entertaining. In November, 1938, daily sales of opium were supposed to be limited to 6,000 ounces, but more than that was released because of the demand by buyers from the surrounding

Six thousand ounces at \$11 wholesale represented \$2,000,000 per month. country. [^] The bulk of supplies came from Dairen. Heroin traffic had developed less publicly, but in a well organized system under the protection of the Special Service Section of the Japanese Army. An agent of considerable standing in the system ~~said~~ stated that the Special Service Section reported monthly sales above \$3,000,000 in the area of which ^{NANKING} Japan is a center. Although police reports were very much higher, I conservatively estimated the users of heroin in Nanking city to be 50,000 persons, one-eighth of the population.

In ~~July~~ 1939 the Nanking Municipality had thirty public stores and one hundred seventy-five licensed smoking dens. Fourteen hotels were known to have licenses, and there was a very large extra-legal trade which officials vainly tried to bring into their own channels. Daily sales through the thirty public stores averaged 3,000 ounces or \$66,000 retail. It was believed that the 3,000 ounces represented at least 60,000 addicts, and that the full truth was well above that figure. The Executive Yuan of the Reformed Government (then the puppet government for East Central China) received each month a "tax" of three dollars per ounce on 1,000,000 ounces of opium. Officials complained that the actual quantity of opium distributed to consumers was much larger. The official sales system was developed ~~by~~

throughout the area controlled by the Reformed Government, and one city much smaller than Nanking reported over 300 licensed shops. As I ^{stated} declared in the 1939 report: "The revenue of \$3,000,000 from opium is the main support of the Reformed Government, and is declared by ~~the~~ Japanese and Chinese officials to be indispensable for the maintenance of any government in this area under the present supervision and circumstances." In July of that year, the opium expert of the Japanese Foreign Office, Mr. Haga, just returned from an inspection trip to China, informed me in his Tokyo office that the generals told him little improvement could be expected until the war was over, because "no other good source of revenue for the temporary governments could be found." An official of the Reformed Government declared that the wholesale price of nineteen dollars covered ^{eight dollars} for opium from Dairen two dollars to other Japanese interests for transportation, the "tax" of ^{three dollars} ~~\$3~~, and ^{nine dollars} ~~\$9~~ margin from which the Gendarmerie and the Special Service Section drew. The heroin sales continued in a semi-private organization, consisting of some 2,400 persons, supplied and protected by Japanese.

In 1940 the central treasury of the puppet regime of Wang Ching-wei, successor to the Reformed Government in Central China, was receiving five to six million dollars monthly from the "tax" on opium distribution in the Lower Yangtze Valley alone. Peiping had 600 opium establishments. Heroin was reported to be even more commonly used than opium, as was also the case in Hankow. The latter city had 340 dens and 120 hotels officially using opium, which was supplied at the daily rate of 4,000 ounces for a population of 500,000. Licensed smokers numbered 5,000, while those unlicensed were estimated at 50,000. The contrast with the pre-war situation of severe suppression was pitiable.

Smaller cities in occupied portions of Shansi and Shantung reported

startling increases in sales and addiction, and local planting of the poppy with official stimulation and protection. Kaifeng had 170 opium stores and more than 200 smoking dens for 40,000 known smokers in 250,000 population (only 700 smokers were registered). My report continued thus for Kaifeng: "Moreover, as is common throughout North China, Koreans conduct the heroin business with government sanction in about 200 ^{shops} classed as 'foreign concerns.' Opium is ^{grown} considerably in North Honan, and across the border in Hopei." Wuhu, a city of hardly 150,000 people, had 30 regular opium stores, nearly 600 public and private smoking dens, and about 100 places selling heroin. In Canton proper, which then had some 500,000 population, there were 852 registered dens, to which should be added some 300 unregistered places.

The report contained the following observations for Japanese-occupied areas as a whole: "Open and convenient sale by government shops or licensed dealers, supplemented by aggressive peddling of heroin in such localities as do not favor public distribution of the latter, have generously provided supplies. In certain areas, attractive advertising or distribution as pay for services to the military also help to extend the use of narcotics." A summary of the report continues as follows: "Supplies of opium are provided mainly from Manchoukuo; though last year there was an important supplement secured by Japanese deals with Iran, and this year production is developed locally." "Heroin is distributed largely from factories in Dairen and Tientsin. Throughout the occupied areas, no efforts at suppression are known. The only noteworthy restriction is found in attempts to force the large private trade into the public, revenue-producing system of distribution."

Given under my hand this 21st day of June, 1946
M. S. Bates *over*

The foregoing statement was subscribed
and signed to by M. S. Bates before

me at Tokyo, Japan this day
of June, 1946

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(Statement of M. S. Bates continued)

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INTERNATIONAL PROSECUTION SECTION

24 June 1946

MEMORANDUM TO: MR. E. E. DANLY
FROM : David Nelson Sutton

I hand you herewith the affidavit of Dr. Miner Searle Bates relative to atrocities in China. Please assign a document number so that this may be processed for introduction in evidence. This section follows immediately Military Aggression in China.

David Nelson Sutton
DAVID NELSON SUTTON
Associate Counsel

Attachment

2247

INTERNATIONAL PROSECUTION SECTION
REQUEST FORM - INCIDENT - ACCUSED

TO JUDGE ALBERT WILLIAMS

24 June 1946

The Undersigned requests the consideration of Document # 2247
(describe):

Affidavit of Minor Searle Bates.

as proof of the particulars set forth in the Indictment under
APPENDIX A, SECTION (or ITEM) 2 & 4, Paragraph _____;
and/or for the following purposes:

APPENDIX D, SECTIONS 1 & 3.

Counts 44, 45, 53-55 of the Indictment - Atrocities Against Civilians, China.

**This section follows immediately Military Aggression in China,
which is No. 3. Prompt processing essential.**

DAVID NELSON SUTTON

Staff Attorney

1946

TO THE DOCUMENT OFFICER:

The above document has been approved for processing by you
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Judge Albert Williams
Document Control Attorney

By _____
Secretary

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Dr. Bates Testified 29 July 1946

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