

Art. 1. This law shall apply to all enemy airmen who take part in raids against Japanese territories, Manchukuo, the zones of military operations, or who come within the sphere of influence of the Expeditionary Army in China.

Art. 2. Any individual committing any or all of the following acts shall be liable to military punishment:

Sec. 1. Any bombing, strafing or other forms of attack carried out with the object of menacing or killing innocent civilians.

Sec. 2. Any bombing, strafing or other forms of attack carried out with the purpose of destroying and damaging private property having no military value whatsoever.

Sec. 3. Any bombing, strafing or other forms of attack of non-military objectives except in unavoidable circumstances.

Sec. 4. Any violation of the International Law on Warfare not included in the above three sections.

This law shall also apply to any individual who participates in raids on Japanese territories, Manchukuo, and the zones of military operations, with the intent of committing any or all of the acts mentioned in the preceding sections, and who come into the sphere of jurisdiction of the Expeditionary Army in China before accomplishing his objective.

Art. 3. The penalty shall be death. However, this sentence may be commuted to life imprisonment, or to a term of imprisonment not less than 10 years, depending on the merits of the case.

Art. 4. The execution shall be by firing squad. In the case of imprisonment, the sentence shall be served in confinement for the term of imprisonment.

Art. 5. Sentence shall not be imposed when there is valid reason for withholding punishment.

Art. 6. Imprisonment shall be in accordance with the provisions of criminal law, with the exception of those stipulations prescribed under this law.

By-Laws

This law shall be effective as of 13 August 1942.

This law shall apply to any and all such acts covered in the provisions, committed prior to the date of its enactment.

Inclosure No. 4

Staff Memo. No. 1140

SUBJECT: Memo pertaining to the Disposition of Enemy Airmen.
(per inclosure)

FROM: USHIROMIYA, Jun (), Chief of Staff, Expeditionary Army in China.

TO: KURAKAWA, Yueuo (), Chief of Staff, 13 Army.

DATE: 13 August 1942.

(Enclosure)

Military Document No. 2190 (Confidential)

SUBJECT: Memo Pertaining to the Disposition of Enemy Airmen.

FROM: Vice-Minister of War Kimura, Hyotaro ()

TO : USHIROMIYA, Jun (), Chief of Staff, Expeditionary Army in China.

Request formation of rules and regulations for the disposition of enemy airmen who come within our sphere of jurisdiction in connection with raids on Japanese territories, MANCHUKUO, or our zones of military operations.

1. Any individual who abides by the terms of the International Law on Warfare shall be treated as a prisoner of war; any individual who violates the provisions of the International Law on Warfare shall be dealt with as a war criminal.

2. The supreme commander in charge of national defense and the commanding generals of the various armies (including the various armies in Japan proper, and her territories, and the occupational forces in Hong Kong (etc.)) shall treat enemy airmen who trespass their respective spheres of jurisdiction as war criminals. Any individual who falls under suspicion shall be referred to the military tribunal.

The laws and regulations governing the special court martial under the provisions of the army court martial law shall apply to the military tribunal.

Inclosure No. 5

Staff Doc. No. 383-1 (Confidential)
(Military Section, Grand Imperial Headquarters)

SUBJECT: Name pertaining to the Disposition of Enemy Airmen.

FROM: TANABE, Seibu (), Assistant Chief of Staff, Grand Imperial Headquarters.

TO: USHIROMIYA, Jun, Chief of Staff, Expeditionary Army in China.

DATE: 28 July 1942.

In regard to Military Doc. No. 2190 (Confidential) concerning the disposition of the captured enemy airmen, request that action be deferred (Probably until the middle of August) pending promulgation of the military law and its official announcement, and the scheduling of the date of execution of the American airmen.

The Grand Imperial Headquarters will make official announcement of the punishment imposed upon the American airmen, and request that news of the decision be transmitted to the Chief of Staff as soon as the verdict is reached.

(Rest omitted)

Inclosure No. 6

DISPATCHED: 22 October, 1250 hours

RECEIVED: 22 October, 1354 hours

FROM: Chief of Staff, Grand Imperial Headquarters

TO: Chief of Staff, Expeditionary Army in China

Radiogram No. 453

In the future, announcement of verdict of trial of enemy airmen charged with outrages and atrocities committed to military tribunal, will be made by Grand Imperial Headquarters. Maintain absolute secrecy as to place of trial.

Inclosure No. 7

SUBJECT: Disposition of Convicted American Airmen
FROM: SUGIYAMA, Gen (), Chief of Staff
TO: HATA, Shunroku (), Supreme Commander,
Expeditionary Army in China.
DATE: 10 October 1942.

1. To be punished by death:
MILLER* Dane Edward, pilot.
FARROW* William L, pilot
SPATZ* Harold A., gunner
2. Death sentence commuted:
MEELER* (TN:) (presumably MELER)
MEDER Robert J, assistant pilot.
NEERUSOE* (TN: Presumably NEILSEN)
NIELSEN C. J., navigator.
H. ITO* (TN: presumably WHITE)
WHITE, Robert L, assistant pilot
BARR* (TN: presumably BARR).
BARR George, navigator.
DESHIEUR* (TN presumably DESHAJEUR.)
DESHAJEUR Jacob, bombardier.
3. Date of execution: 15 October. For further details,
have staff of Expeditionary Army contact me.
4. The five whose death sentences are commuted are hereby
sentenced to life imprisonment. They are adjudged war criminals
and as such should receive no consideration as prisoners of war.
In no case will they be repatriated as prisoners of war in the
event of an exchange of prisoners.

Inclosure No. 8

Record of Execution

Nationality: American.

HORUMAKU * Dane Edward, 2d Lt, age 27, 95 Squadron, 17
Bomber Command, USAF.
FARROW* William L, 2d Lt, age 23, 34 Squadron, 17 Bomber
Command, USAF.
SPATZ* Harold A, Sgt, age 20, 34 Squadron, 17 Bomber
Command, USAF.

On 28 August 1942, at the trial held by the NOBORU ()
7330 Unit (TN: 13 Army) Military Tribunal, the above mentioned
men were adjudged guilty and sentenced to death for violating the
provisions of the "Military Law Concerning Punishment of Enemy
Airmen".

The following is a written account of the execution carried
out under the execution orders issued by the commanding general of
the NOBORU 7330 Unit, 15 October 1942.

1. Date of execution: 15 October 1942.
2. Place of execution: Public Cemetery No. 1, YEN-CHIA-CHAI
() CHUNG-HSI () district, SHANGHAI ()
3. Executioner: TATSUDA, Gaiiro (), Warden,
Expeditionary Army Penitentiary at Shanghai, representing OOKA,
Tokijiro () Head Warden, Expeditionary Army Military
Penitentiaries.

4. Witnesses: Colonel ITO, Akinobu (), Prosecutor.
FUJITA, Chosei (), Clerk.
Medical Officer of the NOBORU 7330 Unit, 1st
Lt MASUTANI, Maruo (), Medical Detach-
ment
Interpreter, MIURA, Yasutoshi (),
Interpreter, Shanghai Military Police Head-
quarters.

5. Spectators present by permission of the prosecutor:
Lieutenant Colonel NOGUCHI, Masao () SHANGHAI
Military Police Headquarters.
Major OGATA, Izumi (), Shanghai Military Police
Headquarters
1st Lt SETO, Mitaro () Shanghai Military Police
Headquarters.
Lt Col NAKANO, Saburo () Medical Detachment,
NOBORU 7330 Unit.
1st Lt KINOSHITA, Chikao () Medical Detachment,
NOBORU 7330 Unit
2 medical corps men from the medical detachment of the
NOBORU 7330 Unit.

6. Firing squad and security guards: Under the command of
First Lieutenant TASHIMA, Goro, commanding officer of the NOBORU
7330 Unit Guards, one non-commissioned officer, and nine enlisted
men were assigned to the firing squad. Six of the men were
directly assigned roles as members of the firing squad, while
three were posted as security guards around the cemetery.

7. Health and physical well-being of the condemned men:

The condemned man arrived at the execution grounds at
1630, escorted by three turnkeys, and the above mentioned guards.
At the request of the executioner, these men were given a physi-
cal examination by the witnessing medical officer, who pronounced
them as being physically sound. Whereupon, the executioner,
through the medium of an interpreter, informed the men of the
fact that the death sentence pronounced by the NOBORU 7330 Unit
Military Tribunal on 28 August 1942, would now be carried out,
and asked if there were any last statements to be made. The
condemned had none to make.

8. Preparation for execution. (Omitted)

9. Method of execution. Firing Squad (most omitted).

10. The execution commenced at 1630, and was completed by
1720

Military Tribunal of the NOBORU 7330
Unit

(S) FUJITA, Chosei, Clerk of Court.
(S) ITO, Akinobu, Prosecutor
(s) Col. Legal Department.
(S) T. TSUDA, Saijiro, Warden, Expedition-
ary Army Penitentiary at Shanghai.

Dated: 15 October 1942.

Record of the Trial

(Preceding Statement omitted)

Defendants: HORUMAKU*, Dane Edward
 MEEDA*, Robert J.
 NEERUSON*, C. J.
 FUARO*, William D.
 HAITO*, Robert L.
 BIL*, George
 SUPATSO*, Harold A.
 LESHIEJ*, Jacob

have been found guilty as charged, and are hereby sentenced to death.

Reasons for the Sentence

It has been proven to the satisfaction of the Court that in March 1942, the defendants, motivated by their sporting instincts and sense of glory, in response to a call for participants in an air raid, made application to their currently attached unit; that for a period of over a month, they, together with the other trainees, received special combat training; that they embarked from the port of SAN FRANCISCO, on 2 April aboard the aircraft carrier HOWLIT, and on that day were apprised, for the first time by Colonel BOOLITTLE, that they were to raid JAPAN in five formations of 10 bombers, and were briefed as to the details of the raid and the respective mission of each craft; and that on the morning of 18 April, at about 0800 hours, at a point approximately 35° north latitude, and 153° east longitude, the first plane took off from the flight deck, followed in close order by the other planes, headed for the raid on JAPAN.

1. The defendants, HORUMAKU*, pilot, MEEDA*, co-pilot, and NEERUSON*, navigator, occupants of plane No. 6, a North American B-25 medium bomber, arrived over TOKYO at about 1300 hours, suddenly exhibited cowardice when confronted with opposition in the air from the ground, and with the intent of cowing, killing and wounding innocent civilians, and wreaking havoc on residences and other living quarters of no military significance whatsoever, together with the other twelve planes did carry on indiscriminate bombing and strafing, thereby causing the death and injury of about 10 civilians, and the destruction of numerous residences; following which they attempted to escape to the China mainland. At noon of the same day, they were forced to land on the water in the vicinity of NINGPO (), CHEKIANG () province, where they were captured by the Japanese army on the 20th.

2. The defendants, FUARO*, pilot, HAITO*, assistant pilot, BIL*, navigator, SUPATSO*, gunner, and LESHIEJ*, bombardier, occupants of plane No. 16, a North American B-25 medium bomber, arrived over NINGPO () at about 1615 hours, afternoon of 18 April, suddenly exhibited cowardice when confronted with opposition in the air and from the ground, and with the intent of cowing, killing, and wounding innocent civilians, and wreaking havoc on residences and other living quarters of no military significance whatsoever, together with another plane, did carry on indiscriminate bombing of said city, and further did willfully and knowingly strafe a school building thereby endangering the lives of numerous school children at recess in the yard, and thereby causing the death and injury of 10 or more civilians, and the destruction of numerous residences, following which they attempted to flee to the China mainland. At 2140 that evening while over NINGPO (), CHEKIANG () province, they were forced to parachute because of fuel exhaustion, and were immediately captured by Japanese army units in that vicinity.

The foregoing facts are based on the (1) depositions made by the eight defendants at their trial, and the (2) copy of the acknowledgment made by the SHANGHAI Military Police unit in response to the request of the Military Police Headquarters for full information as to the extent of damages and injuries sustained in said affair. The tribunal finds the eight defendants guilty of violating the provisions of Sec. 1 and 2 of Art 2 of the Military Law concerning the Punishment of Enemy Airmen, and hereby pass judgment and impose sentences under the provisions of Article 3 of said law.

Dated: 28 August 1942.

NOBORU 7330 Unit Military Tribunal.
(S) Lt Col NAKAJO, Toyoma, Chief Judge
(S) 1st Lt WAMITSU, Yusei, Law Member
(S) 2d Lt OKADA, Kohei, Judge.

Certified a true copy.

*Robert T. Furger
Major J. A. G. S.
Assistant Prosecutor.*

#10-13 z 3/22 PM

LT COL HENTREN: Does the Commission desire to finish the translation tomorrow morning?

COLONEL MC REYNOLDS: Yes, tomorrow morning.

The Commission will adjourn until nine o'clock tomorrow morning.

(Whereupon the Commission adjourned at 1655 hours on 22 March 1946 to reconvene at 0900 hours on 23 March 1946.)

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#10-13 z 3/22 PM

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MORNING SESSION

... Pursuant to adjournment, the Commission reconvened at 0900 hours, 23 March 1946, at which time all of the members of the Commission, the accused, counsel for prosecution and defense, the interpreting staff and the official reporter resumed their seats in the court room...

COLONEL MC REYNOLDS: The Commission is in session.

PROSECUTOR: At the last session, the Commission requested copies of some of the Transcript Exhibits which had been presented to the Commission. At this time I would like to give the Commission copies of those exhibits. (Prosecution's Exhibits 21, 22, 23 and 24.)

At this time we request that the translators continue with the translation of Major Hata's statement.

(Whereupon the translators took turns in translating the statement of Major Hata until they had completed the translation.)

PROSECUTOR: (Maj Dwyer) Colonel Hendren will take the stand.

JOHN H. HENDREN, JR

a witness called on behalf of the prosecution, was recalled to the stand, duly reminded that he was under oath, was examined and testified as follows:

DIRECT EXAMINATION

(Mr. Krantz interpreting)

Q (By Major Dwyer) Colonel Hendren, in Prosecution's Transcript Exhibit No. 25, the Hata statement, there appears on the last page thereof, the name of 1st Lieutenant Wamitsu Yusei. Who is that man?

PROSECUTOR: I withdraw that part of the question that states "Who is that man?"

Q In the course of your investigation, have you had occasion to ascertain who this person is?

A When we started investigating the case, we ran across that name on Hata's statement and I made investigation and a request to Japan that this man be identified and apprehended. The Japanese Government was unable to identify this man from the name of "Wamitsu" from the information we had at the time as to his station. The interpreter in the Allied Headquarters in Japan re-examined the writing in Japanese and determined that the name would be Wako rather than Wamitsu.

DEFENSE: If the court, please, we move that the answer be stricken. Colonel Hendren has testified as to what someone else has done without any basis of his own personal knowledge of the facts.

PROSECUTOR: May I be permitted to ask another question and I think it will clarify that. You may be permitted to reserve the objection.

COLONEL MC REYNOLDS: Proceed.

Q Colonel Hendren, subsequent to ascertaining this information, did you go to Sugamo Prison?

A Yes. The man whose name appeared as Wako had been apprehended and placed in the prison there and I had interrogated Wako there and he admitted that he was a member of the court.

DEFENSE: I renew my objection to what a man named Wako testified to in Sugamo Prison and what appears in this statement here, as to any errors in it. The statement as to what the Interpreter section in Japan did, not in his presence and without any knowledge as to how it was done, I move should be stricken from the record.

A If the Court, please, I might add to my statement that at the time I was in Japan in the latter part of December 1945 and early part of January 1946, I had the interpreter section re-translate this in my presence and they informed me that the name was subject to interpretation as Wamitsu and as wako. They verified that by the Japanese dictionaries there.

Q Did Lieutenant Wako Yusei, now Captain --

COLONEL MC REYNOLDS: Just a moment. We will rule on the objection.

DEFENSE (Capt Fellows) Major Dwyer has asked permission to ask a couple more questions and we are agreeable but we reserve the right to renew our objection.

Q Did Lieutenant Wako, now Captain, state to you that he had been a member of the court that tried the Doolittle fliers?

A Yes, he did.

DEFENSE: If the Court, please, I object to this line of questioning. My objection is made -- this is not on the point my objection is made to. If we want to go into that, fine, but after my objection is covered.

PROSECUTOR: As I understand, counsel's objection is that the statement made by the interpreters as to the interpretation of the word "Wamitsu" --

DEFENSE: My objection was originally based on Colonel Hendren's statement that the Interpretation Section in Tokyo had changed the interpretation on it. At that time there was no statement as to how he knew that, and my motion was to strike that answer.

PROSECUTOR: We submit to a ruling of the Commission.

COLONEL MC REYNOLDS: Objection over-ruled.

Q Colonel Hendren, I call your attention to Prosecution's Transcript Exhibit No. 25, inclosure 8, which is the record of execution. Paragraph 3 thereof and the last page thereof, refer to a Tatsuta Gaijiro. Please state to the Commission what, if any, circumstances surrounded the appending of this exhibit by you, bearing on that name?

A At the same time that I was interrogating the Interpreter's Section as to the translation of the name "Wamitsu", I asked them if this name, I believe it was Gaijiro, something like that, could be Sotojiro, the name of Captain Tatsuta, and the interpreter told me that it also was subject to two interpretations and

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perhaps Sotojiro was correct rather than the name written on the translation.

Q Colonel Hendren, in Prosecution's Transcript Exhibit No. 25, there appears the name, Lt. Col. Nakajo Toyama. Can you state to the court anything about this name?

A This name appeared in the papers as the President of the Military Commission which tried the Doolittle fliers and we made several requests to the Japanese Government that he be apprehended. They were unable to identify the person of that name so when I was in Japan, in Tokyo, the latter part of December and early part of January, I went to the interpreter's section and asked if there could be some mistake in the interpretation of that name. The interpreter, on examination of the Japanese exhibit--the exhibit written in Japanese--said that the name of Nakajo Toyama should be interpreted as the name of Nakajo Chujo, and that was a similar interpretation.

Q In the preparation of this case did you attempt to apprehend Lt. Colonel Nakajo -- Nakajo Toyama or Chujo?

A Yes, I made investigation in the Japanese War Department in Japan as to where this man was located and found that at that time he was reported to be in Java. I sent a radio request from the China Theater Headquarters to the Allied Forces in Singapore for his apprehension.

Q Was this radio communicated through the China Theater Headquarters?

A Yes, it was.

Q Do you have the radio with you?

A I have a certified copy of the radio which was received from Singapore in reply to the radio sent by the Commanding General, China Theater.

Q What did the radio say?

A One dated 1 February stated that Lieutenant Colonel Nakajo Chujo had been reported dead by the British authorities on Rempang Island and that that office had asked ALFSEA for written proof of death. That came from the British Forces in Singapore.

Q Is there anything further you have to say on this subject, Colonel?

A A later radio received on 7 February relative to the same subject, referred to the apprehension order for Lieutenant Colonel Nakajo Chujo.

Q What does that radio say?

A It reads, "See apprehension order for Lieutenant Colonel Nakajo Chujo issued by this Headquarters in early January at the request of your Liaison but could not be effected owing to death of Nakajo Chujo after arrival Rempang Island. Much regret failure to catch him alive."

PROSECUTOR: No further questions. You may cross-examine.

Q (By Maj Dwyer) One more question, Colonel Hendren, did Lieutenant Wako state to you that he was a law member of this court?

A Yes, he did.

PROSECUTOR: You may cross-examine.

DEFENSE: No questions by defense.

PROSECUTOR: Any questions by the Commission?

COLONEL MC REYNOLDS: There appear to be none. The witness is excused.

PROSECUTOR: (Col. Hendren) We will now call Major Dwyer to the stand.

ROBERT T. DWYER

recalled on behalf of the Prosecution, was reminded that he was still under oath, was examined and testified as follows:

DIRECT EXAMINATION

- Q (By Lt Col Hendren) Major Dwyer, in the course of your investigation of this case, have you met a Caesar Luiz dos Remedios?
A Yes sir, I have.
- Q Will you tell the Commission where Mr. Remedios is at this time?
A On Sunday night, March 17th, the night before the opening of this trial, I accompanied him to the Shanghai General Hospital and he is there at this time.
- Q Will you tell the Commission, if you know, what is -- why he is there?
A Yes sir. I talked to his personal physician who attended an operation performed on him at approximately midnight on that night, under a diagnosis of Tuberculosis of the intestines.
- Q Is Mr. Remedios able to appear and testify before this Commission?
A No sir. His doctor says he cannot be removed and is in very serious condition.
- Q Major Dwyer, in your -- in the course of your investigation of this case, I will ask you if you have ever seen this document?
A Yes sir, I have.
- Q I will now have the document marked by the reporter as Prosecution's Transcript Exhibit No. 26.
(Document so marked)
Major Dwyer, will you tell the Commission what the document is?
A This is an original statement given by Mr. Remedios on the 19th day of September 1945 to Captain James S. Bailey, Assistant Theater Judge Advocate, China Theater.
- Q Major Dwyer, does that document refer to issues involved in this case?
A Yes sir.
- Q Major Dwyer, have you had an opportunity to see the signature of Mr. Remedios?
A Yes sir, many times.
- Q I will have you examine the exhibit and ask you whether or not that document is signed by Mr. Remedios?
A (after examining signature) Yes, it is.

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- Q I will ask you whether or not the document was sworn to before Captain Bailey? and whether or not it is a sworn statement?
A I think the document speaks better for itself than the witness who was not present.

PROSECUTOR: At one of the exhibits yesterday, the counsel raised an objection as to whether one of the document was a sworn statement and anticipating such an objection, I was attempting to cover the matter.

DEFENSE: (Capt Fellows) The question could be asked whether this was a sworn statement rather than if the witness were present.

PROSECUTOR: (Maj Dwyer) I may be able to clear this up if I may make a voluntary statement.

PROSECUTOR: (Lt Col Hendren) Does the defense object to the statement of the witness?

DEFENSE: Yes, until this is ruled on. All we want is for the document to speak for itself. It is obvious what it is.

PROSECUTOR: I will withdraw the previous question.

DEFENSE: Withdraw the objection.

Q Major Dwyer is the document a sworn statement of the person who made it?

A Yes sir, it is.

PROSECUTOR: We will now offer in evidence Prosecution's Transcript Exhibit No. 26 marked for identification, now offered as Prosecution's Transcript Exhibit No. 26.

DEFENSE: No objection as to the admissibility.

COLONEL MC REYNOLDS: Prosecution's Transcript Exhibit No. 26 will be received in evidence.

(Prosecution's Transcript Exhibit No. 26 for identification was received in evidence.)

PROSECUTOR: Does defense wish to ask any questions of this witness?

DEFENSE: No.

PROSECUTOR: Are there any questions by the Court?

COLONEL MC REYNOLDS: No.

PROSECUTOR: May the witness be excused?

COLONEL MC REYNOLDS: There appearing to be no further questions, the witness is excused.

(Whereupon the witness withdrew from the witness stand and resumed his seat in the court room.)

PROSECUTOR: We request that Major Dwyer read Exhibit No. 26.

(Whereupon Prosecution's Transcript Exhibit No. 26 was read.)

Prosecution Transcript Exhibit 26

Caesar Luiz Dos Renedios, being duly sworn, deposes and says:

My name is Caesar Luiz Dos Renedios. I am a Portuguese citizen holding Portuguese passport 2315. My father is Portuguese, while my mother is Japanese. I am able to speak Chinese, English, Japanese, and Portuguese. I was born and have lived all my life in Shanghai, China.

On 26 June 1941, I was called to the Japanese Military Police Headquarters at the Bridgehouse, Shanghai. Ever since that time I was detained by the Japanese Military Police. On 10 July 1941, I was transferred to Kiangwan, and on 27 September 1941 was tried by the Japanese 7330th Mabori Unit (this is the Shanghai Court Martial Unit). I was sentenced to seven years for investigating and hindering Japanese activities and also for being accused as a spy. On 16 October 1941, I was taken to the Japanese Nanking Military Prison.

On 8 December 1941, I heard that the war had broken out. On 26 March 1942, I was taken back to Shanghai to the Shanghai Military Prison at Kiangwan, to act as an interpreter for the Japanese. This place is also called the "Civic Center". During all the time of my imprisonment, I was used as an interpreter because of my knowledge of languages. On 28 August 1942, seven United States airmen from two B-25s which had participated in the bombing of Tokyo on 18 April 1942 from the U. S. Aircraft Carrier Hornet were brought to the Kiangwan Military Prison. One plane crashed in the China Sea; two men were drowned and three saved. This was told to me by Lt. Meder.

I met the following men, on 28 August 1942, at Kiangwan Military Prison, who were members of a B-25 crew of the 34th Bombardment Squadron: 2nd Lt. William Glover Farrow, 2nd Lt. George Barr, 2nd Lt. Robert L. Hite, Sgt. Harold A. Spatz, and Cpl. Jacob DeShazer. At the same time, I met the following two men of the 95th Bombardment Squadron, 17th Group: 2nd Lt. Charles J. Nielsen and 2nd Lt. Robert J. Meder. On 14 October 1942, I met 2nd Lt. Dean A Hallmark, who came from a B-25 of the 95th Squadron. All of the above named eight fliers were taken from the Bridgehouse in Shanghai on 28 August 1942 to the Kiangwan Military Prison, also known as the Civic Center. Lt. Hallmark was sick at this time and was immediately returned to the Bridgehouse, and I didn't see him until 14 October 1942.

Report of C. L. Dos Remedios, continued:

On 28 August 1942, all of the above men, with the exception of Lt. Hallmark, were held at Kiangwan Military Prison. During the period of their confinement at Kiangwan, I acted as their interpreter. From that time on, I was with them constantly. I went with them to exercise, wash, etc. I asked them where they came from and how they had come. Months after that, a Japanese prosecutor (whose name I don't know) of the Military Court at Kiangwan took their pictures. At that time I was also their interpreter. After that I took their description of their home address, schools attended, and information about their Army career. This information had been requested by the Japanese. During the time I acted as their interpreter, we became very close friends. I told them about Shanghai, and they told me all their stories of their life, etc.

On 14 October 1942, Lt. Hallmark was brought in from the Bridgehouse. I also asked him for his address, about his education, and what he did before and after joining the Army.

On 14 October 1942, I was instructed by Sergeant Tatsuta (later Captain) to have Lt. Farrow, Lt. Hallmark, and Sgt. Spaatz sign their names on two blank sheets of white paper. One page was signed by each of them in the middle of the sheet, and the other page was signed by each of them at the bottom. They asked me why they were made to sign these papers. Tatsuta told me that they were signing these as a receipt for their belongings, and that he would fill the rest in Japanese later on.

Later Tatsuta gave each two sheets of paper, one on which to write a letter to their family, which he said he would send thru the Red Cross; and the other sheet was to be used to describe the treatment they received by the Japanese while they were confined. At that time I didn't know what the Japanese were going to do to these three airmen. The fliers asked me what they should write. My opinion was to give a little "top hat" for the Japanese, so that they would be given good treatment later on. I didn't read the letters, but gave them to Sgt. Tatsuta early the next morning.

On 15 October 1942, the three above mentioned airmen left Kiangwan, leaving their prison belongings behind. The next day, Lt. Hite, Lt. Meder, Lt. Nielsen, Cpl. DeShazer, and Lt. Barr, were taken to the storeroom to

Report of C. L. Dos Remedios, continued:

pick out their own belongings. At that time the guard in charge of the storeroom, Lance First Class Private Suzuki, called me to act as an interpreter. By mistake, he brought out the flying jacket of Sgt. Harold A. Spatz which he had in his cell. They asked the other five airmen to pick out their own belongings. The five airmen picked up their clothing that was in the storeroom and took it to their cells. I have a very strong belief that these three airmen were shot on 15 October 1942.

My reason for believing that they were shot was because when prisoners of war are transferred to a different prison, they take their belongings with them, while in this case the flying jackets which were with the three fliers were left behind. Lance First Class Private Suzuki scolded the other guard at that time for being so careless in bringing in the wrong clothing. Right away, I had the idea that the three airmen must have been shot, but I didn't tell the rest of the five airmen about it. Lt. Meder asked me what became of the three other fliers. Not to dishearten the other five remaining pilots, I told him that maybe they were taken over to see their plane which had crashed, because Sgt. Spatz was with the two pilots (Lt. Hallmark and Lt. Farrow).

A week after that, Sgt. Tatsuta called me up at six o'clock in the evening to act as an interpreter for the five remaining airmen. They were supposed to be sentenced to death by the court martial at Kiangwan. They were informed that they were sentenced to death, but they had a special pardon, and that their sentences had been commuted to life imprisonment by this court martial, which had convicted them for machine-gunning civilians and school children at Tokyo. Lt. Meder said that the machine guns were never fired and that they only dropped their bombs on military targets. Lt. Hite and Lt. Meder also told me to promise them that when I got out of the military prison at Kiangwan to inform the War Department in Washington that they were sentenced to life imprisonment.

During their confinement, the remaining five airmen carved their names and dates of flights and confinement on the wooden floor of their cells using fish bones and sea shells as their instruments.

Report of C. L. Dos Remedios, continued.

When they first arrived at Kiangwan, they occupied cells two to eight, inclusive; each being placed in solitary confinement. On 14 October 1942, Lt. Farrow was brought to cell number five of the second section of the building. Spatz stayed in cell number six opposite Farrow, and Hallmark was brought in from the Military Police Headquarters, Bridgehouse, Shanghai and was located in cell number eight. Farrow gave me the following articles on the evening of October 14th: One American Red Cross card in the name of B. Farrow; eleven Bank of America traveler checks, in denomination of \$10.00 each and signed by Farrow; and one social security card in the name of William G. Farrow and a photo of a girl. All these articles were held by me from 14 October 1942 until turned over by me to Capt. J. S. Bailey, War Crimes Section, on 18 September 1945. Lt. Farrow handed these to me stating that some day I might make use of them.

Around the first of the year 1945, I talked with First Sergeant Mayana, who is the assistant jailer at the Kiangwan Military Prison and who was a Lance Corporal Guard at that prison in 1942. While having a few drinks, by the slip of his tongue, he said he didn't like to pick up the ashes of persons who had been cremated following their execution by the Japanese. He said he had gone out three times to pick up ashes, twice for Japanese and once for the three airmen, Americans. This statement he stopped right away realizing what he had said.

Sgt. Tatsuta asked me to have Lt. Hallmark's summer flying jacket washed, which was a leather jacket. He told me to have Hallmark's name removed from the jacket. He also asked if I knew a tailor in Shanghai that could cut down this jacket to fit him, as he wanted to wear it. I believe that this jacket is still in Tatsuta's possession, unless he has given it to someone else. At the present time, Tatsuta, now Captain, is at the Hankow Military Prison.

It was the practice of the Japanese at Kiangwan to take prisoners condemned to death to a Chinese crematory in Kiangwan, opposite the race course, and execute them by shooting them. All Chinese were buried in graves, while Japanese and Americans were cremated at the Japanese Association Crematorium. I feel quite positive that the three missing American airmen were taken out

Report of C. L. Des Remedios, continued:

on the morning of 15 October 1942 and executed by rifle fire. This is based upon my knowledge of Japanese customs in this respect, because I overheard Mayama's conversation, and because of the disposition of their flight jackets. Also because Lt. Hallmark, Lt. Farrow, and Sgt Spatz were never seen or heard of after that date. In addition, because of the fact that Tatsuta had said that all eight fliers were sentenced to death, but that five of them had had their sentences commuted to life imprisonment.

I didn't attend the court martial of the fliers, which was held on 14 October 1942 in an "L" shaped building, which is used by the Japanese for court martials, and which is located just outside the prison walls. I do not know the members of the court martial, but it is a Japanese custom to select a high ranking officer as the judge. The court itself is composed of a judge, prosecutor, two officials who help set the sentence, and an enlisted man to act as court clerk. It is my belief that the sentence of death on the fliers had been set and approved by military headquarters in Tokyo because the fliers had originally been taken to Tokyo for questioning in April and returned to Shanghai in June. However, the Commanding Officer of the 13th Army Headquarters in Shanghai had to put his seal upon all death sentences. I do not off hand know the name of the Commanding Officer. At the time of the execution, Tatsuta was in charge of the military prison. The firing squad was usually composed of guards from the Hoberi Unit. These men were regularly used as guards for the gates of the 13th Army Headquarters compound. The firing squad usually consisted of a Lance Corporal and five or six enlisted men.

The remaining five fliers remained at Kiangwan Military Prison until 17 April 1943, at which time they were taken to Nanking. I was still at Kiangwan Prison as an interpreter and inmate at the time they left.

During their confinement, I did not see any of them being hit by any guard or otherwise tortured. They asked for foreign books to read and Tatsuta always promised he would get a few books for them, which he never did. Finally Meder asked me if I had any books. I had some at home, and received permission to give the books to the airmen; however, the guards would look thru them before I could give them to the fliers.

Report of C. L. Dos Remedios, continued.

They usually had about an hours exercise a day, unless the guards, who were normally lazy, didn't want to stay out that long, and on those days, they only exercised about 15 minutes. Normally they were allowed to take a bath once a week.

The food was the same as the Japanese prisoners received. This was always insufficient for them. It consisted of 3/4 of a pint of rice three times a day; tea three times a day; and when the weather was hot they got an extra cup of tea at night.

They could wash themselves in the morning. They usually washed their clothes during exercising periods as part of the exercise. This was done in the open air. Medical attention was extremely slow in coming and even for the Japanese prisoners it was slow.

The following Japanese were stationed at Kiangwan Military Prison on 15 October 1942, at the time of the execution of the airmen: Sgt. Tatsuta, at present at Hankow. Lance Corporals, Mayama, Nakatsuka, Takeguchi, Minezaki and Yoneya, still at Kiangwan. Lance Corporal Suzuki, at present in Hankow, Lance Corporals Jino and Otsuki, returned to Japan. Lance Corporal Komatsu, sick in the hospital.

This statement consists of seven pages. Further deponent sayeth not.

/s/ C. L. DOS REMEDIOS

206 Embanment Bldg.

410 North Soochow Rd.

Sworn and subscribed to before me this 19th day of September 1945.

/s/ JASON S. BAILEY

Capt, AUS,

Asst. Theater Judge Advocate

Certified a true copy;

Robert T. Arye.

Major J. H. D.

Assistant Prosecutor

PROSECUTOR: (reading "It was the practice of the Japanese at Kiangwan to take prisoners condemned to death to a Chinese crematory in Kiangwan, opposite the race course, and"--

DEFENSE: Is that word "crematory" or "cemetery"?

PROSECUTOR: (after conferring and comparing copies of document) Apparently the copy furnished defense says "cemetery". The original, however, says "crematory",

DEFENSE: Defendant moves to strike the last statement for the reason it is based on mere belief and not upon any evidence or any knowledge of what the witness had particular knowledge of, as to what might have happened in Tokyo. We submit that it should not be admitted, and that such remarks should not be submitted to the commission.

COLONEL MC REYNOLDS: Will you read back the statement objected to?

PROSECUTOR: "It is my belief that the sentence of death on the fliers had been set and approved by military headquarters in Tokyo because the fliers had originally been taken to Tokyo for questioning in April and returned to Shanghai in June." Defense did not object to the admissibility of the document when it was offered.

DEFENSE: We merely stated we had no objection to the admissibility of the statement. However, we do object to this last statement which the prosecution has just re-read.

COLONEL MC REYNOLDS: Objection over-ruled. Proceed.

PROSECUTOR: (after completing the reading of Prosecution's Transcript Exhibit No. 26.) May it please the Commission, due to the fact that this witness was suddenly taken sick and we had counted on having him as a personal witness, we have had to put it in the record and we therefore have not had a translation of his statement made. If it is satisfactory with the Commission and defense counsel, we would like to turn this statement over to the interpreters to prepare a translated statement over the week-end, which they can use in court.

(Whereupon both defense counsel and the Commission nodded their heads in assent.)

PROSECUTOR: The prosecution presents as its next witness, Sergeant Suzuki. Prior to affirming the witness, the prosecution would like to ask two or three preliminary questions.

(Sgt Morozumi, interpreting.)

SUZUKI KIUCHI

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

DIRECT EXAMINATION

Q (By Maj Dwyer) Sergeant, do you have a religion?

A I do.

Q What is it?

A Buddhism, Shinto sect.

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Q Do you know what is truth and what is untruth?

A I do.

Q In speaking before this Commission will you be bound by your conscience and your religion to tell the truth and nothing but the truth?

A I do.

(Whereupon the witness received the oath of affirmation.)

Q State your name, grade and present organization and station.

A Kiuchi Suzuki, Sergeant Major, Legal Section, attached to the 6th Area Army Jail, Hankow, China.

Q Where were you stationed in August 1942?

A 13th Army, Shanghai Prison.

Q What were your duties?

A Guard.

Q Do you know Captain Wako?

A I do.

Q Did you know him in August 1942?

A I did.

Q What were his duties?

A He was legal officer.

Q Was he in the 13th Army Headquarters at that time?

A Yes.

Q Sergeant, did you ever receive from Captain Tatsuta some blank sheets of paper signed by the Doolittle fliers?

INTERPRETER: Blank sheets signed or to be signed?

PROSECUTOR: I withdraw the question. That is poorly phrased.

Q Sergeant, did Captain Tatsuta ever hand you some blank sheets of paper on which were the names of the Doolittle fliers?

INTERPRETER: I don't know how to explain blank sheets if there was a name written on. (Captain Hakim and other interpreters then assisted in the translation and the interpreter on duty put the question to the witness.)

A He did.

Q When did that happen?

A I am not sure of the exact date but I think it was about two or three days prior to the execution.

Q Was that in the prison grounds that he handed them to you?

A Yes.

Q What did Captain Tatsuta say to you at the time?

A He told me to bring it to the Judicial officer,--legal officer.

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- Q How many of the Doclittle fliers had signed those papers, do you know?
- A I don't know how many signed the paper. However, there were two or three sheets of paper signed in pencil.
- Q Was the signing in English?
- A Yes.
- Q Was there anything else on the paper besides the signatures?
- A Because it was in English I couldn't read it, I do not know.
- Q Were the rest of the sheets blank?
- A Yes.
- Q Where did you take these sheets of paper?
- A I went to the -- I took them to the Legal section office.
- Q Who was in the office?
- A Legal Officer Wako and Hata and another officer.
- Q Were they all present when you turned over the papers?
- A Yes.
- Q Which one did you hand them to?
- A As I have said before, I am not certain to whom I handed these sheets of paper. It is either Wako or Hata.

PROSECUTOR: You may cross-examine.

CROSS EXAMINATION

- Q (By Mr. Kumashiro) At the time of the execution of the fliers were you a guard in the Kiangwan prison?
- A I was a guard there.
- Q I ask you whether you were a civil officer or a military personnel?
- A Civilian.
- Q Do you remember what was the rank of Captain -- of Tatsuta at the time of the execution?
- A He was Army Chief of Guards.
- Q Is that rank of Tatsuta, Army personnel rank or rank of civil personnel?
- A Civilian status.
- Q Was the prison where you were at the time of the execution under the control of the 13th Army?
- A Yes.
- Q Are you sure of that?
- A I am.
- Q Where was the Headquarters of the Prison of the Expeditionary Army in China?

INTERPRETER: The witness is making a qualifying statement to his previous answer. He is adding to the previous answer.

- A Actually this prison is a Shanghai Branch of the China Expeditionary

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Forces Prison in Nanking and it was under the Command of the 13th Army.

DEFENSE: I withdraw my question -- last question.

Q What do you mean by the Command of the 13th Army?

A Actually it was attached to the China Expeditionary Forces Prison in Nanking. However, from the standpoint of duty and work it received instructions from the Legal Section, 13th Army.

COLONEL MURPHY: Did the Commander of the 13th Army supervise the transfer of the personnel?

A Not supervise.

Q (By Mr. Kumashiro) Was the personnel transfer of the prison where you were, taking place by the instruction of the Commander of the 13th Army?

A Yes.

Q Under whose supervision were you at the time of the execution?

A We were under the supervision of Tatsuta, Chief of the Branch, and carried on our duties accordingly.

Q Do you know that Tatsuta was under the control of the head office in Nanking?

A I do.

Q On the paper what you received from the fliers were there any other words written except the signatures?

PROSECUTOR: We object to that question upon the grounds that the witness has already testified that there weren't any other words. To suggest that there were any, I think is improper.

DEFENSE: (Lt Col Bodine) The witness did not testify that there weren't any other words. He testified he couldn't read English and therefore could not understand.

PROSECUTOR: May it please the Commission, as I recall this question is, he said, did he receive them from the fliers. Is that correct? The record shows he received them from Tatsuta.

COLONEL MC REYNOLDS: Let the witness answer the question and reserve your objection.

INTERPRETER: The witness is not clear and I am not able to understand if he is saying there were or there weren't.

COLONEL MC REYNOLDS: Have the witness repeat his answer.

A (after considerable discussion between witness and interpreter) There were.

COLONEL MC REYNOLDS: The objection by the prosecution is sustained.

PROSECUTOR: We move to strike the answer from the record.

COLONEL MC REYNOLDS: The question and answer will be stricken from the record.

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Q What was written on the bunch of pieces of papers that you received from Tatsuta?

A It was in English so I could not read it.

Q At the time of the execution where were you?

A I was in the office.

Q At the time of the execution did you see any --- did you see the writ of execution in the office?

A I have.

Q Do you remember the contents of it?

A It read "Order of Execution" there was a date and the name of the legal officer. The name of the prosecuting attorney I think was Ito and it was addressed to Ooka Takijiro of the China Expeditionary Forces Prison.

Q Do you remember at that time when you were in the office that one officer came in the office to speak with Tatsuta?

A First Lieutenant Tajima came into the office on the day of the execution.

Q Could you hear the conversation between Tajima and Tatsuta?

A I did not hear it.

Q Do you know what was the duty at that time of Tajima?

A He was the Chief of the Guards of the 13th Army.

Q Do you know that fire squad was instructed to assist the execution of the fliers?

PROSECUTOR: That question may be objectionable. Will the reporter read it, please.

REPORTER: (reading) "Do you know that fire squad was instructed to assist the execution of the fliers?"

PROSECUTOR: No objection.

A I do know I have seen documents on it.

Q From whom was that document issued?

A The document was issued by the 13th Army and was dated the morning of the day of execution. The general outline and general contents of that document that one officer and one non-commissioned officer and fifteen enlisted men be dispatched to the prison; that for detailed instructions to consult Tatsuta.

Q Do you remember to whom was that order addressed?

A It was a 13th Army Order and it did not indicate any specific addressee.

Q Do you know to whom was that order handed over?

A I was in the office when it was brought from the Supervision Department. I then handed it to Chief of Guard Myada.

DEFENSE: May we ask for a short recess at this time.

COLONEL MC REYNOLDS: The Commission recesses for fifteen minutes, until 10:45.

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(Whereupon, at 10:30 the commission recessed for fifteen minutes, until 1045 hours, at which time the Members of the Commission, the accused, counsel for prosecution and defense, the interpreting staff and official reporter resumed their seats in the court room, and the witness resumed his place on the witness stand.)

PROSECUTOR: Remind the witness that he is still under oath.

Suzuki Kiuichi resumed the stand after adjournment and was reminded he was still under oath. Cross-examination was continued with Mr. Kumashiro interrogating and Sergeant Morozumi interpreting.

Q When you received the pieces of paper from Tatsuta did he explain what the papers were?

A He told me that it was the last testament.

Q Do you know the names of the fire squad and its Commanding Officer?

INTERPRETER: Do you mean to say the names of the members of the firing squad?

DEFENSE: Yes.

A I do.

Q What were they?

A First Lieutenant Tajima, Commanding Officer, 13th Army sentries.

REDIRECT EXAMINATION

Q (By Maj Dwyer) Did you take the blank sheets of paper with the Doolittle fliers' signatures to Captain Wako and Major Hata?

A Yes.

Q And then do you mean to tell the Commission you took another set of papers at another time to Lieutenant Tajima?

A No.

Q Did you take a second group of papers to Major Hata and Captain Wako?

A No.

Q Were there six papers?

A I am not sure. There was more than three sheets. Around four or five.

Q Isn't it a fact that you took six papers and each of the three fliers had signed two of them?

A Because I did not count the number of sheets, I do not remember how many sheets there were. I think that there were four or five.

RECROSS EXAMINATION

Q (By Mr. Kumashiro) Did you take those papers which you had received from Tatsuta to Wako or to Hata, directly, personally?

A Yes.

Q Did you personally hand that papers to Wako?

A I do not remember to whom I gave those papers.

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Q Were you instructed from Tatsuta to hand these papers to Wako?
A I was told to bring it to the Legal Officer.

Q At that time where was Wako? Where was Wako?
A In his office.

Q In his office where you were?
A In the legal office.

Q Are you sure that you handed over to Wako that pieces of paper?
A I do not clearly remember. As I have stated before, I cannot remember whether I handed them over to Wako or to Hata.

PROSECUTOR: Does the Commission wish to interrogate this witness?

COLONEL MC REYNOLDS: There appear to be no questions.

PROSECUTOR: May the witness be excused?

COLONEL MC REYNOLDS: The witness is excused.

(Whereupon the witness withdrew from the witness stand and left the court room.)

PROSECUTOR: The prosecution calls as its next witness, Lieutenant Webber.

(Captain Hahn, interpreting.)

BERT WALLACE WEBBER

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

DIRECT EXAMINATION

Q (By Maj Dwyer) Lieutenant, please state your full name, grade, organization and station.

A Bert Wallace Webber, Second Lieutenant, Infantry, and I am attached to the American Graves Registration Service, China Theater.

Q Lieutenant Webber, as part of your duties do you work in the general matter of graves registrations and graves control?

A I do.

Q Lieutenant, because we are dealing with interpretation, I will ask the question and please withhold your answer until he has interpreted the question in Japanese, and after you give your answer I will hold the next question until he has interpreted your answer. You have come to this court at the request of the prosecution?

A Yes.

Q Lieutenant, have you consulted the records of your office with respect to Lieutenant Doan E. Hallmark?

A Yes sir, I have.

Q Do you have that record with you?

A Yes sir.

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Q Will you consult it, please, and state to the Commission briefly what it shows with respect to the body of Lieutenant Dean E. Hallmark.

A It shows he was cremated, sir, and the ashes were taken to the International Funeral Service.

Q Does this record show the date of death?

A Yes sir, it does.

Q What date?

A 15th of October 1942.

Q Does this record show the present location of the ashes of Dean E. Hallmark?

A Yes sir, it does.

Q Where are they located?

A They are located at the International Funeral Directory. I cannot pronounce the address but it is written in the record.

Q In Shanghai?

A Yes, it is.

Q Does your record show another name for Dean E. Hallmark, also?

A Yes sir, it does.

Q What is that name?

A J. Smith, initial only.

Q Do you have a similar record for Lieutenant William Glover Farrow, F-A-R-R-O-W?

A I have.

Q State briefly to the commission the similar data with respect to Lieutenant Farrow.

A The date of death of Lieutenant Farrow is also 15 October 1942. It also shows he was cremated and the ashes are at the International Funeral Service, Shanghai.

Q Does that record also show another name for Lieutenant Farrow?

A Yes, it does.

Q What is the name?

A. H. E. Gande.

Q G-A-N-D-E?

A Yes sir.

Q Do you have a similar record for Sergeant Harold A. Spatz?

A Yes sir.

Q Please state to the Commission the similar data with respect to Sergeant Spatz.

A The record also shows that the date of death was the 15th of October, 1942. It also shows that he was cremated and the ashes are at the International Funeral Directors. There is also an alias for him.

Q What is that?

A E. L. Brister. B-R-I-S-T-E-R.

Q Do you have a record from your office with respect to Lieutenant Robert J. Meder?

A Yes sir, I do.

Q Please state to the Commission the data from that record.

A The date of death for this officer was December 1, 1943, and the body was cremated and the ashes are at the International Funeral Directors, Shanghai.

Q Does that record of Lieutenant Meder's show the place of death?

A Yes sir, it does.

Q Where?

A Nanking Prison.

Q Lieutenant, these records from which you have testified are records kept by the Graves Registration Bureau, United States Forces, China Theater?

A Yes sir, they are.

Q They are official records?

A Yes sir.

PROSECUTOR: You may cross-examine.

CROSS EXAMINATION

Q (By Capt Fellows) Lieutenant Webber, are you the official custodian of these records?

A No sir, I am not.

Q Who is the official custodian of these records?

A I am afraid, sir, I cannot answer who would be the official custodian unless it would be the head of the office.

Q Do you know how the information relating to the time and facts of death of Lieutenant Hallmark was gathered?

A No sir, I don't.

Q Do you know how the information relating to the cremating of the body of Lieutenant Hallmark was gathered?

A No sir, I don't.

Q Do you know how the information relating to the place where the ashes might be found was gathered?

PROSECUTOR: If the Commission, please, the prosecution would like to object to this line of questioning. The witness has only testified that these are official documents and what the documents say. He is not questioned as to the correctness or authenticity of the documents and this line of questioning is only taking up the time of the Commission and can serve no useful purpose.

DEFENSE: If the facts on the documents are not worthy of evidence, it should not be put in. If it is worthy of evidence, the defense should be entitled to inquire into the background of the truth of these documents.

COLONEL MC REYNOLDS: Objection sustained.

DEFENSE: No further questions.

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PROSECUTOR: Does the Commission wish to interrogate the witness?

COLONEL MC REYNOLDS: There appearing to be no questions by the Commission, the witness is excused.

(Whereupon the witness withdrew from the witness stand and resumed a seat in the court room.)

PROSECUTOR: We will call Mr. Scott as our next witness.

(Capt Hahm interpreting)

R. O. SCOTT

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

DIRECT EXAMINATION

Q (By Maj Dwyer) Please state your name and present address.

A R. O. Scott, 207 Tai Chou Road.

Q How long have you lived in Shanghai, Mr. Scott?

A About twenty years.

Q What is your business?

A President, International Funeral Directors.

Q And how long have you been in that business, sir?

A As President since 1933.

Q Mr. Scott, you have come here as a witness at the request of the prosecution?

A I have.

Q State to the Commission whether the records in your funeral parlors indicate anything with respect to Dean E. Hallmark, William G. Farrow, Harold A. Spatz.

A Yes, they do. That is, those names were recorded in my office after the liberation.

Q Are they the names of persons whose ashes are in your funeral parlors?

A Yes, they are said to be.

Q Do those ashes have on their urns, names other than Hallmark, Farrow and Spatz?

A Yes, they have.

Q State the other names for each of those three.

A One is J. Smith; one is E. L. Brister and one is H.E. Gande.

Q State to the Commission which of those other names applies to each of those men.

A I am sorry, I cannot tell you without referring to other records.

Q When did the International Funeral Parlors first have anything to do with these ashes?

A The ashes were received by the International Funeral Directors on the 14th of November, 1942.

Q For each of the three?

A They arrived at the same time.

Q And those ashes came under the names of Smith, Brister and Gande?

A Yes sir.

Q Where did they come from?

A According to my record they came from the Japanese Internment Camp.

Q The bodies already had been cremated, is that correct?

A Yes sir.

Q State to the Commission whether or not at a later time, after hostilities, something happened with respect to the names on those urns.

A Shortly after the cessation of hostilities, some Japanese came to my office and looked over the urns of prisoners of war that we had there.

Q Then what happened?

A A few days later they came back again and left instructions regarding these three cases of Smith, Gande and Brister, to change the names of those three cases.

Q Were they Japanese military?

A They were in uniform.

Q Do you know their names?

A No.

Q Pursuant to their instructions to what names did you change the urns?

A I can't tell you without referring to the urns.

Q Will you open up the basket, please and remove the urns? You may remain standing right by the urns. Now, I ask you, can you tell the Commission now, by looking at these urns, to what names the urns were changed?

A (after removing urns from basket and lining them up on bench in front of Commission) Yes.

Q Please do so.

A Dean E. Hallmark from Smith; to --

Q From Smith to Hallmark?

A Yes.

Q All right, and the next one?

A Gande to Farrow.

Q And the next one?

A Brister to Spatz.

Q Have these ashes remained in your control at all times since they were first received by you?

A They were in control of the International Funeral Directors but I was not directly in charge, for two and a half years while I was in camp, in internment.

Q But they were at all times in control of the International Funeral Parlors?

A Yes sir.

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- Q Did there come a time when the ashes of Lieutenant Meder were also brought to the International Funeral Parlor?
A Yes sir.
- Q Do you have your records with you with respect to Meder?
A I have no records with me with respect to Meder.
- Q State to the Commission what you know about that.
A They were brought to the Funeral Parlors some time after the liberation.
- Q Who brought them there?
A I do not remember.
- Q Are these ashes held by you subject to the control of the Graves Registration Bureau of the United States Forces, China Theater?
A Yes sir.
- Q Do you have the urn of ashes which, according to these records and yours, are the ashes of Lieutenant Robert J. Meder?
A Yes sir.
- Q You have them here in the court room?
A Yes sir (removing them from the basket and placing them beside the other three before the Commission.)
- Q And these are also presently under your control subject to the regulations of the Graves Registration Bureau?
A Yes sir.

PROSECUTOR: May it please the Commission, prior to offering the ashes in evidence, I would like to make a statement on behalf of the exhibit that the repatriation law which controls the return of bodies and ashes of those who have died in foreign theaters has not yet been enacted and passed by the Congress of the United States and until it is, no bodies will be exhumed nor will ashes be returned to the United States until the law is enacted in final form and the United States Army will keep control of these ashes and bodies until the law is enacted and in no event will a disposition be made until the next-of-kin are told as to the disposition. Therefore, these ashes must remain under the control of the Graves Registration Bureau and in the International Funeral Parlor. With that statement we would offer these in evidence, subject to being withdrawn subsequent to their being received and returned to the International Funeral Parlor and a reference of their withdrawal and receipt substituted in the record for the ashes themselves. With that statement underlying the offer, the prosecution now offers in evidence as Exhibit "C", the ashes of Lieutenant Dean E. Hallmark, Lieutenant William Glover Farrow, Sergeant Harold A. Spatz and Lieutenant Robert J. Meder.

DEFENSE: The defense requests the Commission to close the session without ruling on the Prosecution's offer. We have no questions of the witness.

PROSECUTOR: Does the Commission have any questions?

COLONEL MC REYNOLDS: There appearing to be none, the witness is excused.

(Whereupon the witness withdrew from the witness stand and resumed a seat in the court room.)

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COLONEL MC REYNOLDS: The Court will be closed.

(Whereupon, at 1145 hours, the public withdrew from the court room and the court was in closed session, at which time defense objected to the receipt of Prosecution's Exhibit "C" and argued his reasons therefor.)

COLONEL MC REYNOLDS: The Commission will receive Prosecution's Exhibit "C" in evidence and over-rules the defense objection. Let the record show the offer in evidence and its receipt into evidence.

(Prosecution's Exhibit "C" received in evidence.)

PROSECUTOR: If the Commission, please, with the approval of the Commission, let the record also show that the original exhibits shall be withdrawn and a reference in the record to their receipt in evidence be substituted for the ashes themselves. Is that satisfactory to the Commission?

COLONEL MC REYNOLDS: That is satisfactory with the Commission.

PROSECUTOR: May it please the Commission, perhaps we should open the court to the public. It is after twelve, and then if it is agreeable to the Commission, the court will adjourn.

COLONEL MC REYNOLDS: The Court is open (1200 hours).

(Whereupon the doors to the court room were opened and the public given an opportunity to return to their seats.)

PROSECUTOR: It is stipulated and agreed by prosecution and defense counsel that Prosecution's Exhibit "C" is described as four wooden boxes each approximately nine inches long, nine inches wide and twelve inches deep and each draped with an American flag. Each urn or box was marked with the name of the person whose ashes were contained therein, as described in the evidence.

COLONEL MC REYNOLDS: The Commission will adjourn until Monday morning, 25 March, at 9:00 o'clock.

(Whereupon, at 1203 hours, 23 March 1946, the Commission adjourned to reconvene at 0900 hours, 25 March 1946.)

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BEFORE THE
MILITARY COMMISSION
CONVENED BY THE
COMMANDING GENERAL
UNITED STATES ARMY FORCES
CHINA

UNITED STATES OF AMERICA

-vs-

SHIGERU SAWADA
YUSEI WAKO
RYUHEI OKADA
SOTOJIRO TATSUTA

PUBLIC TRIAL

VOLUME II

PAGES 111 TO 210

SHANGHAI, CHINA.

DATE 1 MAY 1946

AUTHENTICATION

THIS CERTIFIES that this volume is a part of the Record of the Proceedings of the Military Commission appointed by Paragraph 2, Special Orders 42, Headquarters United States Forces, China Theater, dated 16 February 1946, in the trial of the case of United States of America against Shigeru Sawada, et al.

Dated 1 May 1946.

Edwin R. McReynolds
Edwin R. McReynolds
EDWIN R. McREYNOLDS
Colonel, IGD,
President of Commission

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MORNING SESSION

... Pursuant to adjournment, the Commission reconvened at 0900 hours, 20 March 1946, at which time the members of the Commission, the accused, attorneys for prosecution and defense, the interpreting staff and official reporter were present in the court room...

COLONEL MC REYNOLDS: The Commission is in session.

PROSECUTOR: At the close of the session last evening there was an objection made by the defense counsel to the questions and answers concerning what happened in Nanking. The motion was over-ruled and the court was adjourned. At this time we will continue reading the statement of Lieutenant Barr. (Prosecutor reading from Lt. Barr's statement: "Q Were you mistreated during this period of questioning at Tokyo, Japan?")

DEFENSE: We would like to offer the same objection we did yesterday as to any mistreatment that took place in Tokyo.

PROSECUTOR: If the Commission, please, the defense counsel has been laboring on the same question on cross examination, as to the circumstances surrounding any statement which may have been adduced later at the court-martial held here in Shanghai. The question of any statement which may have been used for the court-martial or simulated court-martial which was held here in Shanghai later, is, I submit, certainly evidence which should be received, and the question is entirely admissible.

COLONEL MC REYNOLDS: Objection over-ruled.

(Whereupon the Prosecutor continued reading the statement of Lt. Barr, to and including: "Were you mistreated there?" This question pertained to the imprisonment at Bridge House, Shanghai, China.)

DEFENSE: If the Court, please, we would like to renew our objection to the treatment in Bridge House for the same reasons indicated yesterday. We do not believe that that is applicable to the charges and specifications in this case.

COLONEL MC REYNOLDS: Objection over-ruled.

(Whereupon the Prosecutor completed the reading of Lt. Barr's statement, after which Captain Hahn translated the first portion of the statement into Japanese for the benefit of the accused.)

COLONEL MC REYNOLDS: The Commission will recess for fifteen minutes.

(Whereupon, at 1030 hours, the Commission recessed until 1045 hours at which time all members of the Commission, the accused, attorneys for the prosecution and defense, the interpreting staff and official reporter resumed their seats in the court room.)

COLONEL MC REYNOLDS: The Commission is in session.

(Whereupon the members of the interpreting staff took turns translating the statement of Lt. Barr into Japanese for the benefit of accused.)

COLONEL MC REYNOLDS: The Commission will adjourn until 2:00 o'clock.

(Whereupon the Commission at 1200 hours adjourned to reconvene at 1400 hours, 20 March 1946.)

AFTERNOON SESSION

... Pursuant to adjournment, the Commission reconvened at 1400 hours on 20 March 1946 ...

PROSECUTOR: Let the record show the members of the Commission, counsel for the prosecution and defense, accused, interpreters and reporter are present in court after the recess.

LT COL HENDREN: (to Captain Hahm) You may proceed with the translation of Lt. Barr's statement.

(Whereupon Captain Hahm continued with the translation of Lt. Barr's statement.)

MAJOR DWYER: May it please the Commission, with the consent of defense counsel I'd like to make a request of the Commission. The translation is still quite lengthy and we have at hand here a witness who is a teacher in the St. Francis School here in Shanghai and he has a certain schedule to meet. If it would meet with the pleasure of the Commission, with the consent of defense counsel, we would appreciate it very much if we could accommodate this man for his teaching classes if we can put him on at this time, and when his testimony is finished, to continue with the translation.

COLONEL MC REYNOLDS: Is that satisfactory with the defense?

LT COL BODINE: It is satisfactory with the defense.

COLONEL MC REYNOLDS: Any objection by the members of the Commission? There appear to be none.

TATSUO MICHAEL KUMANO

called as a witness on behalf of the prosecution, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

MAJOR DWYER: Mr. Kumano, an interpreter will translate your testimony to the accused. I will ask you the question, you will wait for its translation into Japanese and then you give your answer and I will wait for my next question until that is also translated into Japanese.

Q Mr. Kumano, are you a Christian?

A Yes, sir, I am a Catholic.

(Whereupon the witness was sworn.)

Q State your name and present address.

A My name is Tatsuo Michael Kumano. My present address is 322 Boone Road, Shanghai, China.

Q What is your present occupation?

A I am teaching the Korean boys at the St. Francis Xavier College.

Q What do you teach?

A I teach English.

Q In April 1942 what was your occupation?

A I was serving in the army as a first class private.

Q What army?

A My army belonged to the 18th army and was called the Tsubaki Division.

- Q Where were you stationed?
A At that time I was stationed at Nanchang.
- Q What were your duties?
A My duties in that division that I was a member of the Army Press Bureau there and we dealt mostly with the relief of the Chinese people.
- Q Do you remember an incident concerning some American fliers about 18 April 1942?
A I do.
- Q State to the Commission what your recollection of that incident is.
A Well, if I remember correctly, it was on the 18th of April 1942. I was awakened by one of my comrades at about eleven o'clock.
- Q At night?
A At night. And I was told then that they had caught one of the American fliers and as they could not understand his language they asked me to report right way to the Nanchang Military Police Headquarters. When I went there I was shown to a room and there I met Sergeant Spatz and an officer of the intelligence department.
- Q Mr. Kumano I show you picture No. 10 of Prosecution's Exhibit B for Identification and ask you if that is the man you saw?
A That is right, Sergeant Spatz.
- Q State to the Commission what happened when you saw Sergeant Spatz?
A I was told to sit down and just to interpret in English what the intelligence officer wanted to ask.
- Q State to the Commission what questions were asked Sergeant Spatz and what did he answer.
A The first question that the officer asked was his name and his rank. Next the officer asked him his age and then what squadron he belonged to.
- Q What else?
A Well, he went further on to ask him from what state he came from and he asked the names of the other members of the fliers.
- Q Did you have occasion to talk with Sergeant Spatz alone?
A Yes, I did.
- Q What did you talk about?
A Nothing official. We talked things personal.
- Q What personal things did you talk about?
A Well, it is pretty difficult for me to be exact now but we talked generally of his hometown and he asked me where I came from and I told him I came from Osaka and he asked me where I studied my English. I told him I was a graduate of St. Francis Xavier College in Shanghai.
- Q Did there come a time that evening when Sergeant Spatz was questioned concerning his flight over Japan?
A Yes, there was.
- Q There was the intelligence officer I mentioned, the Chief of the MP Headquarters.
A Anybody else?
A And if I remember rightly, a corporal of the military police.

Q State to the Commission as near as you can recall the substance of the questions asked, and the answers given by Sergeant Spatz.

A Well, after getting from him the name of his squadron, they proceeded to ask him the course of the flight they took.

Q Did Sergeant Spatz describe the course of the flight?

A Yes, he did.

Q State what he said.

A Well, to sum it up he said that he left, I think it was he said San Diego, and then he left San Diego on a ship; that ship carried him straight up north for about two weeks, then they arrived at a certain island and on the island there was a temporary landing place. The commanding officer immediately asked him to give as approximately as possible the area of the island. To that question Sergeant Spatz couldn't answer it correctly, but if I do remember rightly he said it was the length of that island was somewhere between 100 to 200 meters in length but he couldn't give us the width of the island. Now he went on to say when he landed on that island the planes they were to get on had already been there beforehand, and he still went on to say they stayed on that island for some time checking up on their engines and on the guns.

Q Then what did he say?

A Then on that day when all the preparations were ready, all the men assembled together and they were given their, - I mean, the chief pilot of each plane told them to get together and Sergeant Spatz couldn't tell us what instructions were given to each chief pilot of the plane, but when the chief pilot came back he ordered his men to get on to the plane and to wait for further instructions from him, the chief pilot. Then he mentioned the fact that as they took off from the field he noticed that all the planes took off singly without any set course, so by the time his plane was up in the air he couldn't see any of the planes. Then the officer asked him what direction his plane took. He stated that his plane headed due south and that for some hours. At that time he did state the number of hours but I can't remember it now, and after that the plane turned east at right angles.

Q Just a moment, Mr. Kumano, do you mean east or west?

A Well, I might have been mistaken at that.

Q I show you a paper with a signature on it. Do you recognize it?

A I do.

Q Whose signature is it?

A It is mine.

Q To refresh your recollection, I ask you to look, ---

LT COL BODINE: I object to the form of questioning.

MAJOR DWYER: . . . It is perfectly proper at any time, if the Commission please, for the examiner of any witness to refresh the witness' recollection by a prior signed statement. I am merely wishing to refresh this witness' recollection as to a direction to which he is obviously in some confusion.

LT COL BODINE: The reason I objected, does the witness' memory have to be refreshed? Isn't it better if the witness gives what he thinks rather than what is in a statement he made?

MAJOR DWYER: . . . I presume that what is better or not is a matter for the Commission to decide. I merely wish to bring the facts before

the Commission as they should properly be brought. Now if this witness is not clear as to the exact direction and there is something that can be adduced before this Commission that will clear that up I think both prosecution and defense should willingly submit that to the Commission.

Q Mr. Kumano, in which direction do you think that plane went when it went at right angles?

A Well, I think, I must have been a little confused. Instead of the previous statement, instead of saying west I said east.

Q Did Sergeant Spatz say it went west?

A That is if I remember rightly.

Q Did he state anything about flying over Japan?

COLONEL MC REYNOLDS: Will you hold it please? (To defense) The objection is overruled in your case.

Q Did he mention anything about flying over Japan?

A He wasn't asked that question because by that time one of the officers there had a paper taken from one of the fliers on which was written or drawn rather a vague dot and over that dot was written the words "Inubo."

Q Is that in Japan?

A Well, what the officer mentioned, what the officer had said in conversation with another of his assistants, he said that Inubo would most probably mean Inobusaki.

Q Where is that?

A That is the point where the mainland of Japan curves a little.

Q Did Sergeant Spatz describe the course of his flight from Inubo on?

A Well, he was asked over what town he flew, but he said he didn't know.

Q Did he say anything about the release of bombs from his plane?

A Yes.

Q What did he say?

A He said that all the bombs that were on the plane were released at once.

Q Did he state upon what area they were released?

A No, he couldn't give us an exact description.

Q At any time during the questioning did Sergeant Spatz ever state that the bombs had been released upon churches, schools or any non-military objects?

A He did not mention.

Q Did Sergeant Spatz at any time during the investigation state that he had fired a machine gun from the plane in which he was flying?

A I am afraid I don't remember.

Q Would you say that he said that he did fire them?

A I am afraid I am not sure.

Q Do you remember whether the question was asked him?

A I don't think so but I am not sure myself.

Q Did there come a time during the evening of April 18 when you met any other American fliers?

A Yes.

Q Do you remember their names?

A The next brought in was Lt. George Barr.

LT COL HENDREN: I am sorry I have taken so much time; it is a quarter to four. Do you wish a recess?

COLONEL MC REYNOLDS: How long do you expect to interrogate the witness?

LT COL HENDREN: He will take a little longer. We asked for permission to have him testify now so we would not have to call him back tomorrow so as to interfere with his classes.

COLONEL MC REYNOLDS: The Commission will take a ten minute recess.

(Whereupon the Commission took a recess at 1545 hours.)

COLONEL MC REYNOLDS: The Commission is in session. (1555 hours.)

LT COL HENDREN: Let the record show the Commission, counsel for the prosecution and defense, the accused, the interpreters and the reporter are present in the courtroom after the recess, and the witness is reminded he is still under oath.

Q The last question I asked you, Mr, Kumano, was do you remember their names.

A The next that was brought in was Lt. George Barr.

Q Who else?

A The next came Lt. Hite.

Q Who was next?

A The next was Cpl. DeShazer.

Q Anyone else?

A The last one to be brought in was Lt. Farrow, but he was brought in the next morning.

Q Were each of these men questioned?

A Yes, they were.

Q What did Lt. Farrow say?

A Well, since he was the last one to be brought in and it was in the morning, the officer in charge, -- No, I am mistaken, it was the chief of the military headquarters who told Lt. Farrow to state all that he knew, but Lt. Farrow, after giving his name, his rank and I think his age, he said, "I am under oath not to reveal any military secrets."

Q Did he say anything more?

A He wasn't questioned further.

Q State what happened with respect to George Barr.

A If I remember rightly he sat there while he was questioned and just said, "I am not saying anything."

Q Did he give his name, rank and serial number?

A I don't remember.

Q State what happened with respect to Robert L. Hite?

A Well, he also said things similar to Lt. Farrow. He wouldn't answer any questions.

- Q Did he give his name, rank and serial number?
A I think he gave his name and his rank.
- Q Did any of these men at any time they were questioned state that they had bombed, strafed or otherwise attacked non-military objects?
A Besides Sgt. Spatz, none of the others were questioned on that point.
- Q Was Sgt. Spatz questioned on that point?
A Yes.
- Q What did he say?
A He said, "I don't know."
- Q How long were these men held at Nanchang?
A Well, they were brought in on the 18th of April and Lt. Farrow was brought in on the 19th morning. If I remember rightly, it is either the afternoon of the 19th or the morning of the 20th.
- Q When were the fliers sent out from Nanchang?
A Well, as I said, it was either on the afternoon of the 19th or the morning of the 20th.
- Q I show you pictures numbers 1 to 12 of Prosecution's Exhibit B for Identification and ask you if you have ever seen those pictures before?
A Yes, sir, I have seen most of them.
- Q Where did you see them? (Withdraw that question, please.)
A I have seen them at Nanchang.
- Q Are you in one of those pictures?
A Yes, I am.
- Q What number?
A Picture No. 1 and No. 2.
- Q You were on the extreme right looking at the pictures?
A That is right.
- Q Where were those pictures taken, Mr. Kumano?
A They were taken on the grounds at Nanchang Military Police Headquarters.
- Q I show you picture No. 8 and ask you if the men in that picture are the Doolittle fliers?
A Yes, they are.
- Q For the purpose of the record, will you state to the Commission, from left to right, rear row and then front row, the names of the men?
A As I see the picture, on the extreme left I recognize Lt. Farrow, next comes Lt. George Barr, on the right, left, Hite. The front row I recognize on the left, Cpl. DeShazer, and on the right, Sgt. Spatz.
- Q Mr. Kumano, in connection with your duties in the Army Press Bureau, would you state briefly to the Commission what you actually did?
A My duty there was, because I spoke the Shanghai dialect and the Mandarin dialect, I was given the Nanchang movie theaters and the Nanchang Chinese drama theaters to look after, and besides that, to look after the welfare of the Chinese people.

- Q State whether or not you had occasion to make shipment of films, pictures, camera equipment, projectors to various points in China?
A I was told to go to Shanghai to get, rather to buy a set of movie projectors and bring them back to Nanchang.
- Q I will ask you again, Mr. Kumano. Follow this question, please. State whether or not, as part of your duties, you had occasion to make shipments to various points in China of equipment and material used in the Army Press Bureau?
A Well, we didn't send them to different places because my work concerned only Nanchang.
- Q Did you ever hear of the Japanese 13th Army?
A Yes, I have.
- Q Where was its headquarters?
A At that time it was situated in the former Civic Center of Shanghai.
- Q What area did the Japanese 13th Army include?
A Well, from what I have gathered, it included the towns of Hankow, Shanghai, Ningpo, Soochow, Wusih, Nanking and all along up till Wuhu.
- Q Do you know who was the commanding general of the Japanese 13th Army at that time?
A I don't remember.
- Q Did you know at that time in 1942?
A Yes, I did.
- Q Was it General Sawada?
A I don't remember.

MAJOR DWYER: Prosecution now wishes to offer in evidence Exhibit B for Identification, Pictures Nos. 1 to 12.

LT COL BODINE: No objections.

COLONEL MC REYNOLDS: It will be received.

(Prosecution's Exhibit "B" for Identification was received in evidence.)

CROSS EXAMINATION

- Q (By Mr. Kumashiro) I would like to ask you the number of the army to which you belonged in Nanchang?
A The 34th Division of the 11th Army.
- Q I just heard your army's number was 18, was it right? I'd like to know whether it was right.
A Do you mean I was mistaken when I said April 18.
- Q Under whose command your army was?
A At that time it was under Lt. General Ohga.
- Q Was Nanchang under jurisdiction of the 13th Army?
A No, it was under the 11th Army.
- Q Why did you see the fliers so late in the evening on April 19, 1942?
A Well, I was awakened around eleven o'clock and told to report immediately to headquarters, the MP headquarters.

- Q Was Nanchang generally under the command of the 13th army?
A No, it was partly under the local division headquarters and also under the Kiukiang Gendarmerie Headquarters.
- Q Under whose command the military police headquarters in Nanchang?
A At that time, that is 1942, it was under the command of Captain - I am sorry, I can't recall it now.
- Q When you saw Sgt. Spatz on April 18 at the military police headquarters in Nanchang was he wounded?
A No, I don't think so.
- Q How were the others?
A There was one case, one of them I think had legs scratched, but nothing serious. I don't know who was injured then.
- Q When you saw Spatz before the investigation were you asked to converse with him only as to the personal matters?
A No, I was just told to go in and have a talk with him.
- Q By whose instructions the investigation was done?
A I am not sure, but the questions were mostly put by the intelligence officer and a few corporals and sergeants of the MP.
- Q Did that Intelligence Bureau belong to the gendarmerie or the other military organization?
A That officer came from the division headquarters.
- Q Did Spatz tell you all the names of the Doolittle fliers who raided Tokyo?
A No, it was not necessary because the gendarmerie had paper taken from one of the fliers on which was written the full list with Doolittle heading the list.
- Q How did you identify the names of the persons by that list?
A Well, I wasn't told to interpret that part of the question but it seems that each of them had a tag or something on them.
- Q What kind of a room was it when you had the second investigation with Spatz?
A It was an ordinary room without any decorations and it was a room of about approximately eight by six.
- Q Was it the same room where you investigated all cases?
A You mean when I had the personal talk with Sergeant Spatz?
Q No, the official investigation.
A It was like this: Sergeant Spatz and Lt. George Barr were questioned in the same room but when Lt. George Barr was questioned, Sergeant Spatz wasn't in the room.
- Q Did Spatz not mention anything about the contents of the instructions he got when he left the carrier?
A He said that his instructions were not given to them so only the chief pilot knew of the instructions.
- Q Did the chief pilot not give any contents known to his subordinates?
A I don't know.
- Q Did he not know the name of the town where he dropped the bombs?
A He did not know.
- Q Did he say that all bombs were incendiary bombs?
A If I remember correctly he did say they were all incendiary bombs.

- Q Did he not mention that he raided two different places?
A No, he said that the plane dropped all the bombs on one place.
- Q Did he say that he dropped the bombs at the same time?
A Yes, I think I remember him mentioning that fact.
- Q Did Corporal DeShazer mention that he shot a few rounds from his gun?
A Well, he did say that he shot a few rounds but since the statements couldn't agree the officer left at that; didn't question any further.
- Q Did other fliers say to the same effect?
A None of the other fliers mentioned anything of that.
- Q Did you know what was the duty of DeShazer at that time?
A Yes, he was bombardier.
- Q Did DeShazer mention his duty in that plane?
A I don't remember.
- Q Why were you and the MP sure they raided Wakayama and Osaka?

MAJOR DWYER: Just a moment please. I object to the form of that question. There was no testimony on direct examination by this witness that any particular town was raided. The testimony is that Sergeant Spatz said he didn't know where they dropped their bombs. I object to the form of this question as being confusing.

MR. KUMASHIRO: I just want to ask if the members of the gendarmerie and those investigated the places where the raiders raided.

MAJOR DWYER: I suggest the question be rephrased to convey that meaning.

COLONEL MC REYNOLDS: Does the prosecution withdraw the objection?

MAJOR DWYER: Yes, sir, we withdraw the objection if the question is rephrased.

- Q Did you and the police believe that the plane raided Osaka and Wakayama?
A Well, you see, some of the MPs came from Wakayama and the news from the Domei Agency in that day gave out that Osaka was also bombed, and there was talk among the MPs that most probably the plane men had bombed Wakayama.
- Q Were the fliers sent to Nanking?
A That is what I was told later.
- Q Do you remember by whose order were they sent to Nanking?
A Well, a member of the army general staff and a member of a navy general staff came from Nanking to take them away.
- Q During the investigations which you attended were all American fliers left quite free?
A I don't know exactly as to that, but according to what I had heard they were each given a separate room to sleep in.
- Q I would like to know whether they were free when you investigated?
A Beg your pardon, free, in what way do you mean?
- Q Physically free.
A Yes, they were physically free.
- Q Was the sheet of paper on which Inubo was mentioned, a chart?
A No, it wasn't a chart, it was just written on a small piece of paper.

Q Were there any other names mentioned on that paper?

A Yes.

Q What kind of names are they?

A At about an angle of about 45 degrees from that point way up north there was a point marked and the name of that point was not very clear. It started with a "b" but after that we couldn't make out what it was. Now after there was a line drawn from that point to "Ikpo". From "Ikpo" there was another line drawn to a third point and at that point there was written--I am not sure which it was--but it was written, written something like Chuchow or Chushen--something with a c-h-u.

Q Were these names written by handwriting?

A Yes, by handwriting.

Q How long did the investigation last?

A Well, I'm afraid I can't remember.

Q I'd like to know if you have ever seen these pictures now on the table there?

A Yes, I have seen them.

Q I'd like to know where you have seen them.

A I saw most of the pictures, yes, most of the pictures sometime later at the Nanchang MP headquarters.

Q Those officers who took the fliers to Nanking belonged to which army?

A I am not sure.

Q Don't you remember whether the gendarmerie or the army officer took the fliers to Nanking?

A They were all loaded in the truck and onto that truck a lot of MPs went on together and a few officers. After that I went back to my press bureau.

Q What is the source of your knowledge concerning the territory controlled by the 13th Army?

A Are you asking for the area under which the 13th Army operates?

Q No. You have just mentioned the areas under the jurisdiction of the 13th Army to the prosecutor. I'd like to know the source of your knowledge concerning to that.

A Well, it was like this: Before April 18, 1942, I had an opportunity to come to Shanghai to buy a set of movie projectors. When I wanted to take that on board with me to go with other articles I had to apply to the shipping department, the army shipping department, and there was told that I had to get permission from the 13th army headquarters. And besides that, it was then I was told by them that all the ports belonged to Wuhu. If you want to ship or take anything, load anything aboard you have to get permission of the 13th army headquarters.

Q Do you know whether the 13th Army had exclusive jurisdiction over the area you have just mentioned?

A I am afraid I can't tell exactly but in Nanking the jurisdiction was rather confusing.

Q Do you know that the gendarmerie in Nanking is not under the control of the 13th army?

A First of all, the Nanking gendarmes were under the commander of the Kiukiang MP headquarters, and our 34th division headquarters also, and the 34th division headquarters received their orders from the 11th Army.

- Q Where were the headquarters of the 11th Army at that time?
A At that time it was in Hankow.
- Q Who was the commander?
A I am afraid I don't know.
- Q How long did the fliers stay in Nanchang?
A Well, as I have said before, the first of them was brought in, rather I was called in at eleven o'clock P.M. on 18th of April, and if I can remember, they left on the afternoon of the 19th or the morning of the 20th.
- Q Could you get all the names of those fliers together with the pictures?
A Well, the names of the fliers were given by them individually, and the same time they had sort of a tag on them that was taken from them.

LT COL HENDREN: Does the Commission wish to question this witness?

EXAMINATION BY THE COMMISSION

- Q (By Col Gamber) You said you were a private first class, I believe, in the Japanese army, is that correct?
A Yes, sir.
- Q Just what living conditions did a private first class have in the army in regards to bed and bedding?
A Well, an ordinary private, they have a straw mattress, about three or four blankets and a pillow, but in our case we were not obliged to wear our uniforms. We had Chinese clothes.
- Q Does he have a mattress on the floor or does he have a bed of some sort?
A It all depends, but in the headquarters they had better accommodations, whereas in the regiment, it is different; you might have bedding on the floor.
- Q What would be the normal menu, that is, the food that the ordinary private got for breakfast, lunch and supper?
A Well, in the morning for breakfast, have the usual bowl of rice and soup from the soy bean; in it you have a sprinkle of vegetables, and besides that sometimes you have those Japanese sour plums. For the noon meal and also for dinner they usually have the same thing, the same kind of things, say for instance, a bowl of rice, some vegetables, cooked in Japanese sauce or soup taken from pork or meat and we have some vegetables cooked together.
- Q What would be the normal amount of rice at one meal?
A I wouldn't be able to say exactly but if you take an ordinary drinking glass, have about five or six glasses full.
- Q (By Lt Col Berry) You were asked by defense counsel on cross examination as to whether the Doolittle fliers were physically free at the time you were acting as interpreter for them. In what way did you mean they were physically free?
A Well, I meant they weren't tied, neither their hands or their legs. They could stand up and they could sit down as they like. They could walk across the room to get a glass of water or something to drink. That is what I meant.
- Q Were they under guard?
A During the questioning there weren't any guards in the room. There might have been guards outside. After the questioning was over, well, I don't know.

Q In one of your answers you spoke about the fliers being placed on a truck. Will you tell us whether they were physically free--and you define it--when they were placed on the truck or what was their condition?

A Well, they were free to get on the truck of their own accord and they had three meals a day so they weren't weak. They had their coats and lumber jackets in their hands and most of their belongings they had that they brought along with them when they went on the truck which means they were free at the time they went on the truck.

Q Were they bound or blindfolded while on the truck?

A When they were on the truck and when they were about to leave the grounds of the MP headquarters, they were blindfolded by black band or cloth.

Q Were they also bound, either their hands or their feet?

A I don't think so, but I am not sure.

COLONEL MC REYNOLDS: There appear to be no more questions. The witness is excused.

(Witness excused.)

COLONEL MC REYNOLDS: The Commission is adjourned until nine o'clock tomorrow morning.

(Whereupon the Commission adjourned at 1705 hours on 20 March 1946 to reconvene at 0900 hours on 21 March 1946.)

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MORNING SESSION

....Fursuant to adjournment, the Commission reconvened at 0900 hours, 21 March 1946, at which time all the members of the Commission, the accused, attorneys for prosecution and defense, the interpreting staff and reporter resumed their seats in the courtroom....

COLONEL MC REYNOLDS: The Commission is in session.

PROSECUTOR: If it please the Commission, we will continue with the translation of the statement of Lt. Barr.

(Whereupon the interpreters again took turns in translating the statement of Lt. Barr for the benefit of the accused. The Japanese translations were completed at 0950 hours.)

PROSECUTOR: We will call as our first witness this morning, Mr. Chung.

TEH LING CHUNG

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

DIRECT EXAMINATION

(Capt. Hahn translated into Japanese)

Q. (By Major Dwyer): May it please the Commission, we will ask the witness a few preliminary questions to qualify his oath. State your name.

A Teh Ling Chung. Chung is the last name.

Q Do you speak English?

A Yes, I speak English.

Q Do you know the difference between truth and untruth?

A Yes, certainly I know.

Q Do you have any religious belief?

A No, I don't have.

Q In the testimony you will give before this Commission will your heart and conscience bind you to tell the truth?

A Yes, certainly I do.

PROSECUTOR: Are the Commission and defense counsel satisfied that I may affirm this witness now?

DEFENSE: Yes.

COMMISSION: Swear the witness.

(Whereupon the witness was given the oath of affirmation.)

Q Please state your name and present address.

A My full name in Chinese is Chung Teh Ling and my home address is 205 Boisseson,

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Q Shanghai?

A Yes.

Q What is your occupation?

A Wireless engineer.

Q Mr. Chung will you speak up as if you were trying to talk to the rear wall of this room. Keep your voice up so we can hear.

A Yes.

Q Is that your present occupation?

A Yes it is.

Q In 1942 were you imprisoned by the Japanese?

A Yes, I was arrested by the police at first and later on the Japanese in the police station sent me to the Gendarmerie, that is the Bridge House, Shanghai.

Q Are you a Chinese citizen?

A Yes, I am.

Q How long have you lived in Shanghai?

A Nearly I spent all my life in Shanghai.

Q Why were you imprisoned in Bridge House?

A I don't see any special reason except I am a wireless engineer and all the work I did is for the English and American people.

Q What cell were you put in, in Bridge House?

A Cell Number 6.

Q When did you first enter Bridge House?

A September 20, 1942.

Q When you entered that cell, state to the Commission whether you saw an American flier there?

A You want me to state the condition?

Q No, just state whether you saw an American flier?

A Yes, I saw an American flier.

Q Did you talk with him?

A Yes, I talked to him later on.

Q What was his name?

A Lieutenant Dean Hallmark.

Q Now, state to the Commission as nearly as you can recall, what you said to him and what he said to you when you first talked?

A In the beginning I asked him what is his name and he told me his name, and then later on I asked him why he was in that Bridge House.

Q What did he say?

A He said that he was sent to bomb Tokyo from an aircraft carrier.

Q What did he say he bombed?

A I think that he bombed a steel mill and a factory.

Q Did he say he bombed anything else?

A No, he didn't tell me.

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Q How many times did you talk with Lt. Hallmark about his flight?
A I asked him once or twice and he didn't like to tell me the details.

Q In any of your conversations with him did he ever say that he had bombed or strafed a school house, church, hospital or any non-military object?
A No, he said they were forbidden to do so.

Q Did he ever tell you that he had been tried by a Japanese court-martial in August 1942?
A No, he didn't tell me.

Q Did he ever say anything about being sentenced to death?
A No, not at all.

Q Did Lt. Hallmark ever talk about getting out of Bridge House?
A Yes, every day he is expecting to get out of that place and into the prison camp.

Q Did he ever demand of any Japanese at Bridge House that he be sent to a prisoner of war camp instead of being in prison?
A He sometimes -- sometimes he asked us to talk to the Japanese guards to do so but they laughed at him.

Q How large was that cell?
A I should say it is about ten feet by eighteen feet, something like that.

Q How many people were in the cell?
A Sometimes more than twenty and sometimes about ten people.

(Interpreter had the witness repeat the answer to be sure of its correctness.)

A. Sometimes more than twenty and sometimes ten people.

Q Was there any heat in the cell?
A No, there was even not sunshine there.

Q Was Lieutenant Hallmark given any medical attention while you were in the cell with him?
A No I didn't see any attention given to him while he was there.

Q Please describe to the Commission, Lt. Hallmark's physical condition as you observed him?
A He was very thin when I saw him. His eyes was very deeply sink in and his cheek bones stick out and he couldn't get up to go to latrine and he suffered dysentery all the time and we had to especially to take him up.

Q State to the Commission whether or not Lieutenant Hallmark had a bathe while you were in the cell there with him?
A No, he didn't.

Q A shave?
A No, sometimes even we didn't have water to wash face.

Q A haircut?
A No.

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Q Were any of the prisoners in Cell No. 6 slapped around by the Japs?

A Yes, many of them.

Q Was Hallmark?

A He was struck once or twice by the Japanese guard.

Q Were you present at that time?

A Yes, I was.

Q Was Lt. Hallmark given any change of clothing while he was in the cell?

A No, he hadn't got any clothes to be changed.

Q Any change of underwear?

A No.

Q You say he had no control over his bowels?

A No, he has no control over his bowels.

Q What did he -- was he able to get up?

A No, we help him up.

Q Was he able to get up off the mat you describe?

A No, he was unable.

Q For the record, I am not sure you described the mat. Let me ask you, what was it Lt. Hallmark was laying on?

A He was lying on the floor with one or two pieces of cotton blankets.

Q He had no mat to lie on?

A No.

Q Was there anything between his body and the floor?

A Only the blankets.

Q How many blankets did he have?

A I think about one or two pieces.

Q Mr. Chung, please describe to the Commission the entire food ration which would be given Lt. Hallmark each day in Cell No. 6?

A The food ration of the day at the Bridge House was in the morning, both for the Chinese and the foreigners, a cup of punch and rice with water and for tiffin about one piece of bread each, about four ounces.

Q Any tea?

A We had three or four people has to drink one cup of tea.

Q Any water?

A Very few people were allowed to wash themselves.

Q Any water to drink?

A Only this tea after each meal. Three or four people to finish one cup.

Q Now you have said that the people in the cell numbered anywhere from 10 to 20. What was their condition?

A Their condition also very bad as I described a few minutes ago.

Q Any of them have any diseases that you know of?

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A I know Mr. Hallmark had dysentery and some other people had also beri beri and dysentery. There were so many people during our stay there so I don't remember the exact people.

Q Where there any rats in the cell?

A Sometimes we can see some rats.

Q Any lice?

A We had them there.

Q During this period did Lt. Hallmark suffer from lice?

A Naturally he suffer from lots of lice in his body because he has no clothes to change.

Q State to the Commission, Mr. Chung, when Lt. Hallmark left Cell #6?

A I remember it was twenty-five days after I entered the Bridge House so I think it must be October 15th.

Q Describe to the Commission his physical condition when he left the cell?

A At that time he was just recovering and just able to get up on his feet.

Q Did anybody have to help him?

A We people in the cell had to help him to get out of there.

Q Did he tell you where he thought he was going?

A He thought he was going to the war prisoners camp but he was very happy about it.

Q Did he say anything to you about he thought he was going to get some more food?

A He said that if he will be transferred to the prisoner camp, in there he will get naturally more food and some companionship and a lot of sunshine because over there we have no sunshine.

Q Did you ever see him again?

A No.

Q As he went down the corridor was he being helped by the Japanese?

A Just out of the cell I cannot see so I do not know.

PROSECUTOR: May it please the Commission, at this point the prosecution has no further questions of this witness. It being 1030, does the Commission desire a recess?

COLONEL MC REYNOLDS: The Commission desires to take a recess at this time. We will recess until 10:45.

(Whereupon at 1030 hours the Commission recessed until 1045 hours at which time all the members of the Commission, the accused, counsel for prosecution and defense, the interpreting staff and the reporter resumed their seats in the court room.)

COLONEL MC REYNOLDS: The Commission is in session.

PROSECUTOR: The witness will resume the stand. The witness is reminded that he is still under oath. Defense may cross examine.

(Sgt Morozumi assumed the interpreting duties at this point.)

CROSS EXAMINATION

- Q (By Capt Fellows) Mr. Chung, you stated -- will you state again who it was that put you under arrest?
- A At first I was arrested by the Police Station and then later on the Japanese in the Police Station sent me to the Bridge House.
- Q Then it was the Japanese Police and not the Japanese Army that arrested you?
- A Yes, the Japanese police arrested me first and then they transferred me to the Japanese Gendarmerie.
- Q Was it the Japanese Police that sent you to the Bridge House?
- A Yes, it was.
- Q What is the Bridge House?
- A The Bridge House is the Gendarmerie Headquarters of the Japanese Gendarmerie.

DEFENSE: No further questions.

PROSECUTOR: Does the Commission wish to ask the witness any questions?

COLONEL MC REYNOLDS: No questions by the Commission.

PROSECUTOR: We have no further questions. May the witness be excused?

COLONEL MC REYNOLDS: The witness is excused.

(Whereupon the witness left the witness stand and resumed a seat in the court room.)

MAJOR DWYER (of Prosecution): Colonel Hendren will take the stand.

Colonel Hendren, you have already been sworn in this proceeding and you will be reminded that you are still under oath.

JOHN H. HENDREN, JR.,

called as a witness on behalf of the Prosecution, being first duly reminded that he was still under oath, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Maj Dwyer) Colonel Hendren --

PROSECUTOR: May I ask the reporter to mark Prosecution's Transcript Exhibit No. 22 for identification, first, please.

(Document so marked.)

- Q. Colonel Hendren, I ask you if you have ever seen this document before?
- A Yes, this is a sworn statement by Captain Robert L. Hite and by Staff Sergeant Jacob B. DeShazer which was taken in Washington and forwarded to me through military channels from the War Crimes Division of the United States Army in Washington.

PROSECUTOR: I offer into evidence Prosecution's Exhibit No. 22, marked for identification as Prosecution's Transcript Exhibit No. 22.

COLONEL MC REYNOLDS: Are there any objections?

DEFENSE: No objections at this time.

COLONEL BERRY: May I ask one question?

PROSECUTOR: Certainly.

COLONEL BERRY: Is that a single statement signed jointly by Hite and DeShazer?

PROSECUTOR: That is correct.

COLONEL MC REYNOLDS: Prosecution's Exhibit No. 22 is received in evidence.

(Prosecution's Transcript Exhibit No. 22 for Identification received in evidence.)

PROSECUTOR: Will the reporter mark this for identification as Prosecution's Transcript Exhibit No. 23.

(Document so marked.)

Q. Colonel Hendren, I will ask you if you have ever seen this document which has been marked Prosecution's Transcript Exhibit No. 23 for identification. Have you ever seen that before?

A. Yes, this is a transcript of testimony given by Lt. Gen. James Doolittle, in Washington, on 27 December 1945 and it was requested to be taken by me in a letter to War Crimes Branch, Washington, and was received by me through military channels from Washington.

PROSECUTOR: The prosecution offers in evidence Prosecution's Transcript Exhibit No. 23, marked for identification, to be offered as Prosecution's Transcript Exhibit No. 23. Are there any objections?

DEFENSE: No objections.

COLONEL MC REYNOLDS: Prosecution's Transcript Exhibit No. 23 is received as evidence. (Prosecution's Trans. Ex. No. 23 for Identification received in evidence.)

PROSECUTOR: Will the reporter mark this document as Prosecution's Transcript Exhibit No. 24 for identification.

(Document so marked.)

Q. Colonel Hendren, I show you Prosecution's Transcript Exhibit No. 24, for identification, and ask you if you have ever seen that before and if so, state the circumstances.

A. This is a sworn statement by Commander Henry L. Miller, U.S. Navy, taken in Washington by the War Crimes Branch of the Judge Advocate General's Department on December 28th, 1945. I requested the statement be taken in correspondence to the War Department and this document was received through official channels.

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PROSECUTOR: Prosecution offers Prosecution's Transcript Exhibit No. 24 for identification, in evidence as Prosecution's Transcript Exhibit No. 24. Are there any objections?

DEFENSE: No objections.

COLONEL MC REYNOLDS: Prosecution's Exhibit No. 24 will be received in evidence.

(Prosecution's Transcript Exhibit No. 24 for Identification, received in evidence.)

PROSECUTOR: Do you wish to cross-examine?

DEFENSE: No questions.

PROSECUTOR: Are there any questions by the Commission? If not may the witness be excused.

COLONEL MC REYNOLDS: There appear to be no questions. The witness is excused.

PROSECUTOR: Colonel Hendren will now read to the Commission, Prosecution's Exhibit No. 23, being the statement of Lieutenant General James H. Doolittle.

COLONEL HENDREN: The translators have a copy of this statement. After I have read it, the complete statement will be translated to the accused.

(Whereupon the Prosecutor read into evidence Prosecution's Transcript Exhibit No. 23.)

- Q. Would there have been any value at all in bombing non-military targets?
- A. No. We went out with a very limited amount of bombs. They had to be conserved to the utmost in order to assure the accomplishment of our military mission and to assure that the greatest possible military advantage, both material and psychological, should accrue from the use of those bombs. We certainly would not have wasted them. We had only sixteen airplanes, each plane carrying one ton of bombs. It was necessary to conserve to the utmost those bombs if we were to accomplish our mission which was partly material and partly psychological; and how little sixteen tons of bombs really is can best be appreciated when you realize that in a recent B-29 raid--in one single raid-- they dropped six thousand tons of bombs.
- Q. General, from what height did you bomb?
- A. Roughly, from fifteen hundred feet. We considered that it was desirable to stay on the deck until the target was approached. Upon approaching the target we pulled up to 1500 feet which was the lowest altitude from which we could bomb without a chance of some damage occurring to the planes from our own bombs.
- Q. At that height was accuracy fairly well assured?
- A. A very high degree of accuracy was assured. We did not use the Norden bombsights for two reasons: First, because the Norden bombsight is a precision sight for high-altitude bombing and would not be as accurate as a simple sight for that low altitude; second we did not want a Norden bombsight to fall into Japanese hands. So a very simple but extremely accurate bombsight devised by Colonel Greening was employed on all ships, and we had about six weeks of concentrated practice with it in order to assure the proficiency of the bombardier, and the briefing on the targets was meticulous. We went over and over and over again the exact route that a ship should take; what they should see; the points that would identify the approach to the target; what the pilot, the navigator and bombardier would see as they approached the target; the point at which they were to pull up to the proper altitude; the appearance of the targets. The altitude was only 1500 feet. The appearance of the target was studied both from target charts and photographs. Also, Lieutenant Jurika, one of the young naval officers on the boat who had been Assistant Naval Attache in Japan up until shortly before the Pearl Harbor incident, was able not only to assist greatly in briefing from the charts but was able also to explain the changes and deficiencies in the charts as a result of his having been in Japan recently.
- Q. Did you receive any reports official or otherwise as to what actually was bombed and how efficacious the bombing was?
- A. When we came back we all turned in a report on exactly what the result of our individual bombing was. That is a part of the written record of the flight. And there is a report from each crew on exactly what they did. That could be looked into if you want to find out whether they did any non-military strafing, etc. I am quite sure they did not. If there was any strafing it was of military objectives. However, it is quite impossible to bomb a military objective that has civilian residences near it without danger of harming the civilian residences as well. That is a hazard of war.
- Q. In other words, any civilians that were killed or wounded were hurt as an incident to the bombing of military objectives?
- A. Yes. That was incidental to the bombing of military targets.
- Q. General, do you know if the Japanese were prepared for bombing raids? That is to say, did they have air raid shelters?
- A. I do not know. Now the chap that can tell you that is Mr. Grew--Grew was U. S. Ambassador to Japan. I talked to Mr. Grew after he came back. However, I may add that I believe that the raid, or at least the first planes, caught the Japanese by surprise.

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- Q. Then, to the best of your knowledge there was not any wilful strafing or bombing of non-military targets?
- A. To the best of my knowledge nothing was selected for bombing and strafing except strictly military targets and any damage to civilians or civilian property was an unfortunate circumstance incident to the military operations; and not premeditated.

/S/ J.H. Doolittle
J.H. DOOLITTLE
Lt. General, AUS

STATE OF VIRGINIA)
 (SS:
COUNTY OF ARLINGTON)

I, JAMES H. DOOLITTLE, of lawful age, being sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of three (3) pages, and that all answers contained therein are true to the best of my knowledge and belief.

/S/ J.H. Doolittle
JAMES H. DOOLITTLE
Lt. General, AUS

Subscribed and sworn to before me this 2nd day of January 1946 at Arlington, Virginia.

/S. Carl E Olson
CARL E. OLSON
Captain, JAGD

CERTIFIED TRUE COPY:

Robert T. Dwyer
Major, JAGD
Assistant Prosecutor

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(Upon completion of the reading by the Prosecutor, Sgt. Morozumi translated the Prosecution's Transcript Exhibit No. 23 into Japanese and read it for the benefit of the accused.)

PROSECUTOR: May it please the Commission, the prosecution will call as its next witness, Mr. Hindrava.

ALEXANDER HINDRAVA

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

DIRECT EXAMINATION

(Capt. Hahn translating)

Q. (By Maj Dwyer) Mr. Hindrava, I will ask you a question and you will hold your answer until the translator has time to translate the question into Japanese and when you give your answer, I will hold my next question until your answer has been translated, is that clear?

A Yes.

Q State your name and present residence.

A Alexander Hindrava, 147 rue Boisseson.

Q Shanghai?

A Shanghai.

Q What is your nationality?

A I am Soviet.

Q How long have you lived in Shanghai?

A Since February 1938.

Q What is your occupation?

A You mean at present?

Q Right now.

A I am employed by U.S. Quartermaster office.

Q What was your occupation in 1942?

A I was in the broker business.

Q State to the Commission what happened to you around the month of October 1942?

A On the 2nd of October, 1942, I was arrested by the Japanese Gendarmerie.

Q Is the Japanese Gendarmerie, the Japanese Military Police?

A Well they used to wear their arm signs as MP.

Q Were you imprisoned?

A Yes, I was imprisoned on the same day.

Q In what prison?

A In the prison of Bridge House, cell No. 6.

Q When you entered Cell No. 6 on October second, 1942, who did you meet?

A I met Lieutenant Hallmark.

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Q How many persons were in that cell, Mr. Hindrava?

A About nineteen -- twenty.

Q Can you describe them as to their nationality?

A There were only two foreigners, Hallmark and Mr. Sterelny. The rest were all Chinese and one Japanese.

PROSECUTOR: I am not sure the commission heard that answer, will you repeat it please.

(Whereupon the reporter read back the answer just given.)

Q Please describe to the Commission, Lieutenant Hallmark's condition.

A He was lying on the floor with a big growth of beard and very thin and starving.

Q Can you say anything more about him?

A No.

Q Did he have any blankets?

A He had two, one underneath and one over.

Q Can you state to the Commission whether or not Lt. Hallmark was suffering from dysentery?

A Yes. Lt. Hallmark was suffering from dysentery. His bowels would just move themselves.

Q Please state to the Commission the daily food ration that the prisoners in Cell No. 6 received.

A. One cup of punch in the morning. About four ounces cup. One ounce of rice and three ounces water.

Q At noon?

A At noon the foreigners were getting four ounces of bread or rice and a little fish. You had to choose from them.

Q At night?

A The same as at noon.

Q Did Lt. Hallmark receive this ration also?

A Yes, he did.

Q Any more?

A Three times a week he used to get a soup made out of water in which the vegetables were washed.

Q Can you state to the Commission whether or not during this period that you observed him, Lt. Hallmark received any medical attention?

A I didn't see him get any medical attention.

Q Did you ever talk to Lt. Hallmark about why he was in Bridge House?

A Yes, I did.

Q What did you say and what did he say?

A I asked him why he was there and he told me he doesn't know why he is there. He told me he was an American pilot and he bombed military objectives in some Japanese city, I don't know the name of. He said his place was in prisoner of war camp, not in jail.

Q Did he say any more?

.."

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- A He said that he bombed only military objectives.
- Q Did he say where his flight had originated?
- A I remember he said that they went from California on an aircraft carrier and then took off from the carrier.
- Q Did Lt. Hallmark ever say anything to you about bombing, strafing or otherwise attacking schools or churches or non-military objectives?
- A He told me that he bombed only military objectives.
- Q Did he ever say anything to you about being tried by a court-martial?
- A No.
- Q Did he ever say anything to you about a death sentence?
- A No, he didn't.
- Q What were the latrine facilities in the cell?
- A It was just a wooden bucket back in the corner next to Lt. Hallmark.
- Q Did he use it?
- A Yes. He had to be helped to put him on and take him off. Mostly he was lying on the floor.
- Q Mr. Hindrava, would you be able to tell the court approximately how much Lt. Hallmark weighed at this time?
- A That is very hard to say from as much as he lost already. Only as much as his bones weighed.
- Q Only as much as his bones weighed?
- A He was all skin and bones.
- Q Did there come a time when Lt. Hallmark left Bridge House?
- A Yes.
- Q Can you tell the Commission about what date that was?
- A It was about 15 or 16 of December?
- Q Of December?
- A Of October.
- Q Will you please describe Lt. Hallmark's condition when he left the cell.
- A His dysentery has passed but he was too weak to walk by himself. He could walk only a few steps but not more.
- Q Did anybody help him?
- A Yes, we helped him. I helped him out of the cell.
- Q Did anybody else help him after you?
- A The Japanese corporal which took him out of the Bridge House was holding his hand.
- Q Did Lt. Hallmark tell you where he was going?
- A He thought he was going to war prisoner camp.

PROSECUTION: You may cross-examine.

CROSS EXAMINATION

Q (By Capt Fellows: Mr. Hindrava, did you ever talk to anyone about this case prior to today?

A I came to Mr. Hilley from AGAS and gave him what I knew about Hallmark.

Q Did you ever talk to anyone else about this case?

A Then he introduced me to Major Dwyer and told me Major Dwyer was in charge of the investigation and I gave him the information.

Q Did you make a statement in the presence of Major Dwyer?

A I did.

Q Have you talked to Major Dwyer about this case since that statement?

A No.

Q Mr. Hindrava, I will hand you a document and ask you to state whether or not that is a copy of your statement to Major Dwyer?

A (after examining document) Yes, it is.

DEFENSE: Please, does the prosecution object to me using a copy instead of the original?

PROSECUTOR: No, we will give you the original if you like.

DEFENSE: I don't think it is necessary.

PROSECUTOR: Does the copy conform to the original? Are there any underlinings which do not appear in the original?

DEFENSE: There are but I do not intend to put it in evidence.

Q Mr. Hindrava, at the time you were questioned by Major Dwyer, were you interrogated concerning any medical treatment that might have been given to Lt. Hallmark?

A I don't quite understand your question.

Q When you were questioned by Major Dwyer, were you questioned concerning any medical treatment that might have been given to Lt. Hallmark?

A Yes.

Q What did you tell Major Dwyer at that time?

A I told Major Dwyer that Lt. Hallmark was called once upstairs and I thought it was to see the doctor.

Q And, Mr. Hindrava, will you explain to the Commission why, when asked that question today you did not give the same answer?

A I am sorry I said I didn't see him getting any medical attention. I didn't say he didn't get any.

Q Why did you not also say that you thought he went upstairs for medical attention?

A I was answering the question.

DEFENSE: I would like to ask the reporter to read the question asked by Major Dwyer today, concerning medical treatment.

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REPORTER: The question, "Can you state to the Commission whether or not during this period that you observed him, Lt. Hallmark received any medical attention." And the answer, "I didn't see him get any medical attention."

Q Mr. Hindrava, I call your attention to a question asked you by Major Dwyer in the statement you just identified and I ask you to read that statement.

A "Do you know of any medical attention given to him?"

Q Mr. Hindrava, were you ever told by Major Dwyer that if you were asked that question in this court room not to volunteer the information that he went upstairs for medical treatment?

A He didn't discuss with Major Dwyer.

Q Then why did you answer differently on almost identical questions?

PROSECUTOR: I object to this questioning. The question of whether or not this answer differed or not is a matter for the Commission, the question is highly improper and I object to the form of the question.

DEFENSE: I withdraw the question.

PROSECUTOR: Withdraw the objection.

Q Mr. Hindrava, as I recall, on direct examination you stated that Lt. Hallmark told you that he bombed only military installations, is that right?

A Military objectives.

Q Objectives?

A Yes.

Q Did you ask Lt. Hallmark whether he bombed only military objectives?

A No I didn't. I took his word for granted that he bombed only military objectives.

Q Why should Lt. Hallmark make such a statement to you?

PROSECUTOR: I object to this question as to why should Lt. Hallmark do anything. It is entirely immaterial and has no probative value as to any issue in this case. It calls for a conclusion of the witness.

DEFENSE: If the Commission, please, the witness has come in with too pat answers. I am trying to find out why. I am going back into the background of their talking to the people in Bridge House. This is hearsay testimony which is admissible. It is dangerous testimony.

PROSECUTOR: May it please the Commission, we withdraw the objection. We suggest that the witness answer the question if he can. Will the reporter repeat the question?

REPORTER: (reading) "Why should Lt. Hallmark make such a statement to you?"

PROSECUTOR: We suggest that the witness answer if he knows the answer.

A. Why shouldn't he?

Q Were you speaking to Lt. Hallmark at that time?
A What do you mean? What time?

Q We will start all over. When did Lt. Hallmark make this statement to you?
A On a couple or three times. We couldn't talk there very much. It was a chance when the Jap guard wasn't watching us and we were talking.

Q When was the first time.
A The second or third day when I was in.

Q Did you accuse him of having bombed non-military objectives?
A No, I didn't.

Q Did anyone else in your presence, in that cell, at that time?
A Nobody.

Q When was the second time that he made this comment to you?
A He didn't had any calendar so I can't tell you the dates. Just when we had a chance to talk.

Q On the second time had you or anyone else accused Lt. Hallmark of having bombed non-military objectives?
A We didn't accuse him of anything. We were just asking him about his flight.

Q Did Lt. Hallmark know that he had been tried by court-martial?
A No.

Q Did he seem to know that he was in Bridge House as punishment?
A No, he thought that just because he had dysentery they left him there.

Q Did Lt. Hallmark mention anyone ever accusing him of bombing non-military objectives?
A I don't remember.

Q Mr. Hindrava, what is a military objective?
A Tell you see I am a civilian. I am not in Army. I think it is a factory or aerodromes, maybe airfields or oil fields.

Q Did Lt. Hallmark use the words "military objectives"?
A I think so.

Q Did he tell you exactly what he did bomb?
A He does. He told me he bombed the military objectives which he received orders to bomb.

Q Were you tried by a court-martial?
A I was.

Q How long was your sentence?
A Three years.

Q Were copies of the charges served upon you prior to your trial?
A I don't quite understand that.

Q Were you notified, in writing, of what you were accused of prior to the trial?

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A It was written in Japanese language which I don't understand.

Q Did you have a defense counsel?

A No.

Q How long did your trial last?

A About one hour.

Q You stated, I believe, that there was one Japanese prisoner in the same cell as yourself and Lt. Hallmark?

A Yes.

Q Was he treated any better or any worse than yourself or Lt. Hallmark?

A Yes, he was.

Q Was he treated the same?

A No, he was treated better.

Q In what way?

A They took him out for breakfast, lunch and dinner to the Japanese Gendarmerie and didn't the rest of us.

Q What was he confined for?

A He didn't tell us that.

Q Do you know the term of his sentence?

A I don't.

Q Did he speak any languages that you understood?

A A little English and Chinese.

Q Did he appear to be interested in what Lt. Hallmark had to say?

A Well we tried to talk to Hallmark in the cell when he wasn't there because we thought he was put in by Gendarmerie to listen to what we were talking, as it happens in Bridge House.

DEFENSE: No further questions.

PROSECUTOR: Does the Commission wish to ask this witness any questions?

COLONEL BERRY: Defense counsel had the witness read one question from his statement which he, the witness, had given to Major Dwyer. I should like the answer to that question read into the record.

PROSECUTOR: The defense wish to answer that?

DEFENSE: The question was: "Do you know of any medical attention given to him?" The immediate answer was, "I did not see any medicine given to him. Once he was called to go upstairs." This was followed up by the question "Do you know what that was for?" and the answer, "I think to see the doctor."

COLONEL MURPHY: What were the lighting conditions in the cell?
A We could get a little of daylight from the window in the side and then there were two electric lights going twenty-four hours.

PROSECUTION: Does the Commission have any further questions?

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COLONEL MC REYNOLDS: There appear to be none.

PROSECUTOR: We would like to ask two questions on redirect examination.

REDIRECT EXAMINATION

Q Mr. Handrava, where did you serve your sentence?
A Ward Road Jail.

Q Were you also confined in the Bridge House part of the time?
A Yes, about three months before the court-martial.

Q Do you know what the charges were against you?
A I do.

Q State to the Commission what they were.
A I was accused of espionage, which was a frame-up.

Q When were you released from Ward Road Jail?
A 21st of May, 1945.

PROSECUTOR: That is all we have.

RECROSS EXAMINATION

Q (By Capt Fellows, were you the only prisoner tried at your trial?
A No, I was not. There were other persons.

Q Will you give us the names of those tried with you?
A Can I refuse to answer the question?

PROSECUTOR: That is a matter for the Commission to determine. The question is immaterial, if it please the court, and has nothing to do with the issues in this case.

DEFENSE: That is all right. We withdraw the question if the witness does not want to answer.

PROSECUTOR: May the witness be excused?

COLONEL MC REYNOLDS: The witness is excused.

(Whereupon the witness left the witness stand and resumed a seat in the court room.)

PROSECUTOR: Since it is now a little after twelve, does the Commission wish to adjourn?

COLONEL MC REYNOLDS: The Commission will adjourn until two o'clock this afternoon.

(Whereupon at 1205 hours, 21 March, 1946, the Commission adjourned to reconvene at 1400 hours, 21 March 1946.)

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AFTERNOON SESSION

... Pursuant to adjournment the Commission reconvened at 1400 hours on 21 March 1946 ...

COLONEL MC REYNOLDS: The Commission is in session.

LT COL HENDREN: For the purpose of the record, let the record show the Commission, the accused, counsel for the prosecution and defense, the interpreters and reporter returned to the court room after the recess.

If the Commission please, we'd like to read to the Commission Prosecution's Transcript Exhibit No. 24 which was a statement of Commander Henry L. Miller.

(Whereupon the prosecutor read Prosecution's Transcript Exhibit No. 24, attached hereto.)

MAJOR DWYER: The prosecution calls as its next witness, Mr. Sterelny.

ALEXANDER JOHN STERELNY

called as a witness on behalf of the prosecution, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

- Q (By Major Dwyer) Mr. Sterelny, as I ask you questions, please withhold your answer until the interpreter has a chance to translate that into Japanese for the accused, and then I will hold my next question after your answer until your answer has been translated.
- Q Please state your name and present address.
A Alexander John Sterelny, 643 Route Frelupe, Shanghai.
- Q How long have you lived in Shanghai?
A Since 1920.
- Q Of what nation are you a national?
A Presently, Soviet.
- Q How old are you?
A Sixty-six.
- Q What is your occupation?
A Accountant.
- Q With what business firm are you associated?
A Shanghai Dock Yards Limited, ship builders.
- Q Sometime in 1942 can you state to the Commission whether something happened to you with respect to imprisonment?
A I was arrested on the night between Friday and Saturday, 28-29 September by the Japanese gendarmerie and brought to the Bridge House.
- Q What were the charges against you, if you know?
A Supporting my British colleagues with money.
- Q Where were you imprisoned?
A Bridge House, Cell No. 6.
- Q What was the date upon which you entered Cell No. 6, Bridge House?
A Approximately 2:30 A.M. between the 28th and 29th September.

Q When you entered Coll No. 6 please state to the Commission how many persons were in the cell.

A I can not remember the exact number of people but there were about 18 or 19.

Q Can you describe these people to the Commission?

A May I ask a question?

Q Certainly.

A In regards to race, nationality?

Q Yes.

A There was one Japanese, one foreigner exclusive of myself, and the others were all Chinese.

Q What was the nationality of this foreigner you speak of?

A In the morning I knew that he was Dean Hallmark, an American.

Q Was he in the military service?

A He told me that he was one of the Doolittle pilots.

Q Did you have a conversation with him then?

A Yes.

Q Please state to the Commission what you said to him and what he said to you.

A Well, I informed Hallmark of the fact that I read in some Swiss papers which passed the Japanese censorship that all of the Doolittle fliers, according to this paper, had a promotion from the late President Roosevelt, and Lt. Hallmark was very glad to hear it.

Q Did he tell you anything about his flight?

A I had an opportunity to ask him and he told me that he was forced down somewhere in the Japanese Sea on account of lack of gasoline.

Q Did he state anything to you about what bombs, if any, were dropped and where?

A I asked him and he said that he bombed the factory.

Q In your conversations with Lt. Hallmark, did he ever state that his plane bombed, strafed or otherwise attacked any schools, churches or non-military objectives?

A Never.

LT COL BODINE: I object to that question; it's leading the witness; giving him the impression in what manner to answer it.

MAJOR DWYER: The prosecution will withdraw the question. The prosecution moves to strike out the answer "never." Is that satisfactory with the Commission?

COLONEL MC REYNOLDS: Proceed.

Q Please state to the Commission what, if anything, Lt. Hallmark told you about what happened in the flight that he took over Japan?

A He didn't tell me anything more about it, as I just mentioned before, because the conversations were rather very difficult under the conditions existing then in the Bridge House.

Q Please state to the Commission the general physical condition of Lt. Hallmark as you observed him?

A Well, he was very ill.

Q Please describe his illness.

A He, as much as we knew, had dysentery.

Q Anything else?

A General debility was very weak.

Q Please state to the Commission what regulations the Japanese had with respect to how the prisoners in Cell No. 6 would conduct themselves in the cell?

A Well, first of all, we were not allowed to speak to each other. We could not sit together.

Q Were you permitted to walk around?

A Yes.

Q Did Lt. Hallmark walk around?

A No, he never walked around, he couldn't.

Q Why couldn't he walk around?

A He was too weak.

Q Were any of the prisoners permitted to take any exercise outside the Cell No. 6?

A No, not permitted.

Q State to the Commission, if you remember, how much of the time Lt. Hallmark spent lying down.

A All the time.

Q Do you want to speak up a little louder?

A He was lying down all the time.

Q What were the latrine facilities in this cell?

A We had a barrel in the same cell.

Q Did Lt. Hallmark use it?

A Yes.

Q Did he need any assistance?

A Sometimes.

Q How many times were the occupants of Cell No. 6 permitted by the Japanese to take a bath?

A None at all.

Q Did this apply to Hallmark?

A No, not during the time that I was there.

Q Do you mean that Hallmark got a bath while you were there?

A When I was there Hallmark never left the cell.

Q A shave?

A No shave.

Q Describe to the Commission what he looked like.

A He was very thin and he had a beard as big as that (indicating), black.

MAJOR DWYER: : For the purpose of the record, the witness in saying "as big as that," places his right hand across the middle of his chest.

Q Can you state to the Commission what was his approximate weight?

A Well, I should judge him to be about 120 pounds.

Q How tall was Hallmark?

A I saw him straight up only once when he walked out of the cell, but he must be about five ten and a half, maybe five eleven.

Q Describe, if you remember, the daily food ration that was given to Lt. Hallmark?

A He had a bowl of rice in the morning, hot rice, called conji. At eleven o'clock he got four ounces of bread and at five o'clock in the evening again, but during the mealtime he received some sort of a soup but I know that this soup could not be eaten.

Q Was this all that he got?

A That is all.

Q During the time that you were in the cell with Lt. Hallmark, please state to the Commission whether he received any medical attention?

A Not to my knowledge.

Q When you used the word conji, what do you mean?

A Rice with water, hot.

Q Is it mostly rice or mostly water?

A It depends; some days it was mostly rice; some days there was a lot of water.

Q Did they overburden you with rice?

A I lost 35 pounds during my stay there.

Q How long were you there?

A Three months.

Q Mr. Starelny, when did you last see Lt. Hallmark?

A This is difficult to reply in regards to date but I should say it was sometimes in the middle of October.

Q Going back just a bit, Mr. Starelny, before this date, in your conversations with Lt. Hallmark did the question of court martial ever come up in your discussions?

LT COL BODINE: I object to that question. It is also leading the witness to what the prosecutor wants him to answer.

MAJOR DWYER: The question is not leading. The answer may be either yes or no. If he says no, that is the end of it. If he says yes, then he may state the conversation.

COLONEL MC REYNOLDS: Objection overruled, proceed.

Q You may answer.

A Never appeared that question.

Q In your conversation did the subject of a sentence of death ever come up?

A No.

Q Now you say the last time you saw Lt. Hallmark was October 15, 1942, --

LT COL BODINE: I object to that question. The witness did not say that.

MAJOR DWYER: I withdraw the question. I am sorry in anticipating that. My questions are a little bit in advance.

Q When did you last see Lt. Hallmark?

A Sometimes in, - last time in the middle of October, but I can't remember the date.

#8-5 z 3/21 PM

- Q What was his condition when you last saw him?
A He was just as weak as he was before; a little improved, maybe.
- Q Was he able to stand alone?
A May I ask a question?
- Q Certainly.
A Is that at the time when he left?
- Q Yes.
A I have to explain that, I know that he could hardly walk. He wouldn't be able to walk from the prisoner of war camp that he was expected to go, he wouldn't be able to.
- Q Do you mean to tell the Commission that he expected he was going to a prisoner of war camp?
A That is what he expected.
- Q State to the Commission, if you remember, what Lt. Hallmark said along that line.
A They were raising a question of food, good food; prisoner of war camps will get parcels from home and everything will be nice.
- Q By his conversation did he cause you to think that he was going to death?
A Nobody thought that.
- Q From his conversation can you state to the Commission whether he thought,-- Withdraw that please.
- Q Did anyone help him out of his cell?
A No, nobody, he walked himself. But he walked like a drunken man.
- Q Do you mean to tell the Commission he was staggering?
A Well, more or less he did.
- Q Did you ever see him again?
A No, I didn't see him again.
- Q During the time that you were in Cell No. 6 with Lt. Hallmark, did he have a change of clothing?
A No, he did not.
- Q At any time was he washed or sponged off with water or anything else?
A He had a bucket of water every morning for everybody--one bucket for the foreigners and one bucket for the Chinese. Well, the foreigners used that one bucket of water for all of us, then we had to wash our faces, our hands, our teeth, and so forth. As much as it lasted, it lasted. That was all.
- Q Was the cell free of vermin and lice, such things?
A Quite a sufficiency of bed bugs and lice. We had to every second day delouse ourselves and that is how we saw each other semi-nude, to see in what conditions we were.
- Q What was Hallmark's condition?
A General condition as everybody. He had just as many lice I suppose as everybody else had.
- Q Can you state to the Commission anything with respect to the intestinal or bowel condition of Lt. Hallmark as you have observed it?
A Well, it was mostly loose; he had a loose stomach.

MAJOR DWYER: You may cross examine.

CROSS EXAMINATION

Q (By Lt Col Bodine) You stated that you told Lt. Hallmark that according to the Swiss newspaper the Doolittle fliers had been promoted, is that true?

A That is true.

Q Did the Swiss newspaper that you read say that the Doolittle fliers were going to be executed?

A No.

Q What was your citizenship in 1942?

A Russian immigrant.

LT COL BODINE: No further questions.

COLONEL MC REYNOLDS: Any questions by the members of the Commission? There appear to be none; the witness is excused.

(Witness excused.)

MAJOR DWYER: May it please the Commission, we would like to read into the record Prosecution's Transcript Exhibit No. 22, and then we have three Japanese witnesses that have been brought to the court room today and with the consent of the Commission and counsel for the defense, we would like to put those witnesses on following the reading of this exhibit and have this exhibit translated later in the afternoon or the first thing tomorrow morning, so that we would not have to bring these Japanese witness back tomorrow morning.

COLONEL MC REYNOLDS: Any objection by the defense?

CAPTAIN FELLOWS: It is agreeable to the defense.

MAJOR DWYER: I will now read Prosecution's Transcript Exhibit No. 22.

(Whereupon Major Dwyer read Prosecution's Transcript No. 22 which is attached hereto.)

Exhibit 22

CITY OF WASHINGTON)
 (SS:
 DISTRICT OF COLUMBIA)

We, Robert L. Hite, Captain, Air Corps, 0417960, of Earth, Texas, and Jacob D. Deshazer, Staff Sergeant, Air Corps, 6584514, Madras, Oregon, being duly sworn, do depose and say:

We were part of the crew of a B-25 airplane, No. 2268, which took off from the carrier Hornet on 18 April 1942 to bomb Tokyo. Lt. William G. Farrow of Darlington, South Carolina, was the pilot, Hite was the co-pilot, Lt. George Barr of New York was the navigator, Deshazer was the bombardier, and Sgt. Harold Spatz of Leopold, Kansas, was the crew chief. We arrived over Tokyo on 15 April 1942 and dropped our bomb on our appointed target which was an oil refinery. Deshazer was the bombardier. After dropping the bomb we circled and saw our target in the center of which was a large fuel tank painted white to up in flames. We then left the target area and headed towards China. We did not fire our machine guns at or while we were over the land area of Japan, although we did fire the guns both before arriving at Japan and after leaving Japan in order to test them. At a later part in this affidavit the story of our trial appears. In this trial we were charged with machine gunning and bombing innocent school children of Japan. We solemnly swear that at no time did we fire our machine guns at or over Japan, and we are positive that our bomb hit the target which was a fuel tank *aircraft factory R.L.N.*

→ Fired at oil tanks and bus boat. R.L.N.
 Our gasoline ran low after we had arrived over China and we were forced to abandon the airplane. Subsequently all five of us were captured and were taken to a town which we believe was Nan Sho, China.

R.L.N.
 On 20 April the five of us were flown to Tokyo where we were taken to a prison the name of which we do not know, where we were questioned separately and Hite was struck over the head four times with a kinto stick, a bamboo rod about 39 inches long. The name of the man who struck Hite is not known. During the next few days we were questioned many times by the Japanese. The only two persons whom we might be able to identify are a man named Ohara, a former student at Columbia University, and another Japanese, approximately sixty years old, whom we called "Well Well". He was a Japanese lawyer, small and pot-bellied. He had graduated from Stanford University and informed us that he had lived in the Land Hotel, Sacramento, California, for about thirty-five years. We called him "Well Well" because of his constant use of the word "Well" when he was interrogating us.

A couple of days after we arrived in Tokyo we were joined by Lt. Dean Hallmark, 808 Wayne Avenue, Dallas, Texas, Lt. Chase Jay Nielsen, Hyrum, Utah, and Lt. Robert J. Meder, 1622 Elmwood Avenue, Lakewood, Ohio, the pilot, navigator and co-pilot of B-25 No. 2298 which participated in the Japanese raid with us. They all remained with us until our trial in Kiangwan Prison, Shanghai, in October 1942. Cpl Dieter and Cpl Fizmaurice, bombardier and crew chief of Plane No. 2298 were killed in the landing.

All in all we were kept in Tokyo 56 days. For the first 52 days we were all in solitary confinement and the last four days we were kept two to a cell. At first we were fed two slices of bread and some jam three times daily. At each meal we received some Japanese tea. We remained on this meal schedule for the first two weeks. We were then put on the same rations as the Japanese guards and prisoners received, but this was done only after we had complained bitterly about the lack of food. The regular prison rations consisted of a bowl of rice and a few small fish three times daily.

On 18 June 1942 we were taken by rail to Nagasaki, Japan, where we boarded a ship which took us to Shanghai, China. When we left Tokyo we were handcuffed and also wore leg irons. Besides being handcuffed and legcuffed, we were all tied in pairs, and we remained so bound until we arrived at Shanghai. On the ship we were not beaten or mistreated in any way, except for the fact that we were continually bound. We were allowed to go to the latrine regularly and were fed the same food, as far as we could determine, that the other

passengers received.

On 19 June 1942 we were taken to a cell in what was known as Bridge House in Shanghai. This is a small former apartment house across the street from the New Asia Hotel. Here we were greeted by a Lt. Hirano or Harano. We were placed in a cell along with fourteen Chinese.

We remained in Bridge House for seventy days. The Chinese in our cell were removed a few days after we arrived, and for the rest of the time the eight of us were in the cell together. Here we were particularly troubled by the conditions of our imprisonment. We were bothered by bugs, rats and lice which bit us continuously until finally our faces and our hands swelled all out of proportion from the bites. We slept on the floor with one blanket to each man. Our only sanitary facilities were a small bucket in the corner the cell called a "benjo" which was emptied periodically, usually only after we had complained because the "benjo" was overflowing. We were not allowed to bathe or wash, and for the first 120 days after we were captured none of us was given the opportunity to shave or bathe. We received three meals daily. For breakfast we received about one-half pint of wormy watery rice. For lunch we were generally given some bread which usually amounted to five ounces. For dinner we received about five ounces of bread. We were given one-half cup of water per man per day.

R & H.
7

While we were in Bridge House we were not permitted to leave the cell for exercise. Usually we were forced to sit cross-legged and motionless on the floor facing the door of the cell. We were not permitted to talk or ~~to move during the whole day~~. There was a light in the ceiling which was left burning 24 hours a day and made it difficult for us to sleep. At one time while we were in Bridge House a Japanese whom we believed to be a Sergeant but whose name is not known to us hit both Hite and Farrow over the head with his sword which he had not removed from the scabbard. Hite received a wound on his scalp which did not heal for well over a month and he still carries a scar from this wound.

On 28 August 1942 we were removed from Bridge House and taken to the military prison in the Civic Assembly Area at Kiangwan, Shanghai. We believed that this prison was under the ^{command of a Japanese army officer} by the name of Tatsuka. Our interpreter was ^{one} Louis ^{R & H.} Dos Remedios, half-Japanese, half-Portuguese, whose address was 206 Embankment Building in Shanghai. Remedios should be a useful source of information about the names of the Japanese at Kiangwan. When we arrived at Kiangwan we were taken before a court martial. Seven of us walked in and Lt. Hallmark who was suffering from dysentery and beri beri was carried in on a stretcher. The court consisted of seven or eight Japanese officers. Each of us was asked by the interpreter to give a short summary of his life, which we did in English. This was translated to the court after which some conversation ensued in Japanese. When we realized that the trial which had taken about an hour was over we asked for a translation of what had taken place, but this was refused. We were not told what the charge against us was or what our sentence was. No interpretation was made to us of any part of the proceedings. None of the Japanese who sat on the court martial were made known to us by name. The seven of us were removed to cells in the prison at Kiangwan and from there placed in solitary confinement for twenty days. Our cells were approximately five by nine feet. After twenty days we were permitted to leave the cells for exercise for a few minutes daily. Lt. Hallmark was still in the courtroom when we left, but we understand that he was placed in a cell in the same prison in solitary confinement. Here we were fed a bowl of rice and some soup three times daily. We remained in solitary confinement until 5 December 1942 but after the first twenty days of solitary confinement we were permitted out of the cell for a few minutes daily. All in all, our period of solitary confinement at Kiangwan was about 100 days.

On 15 October 1942 Hite, Barr, Deshazer, Nielsen and Meder were taken back to the court martial for a second trial which lasted three or four minutes. Hallmark, Farrow and Spatz were not with us and we were informed by the ^{guards} that these men had been removed from the prison on 14 October. We did not see these men again, although at a later date various articles

of their clothing were distributed to us. At the trial the sentence was read to us in English. We were informed that we had been sentenced to death for bombing and strafing innocent school children, but that through the mercy of His Imperial Majesty, the Emperor, our sentences had been commuted to life imprisonment with special treatment. We again take this opportunity to deny that we were guilty of this charge. We dropped ~~our only~~ bomb on an oil tank which, as we have said before, saw go up in flames. We did not fire our machine guns at all over the land area of Japan or China.

*aircraft
factory
7*

We remained in Kiangwan Prison until 17 April 1943. After 5 December 1942 we were removed from solitary confinement and placed in cells together.

On 18 April 1943 we were removed to a prison in Nanking, China and here we remained until 14 June 1945. This prison seemed to be in charge of a Jap ~~by the name of Mesaka or Mysaka~~. We were all in solitary confinement for our whole stay in this prison. We were permitted out of our cells periodically for exercise but were not permitted to talk to each other. We received three meals a day, usually consisting of soup, dry cooked rice and cold tea. On 1 December 1943 we were informed that Lt. Meder had died. He was taken sick, as far as we could determine, about 18 September 1943, and was given no medical treatment at all until a week before he died, when the Japanese started to give him a few pills. We believe he died from beri beri and dysentery. The Japs left his body in the cell for a couple of days after which they constructed a wooden coffin and placed some flowers on top of it leaving it in the cell. We were each taken in individually and told that Meder had died and that his body was in the coffin. After this we were each led out of the cell and put back in our own individual cells.

After Lt. Meder's death our rations were increased by adding two small buns to our daily diet.

Our cells while in Kiangwan were very small, usually eight by eleven feet. Although we were not mistreated physically the treatment that the Japanese gave us almost drove us mad. We were not permitted to have our shoes. We suffered from the cold and the ravages of malnutrition. We were not permitted to talk to anyone and at no time were we able to communicate with each other. We were not permitted to read books or to have any reading material in the cell with us. We received no Red Cross packages, nor was a Red Cross representative permitted to visit us. We were not permitted to write or to receive mail, nor to communicate with our families to inform them that we were still alive.

*Until after
Meder died
Received books
books - 1945*

On 14 June 1945 we were removed to Peking, China, where we were placed in solitary confinement in the ~~prisoner of war prison there~~. Here we remained until we were liberated in August 1945. We were still kept in solitary confinement in cells eight by eleven feet. We were forced to sit facing the wall, ~~cross-legged~~, at all times except when we were permitted to sleep. Usually once a day we were permitted to exercise within our cells. We were not permitted to communicate with anyone else in prison or with each other. There was no furniture in the cell and we were permitted no reading matter, no mail, no Red Cross packages or anything to pass away the time. We received about the same meals as we received in the other prisons, usually rice, soup, and tea three times daily.

We were released on 20 August 1945. There were only four of the original eight released at this time. Farrow, Fallmark and Spatz had disappeared from Kiangwan before our trial on 15 October 1942. Meder had died in Nanking in December 1943. Hite and Deshazer were released with Nielsen and Barr.

All in all, we would say that the worst part of our imprisonment was the fact that we were in solitary confinement for most of the time between 28 August 1942 and the time of our release, except for a period of about four months when we were in Nanking. *J.A.R.W.*

RESTRICTED

At the time that we were captured Deshazer weighed 160 pounds and Hite 165 pounds. At the time of our release, Deshazer weighed 128 pounds and Hite about 135 pounds. Our weight had dropped considerably below our weight when we were released, as both of us had managed to put on some weight after we left Bridge House. We were not able to estimate how low our weight had dropped at the lowest point during our imprisonment but it was considerably below that at the time of our release.

Robert L. Hite Capt. AC 0-417960
ROBERT L. HITE, Captain, AC, 0417960

/s/ Jacob D. Deshazer S/Sgt 6584514
JACOB D. DESHAZER, S/SGT, AC, 6584514

C E R T I F I C A T E

I, Stacy J. Grayson, Captain, JAGD, certify that on // September 1945, personally appeared before me Captain Robert L. Hite and Jacob D. Deshazer, S/ Sgt, and gave the foregoing testimony, that after their testimony had been transcribed, the said Captain Robert L. Hite and Jacob D. Deshazer, S/Sgt, read the same and affixed their signatures thereto in my presence.

/s/ Stacy J. Grayson

Captain, JAGD
Eastern Division
War Crimes Office

CERTIFIED TRUE COPY:

Robert T. Auyer
Major J. A. G. D.
Assistant Prosecutor.

MAJOR DWYER: Prosecution calls as its next witness, Shigeji Mayama.

SHIGEJI MAYAMA

called as a witness on behalf of the prosecution.

MAJOR DWYER: I will ask a few preliminary questions to qualify the affirmation of this witness.

Q Do you know the difference between truth and untruth?

A I do.

Q In speaking before this court, will you be bound in your heart and conscience to tell the truth?

A I do.

Q What is your religion, if any?

A A sect of Japanese Shintoism--a denomination of Buddhism.

(Whereupon the witness was affirmed, and testified as follows (through T/Sgt John Morozumi):

DIRECT EXAMINATION

Q (By Major Dwyer) State your name, rank and present military organization.

A Shigeji Mayama, Warrant Officer, Judge Advocate General's Department, 13th Army Headquarters.

Q Where is the 13th Army headquarters?

A Kiangwan.

Q Japanese army?

A Yes.

Q Were you in the Japanese army in August 1942?

A I was.

Q What was your rank?

A I was a civilian attached to the army.

Q Were you in the Judge Advocate's office then?

A I was working in a branch office of the Shanghai prison.

Q Was that Kiangwan Military Prison?

A The branch of the prison.

Q In August 1942 did you have occasion to meet any of the Doolittle fliers?

A I did meet them.

Q When?

A I do not clearly remember the exact date.

Q How many did you meet?

A I saw eight, one of whom was ill.

Q Do you remember any of their names?

A I do not recall.

Q In August 1942 did you attend a court martial of these Doolittle fliers?

A I was not present.

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Q Did you hear any conversation about it at the prison?
A What kind of a story.

Q You tell me.
A I did not speak to the prisoners.

Q Did you speak to anyone about a court martial of the fliers?
A No.

Q How many times did you see the sick flier?
A I saw him once.

Q Was that in August?

LT COL BODINE: I object to that question in that it is leading the witness to a specific date.

MAJOR DWYER: May it please the Commission, this Commission can operate and does operate under its own rules of procedure insofar as evidence and the law is concerned. However, in the rules of court martial and rules of civil law I think the court could take notice of the fact that where a hostile witness is on the stand the examiner should be entitled to lead the witness and even to cross examine and I think that rule should be applied in this case because obviously this is a hostile witness.

LT COL BODINE: May it please the Commission, the witness is the prosecution's witness. He hasn't proved him hostile yet, and he called him.

MAJOR DWYER: I will withdraw the question.

LT COL BODINE: I will withdraw the objection.

Q Do you know Lt. Hayama?
A I do.

Q Do you see him in the court room?
A He is.

Q Point him out.

MAJOR DWYER: For the record, the witness points to Lt. Hayama, one of the defense counsel.

Q Are you in his office?
A No.

Q Aren't you a member of the same part of the Japanese Army that Lt. Hayama is?
A Can you be a little more clear on part of the army?

Q Withdraw the question. What is the insignia on the right side of your jacket?

LT COL BODINE: I object. Questions asked of the witness should be pertaining to this case. Whether the kind of insignia he wears on the side of his breast is similar to what defense counsel wears on the side of his breast has no bearing on the case whatever.

MAJOR DWYER: I haven't proved that yet, if the court please. I was about to ask that question. If the court please, to shorten this up, and without conceding that this Japanese witness is friendly, I will embark on another line of questioning. Withdraw the question.

LT COL BODINE: I will withdraw the objection.

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Q Were you present at an execution of some American fliers in October 1942?
A I did see it.

Q How many fliers were executed?
A There were three of them.

Q Were these three fliers three of the fliers you first saw in August 1942?
A I am not certain of the date but I did see them prior to the time that they were executed.

Q Were those three fliers Doolittle fliers as you know it?
A I do not remember exactly to that point, however, I do know they were air crewmen.

Q Were they the fliers that raided the Japanese homeland back in April 1942?
A I have heard that they were.

Q What was the date of the execution, if you remember?
A I do not remember.

Q Well, you said it was in October, was it in the beginning, the middle or the end?
A I think that it was around the middle.

Q Where did the execution take place?
A It was conducted at the Shanghai First Cemetery in Kiangwan.

Q When did you first see the three fliers on that day?
A I saw them since morning.

Q Describe to the Commission what happened after you first saw them?
A I saw them in the morning and after which I went out to prepare the execution grounds. I returned at 10 o'clock and returned to the execution grounds with the prisoners. I was with them until the time that they were executed.

Q Was Captain Tatsuta there?
A He was.

Q What was his position at the prison?
A (through Captain Hahm) He was head of the branch station and warden of the jail.

MR. KUMASHIRO: May I interpret that?

MAJOR DWYER: No, we'll take our own interpretation, thank you.

CAPTAIN FELLOWS: If the Commission please, the defense desires to challenge the interpretation. I think we have a right to do that.

COLONEL MC REYNOLDS: Are you challenging the interpretation or willing to help, which was it?

CAPTAIN FELLOWS: We just asked to have it cleared up.

SGT. MOROZUMI: We are not always able to give the correct translation; it is not always possible to get the correct characters.

CAPTAIN FELLOWS: May we request the question be asked again and the answer be repeated?

(Whereupon the last question was read back and was answered again through Captain Hahm as follows: A. He was head of the branch station and civilian attached to the office.)

Q Isn't it a fact he was the governor of Kiangwan Military Prison?

A He was a branch chief.

Q Was he head of the Kiangwan Military Prison?

A He was the chief of prison branch.

Q Kiangwan prison branch?

A Shanghai branch--Prison Department of the China Expeditionary Force. Penitentiary, not prison.

Q By penitentiary, do you mean Kiangwan Prison?

A The penitentiary, the headquarters is in Nanking and he was the chief of the Shanghai Branch.

Q I show you a paper and ask you if you have ever seen the signature on that?

A I signed it.

Q You have talked to me about this, haven't you?

A I was investigated.

Q By me?

A Yes.

Q When you signed this statement you signed it in front of me, didn't you?

A Yes.

Q Were you asked this question: "Q. Was he in charge of the guards at the execution? A. Captain Tatusta was governor of the Kiangwan Military Prison in Shanghai at that time, so I think he must have been in charge." Did you give that answer?

INTERPRETER: May I have it clear? I do not understand the word "governor." What is meant by governor?

MAJOR DWYER: Head man.

INTERPRETER: The word I am using in Jap to denote governor has been translated into English to mean warden, chief, governor, meaning the same thing all the way through.

MAJOR DWYER: The prosecution is satisfied with that.

A He was branch chief.

Q Is Kiangwan Military Prison a branch of Nanking Military Prison?

A Yes.

Q Was Captain Tatsuta head of the Kiangwan Branch?

A Yes.

Q On the morning of the execution, state to the Commission what you did at the cemetery.

A On the morning of the date of the execution I went out and made preparations such as erecting crosses and cutting the grass in that vicinity.

Q How many crosses did you erect?

A Three.

Q What else did you do?

A After completing preparations I returned, then brought the prisoners in an automobile to the place of execution.

Q Did you erect an altar?

A Before the execution no dias was set up.

Q Was there one set up after the execution?

A A dias was set up--not really set up, but placed there after the execution and a little service was held.

Q Did you prepare any coffins?

A Yes, three were prepared.

Q How many people attended the execution?

A There were about 30 persons, but there were no spectators.

Q Were they all military?

A Yes.

Q Was Captain Tatsuta there?

A He was.

Q Was Captain Wako there?

A I think he was.

Q Was Captain Okada there?

A I did not see his face.

Q Was Colonel Ito there?

A I think he was.

Q Major Hata?

A He was.

Q Was Sgt. Yoneya?

A He was.

Q Yoneda?

A He was.

Q Minezaki?

A He was.

Q Suzuki?

A I think he was.

Q Shimada?

A I do not remember him.

Q When the fliers were brought into the cemetery, describe to the Commission what happened from there on.

A We arrived at the cemetery by automobile and we got off. Captain Tatsuta, the branch section chief, asked the prisoners if they wanted to have a last word. I was not able to understand them clearly because it was interpreted to the prisoners by an interpreter. After that, the three prisoners were each brought to the respective crosses. They were tied to the cross with a brand new white cloth and likewise a brand new white cloth was draped over their head. The firing squad lined up a certain distance away from them. By that time we had retreated to the background of the scene. Then the firing squad fired. After the shots were fired an army medical officer went and examined the bodies to ascertain that they were dead. After he was satisfied the bodies were released from the crosses and placed in three separate coffins. The three coffins were lined up side by side and at that time all those who were present at the execution participated in a very short ceremony or service.

Q Which one of these fliers did you tie to a cross?

A I do not remember his name.

Q I show you Prosecution's Exhibit B, Picture No. 8 and ask you if you recognize the man that you tied in this picture?

A I was shown a similar picture sometime ago but I can not remember the face of the person that I tied.

Q It has been shown in this case that this man (indicating the man on the right in the front row) is Sergeant Spatz. Do you remember this man?

A I do not remember his name.

Q Is this the man you tied to the cross?

A I do not recall his face.

Q Sergeant, I now direct your attention in the same picture to the man who has been identified as Lt. Farrow, rear row left. Was he the man you tied to the cross?

A I do not remember the face of the person that I tied.

Q Was the man that you tied to the cross sick?

A I feel that at that time there were none of them whom I thought to be ill.

Q Was the man you tied to the cross an American flier?

A I have heard that he is.

Q Was he in the American army?

A I do not know whether he was an American army personnel or not but I did know that he was neither a Jap nor a Chinese.

Q Do you remember meeting Captain Nielsen a little while ago?

A I do not.

COLONEL MC REYNOLDS: The Commission will recess for 15 minutes.

(Whereupon the Commission took a recess at 1545 hours.)

COLONEL MC REYNOLDS: The Commission is in session. (1600 hours.)

MAJOR DYER: Let the record show the members of the Commission, the prosecution and defense counsel, accused, interpreters and reporter are present in the courtroom at the termination of recess and the witness will be reminded that he is still under affirmation.

Q To which one of the three crosses did you tie one of these fliers?

A I recall that it was the one on the extreme left as we face the crosses.

Q Who helped you?

A I do not remember the names of the persons who assisted me but there were about three of them.

Q Was there a mark on this cloth that was tied around the face?

A It was put on.

Q Describe the mark.

A A mark was put on the cloth with black ink in a circle.

Q At what point on the fliers faces did that mark appear?

A On the forehead.

Q Between the eyes?

A No, it was above the eyes in direct line with the nose.

Q And that was the mark on the cloth itself?

A Yes.

Q How many men were used to fire the rifles which caused the death of the fliers?

A Six men were prepared, however, three fired.

Q Were they from the 13th army?

A Yes.

Q Do you know their names?

A I do not know their names.

Q Did you ever see them before?

A I may have seen them before or after, however, I can not recognize them nor can I point out any person and say that that person was the one on the firing squad.

Q How far away from the fliers did the firing squad stand?

A I do not remember clearly but I think that it was around 30 meters.

Q Were the fliers standing or kneeling when they were executed?

A They were kneeling.

Q What was the position of their arms?

A Their arms were tied in two places.

Q Where?

A I think that it was along the upper arm and the forearm.

Q Were their arms tied to the cross bar of the cross?

A They were tied on the cross bars.

Q What did Captain Tatsuta do?

A I don't think he did anything at that time.

Q Did he order you to go out to the cemetery and do what you did?

A He did not order in detail. However, he did order me to go to the cemetery.

Q Wasn't he your superior officer?

A He was.

Q He was your commanding officer, wasn't he?

A Since he was the chief of the branch he was in command.

Q He was in command of the execution detail?

A He was in command of his subordinates there.

Q Do you remember who gave the command to fire?

A I do not remember, however, according to the education that we have received to now, there should be no reason for a civilian official to be in command of military personnel.

Q Who told you that?

A When we enter the army all of us receive that type of education.

Q You said that Captain Tatsuta was in command of the prison, was your commanding officer, is that correct?

A He is the branch chief and he is our commanding officer.

Q As chief of the prison wasn't it his job to handle the execution party?

A Insofar as responsibility is concerned he did have responsibility. However, as a civilian attached to the army I am afraid that he had no

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power to directly order military personnel who consisted the firing squad.

Q Why are you afraid?

(No response from the witness.)

Q Do you know or don't you?

INTERPRETER: May I give the answer that he gave worded in a more clear manner?

MAJOR DWYER: Certainly.

INTERPRETER: (Restating the witness' former answer) Insofar as responsibility is concerned, as the branch chief, he is responsible. However, I think that because of the fact that he is a civilian attached to the army that he did not directly give orders to the firing squad which was composed of military personnel.

Q After the men were executed, what was done with their bodies?

A The bodies were placed in a coffin and after the brief ceremonies were over, they were loaded on trucks and brought to the Shanghai Resident Association's crematorium where they were cremated.

Q Did you have anything to do with that?

A I did go.

Q Was that under Captain Tatsuta's direction?

A Yes.

Q Describe to the Commission what you did with respect to this cremation?

A The bodies were brought from the execution grounds to the Shanghai Residents' Association Crematorium where they were unloaded from the truck, placed into the ovens and locked.

Q Whose body did you load in the truck at the cemetery?

A I do not remember who. Four or five of us helped each other in loading the coffins on the truck, so can't be sure about it.

Q Did you accompany the three bodies to the crematorium?

A Yes.

Q Did you see them put into the ovens?

A I did.

Q What happened to the ashes?

A I went out there the following day, collected the ashes and brought them back.

Q Where did you bring them?

A They were placed in boxes and brought back to the waiting room of the branch office.

Q Kiangwan prison?

A Yes.

Q Then what was done with them?

A They were placed in this waiting room which was not used from that time on. The ashes were placed on a shrine and incense burners were placed in front of them.

Q How long did they stay there?

A I do not clearly remember how many days it was left there.

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- Q When were they removed?
A I do not remember the day clearly.
- Q Where were they taken when they were removed?
A Although I did not personally handle the ashes after that I heard later that they were sent to the International Funeral Home through the POW Camp.
- Q International Funeral Home in Shanghai?
A I do not know its exact location.
- Q Did Warrant Officer Koga handle this?
A No, it was when the ashes were turned over to you people that Koga handled them.
- Q Going back to the execution, what did Captain Wako do at the execution?
A At that time I was busy making preparations and tying the prisoners that I do not remember what action Captain Wako took.
- Q Did you see him read any paper?
A I have never heard that he read any paper.
- Q Do you recognize Captain Okada in the courtroom?
A I have heard of him but I have never seen his face.
- Q You never saw him until you came into the courtroom?
A I have heard of his name once or twice but I have never met him.
- Q What happened at this service you speak of, after the execution?
A It was not service in the strict sense of the word. Those who had attended the execution gathered and paid last respects to their spirit.
- Q What did they do?
A All of them assembled and meditated--had a period of meditation.
- Q Were you a guard at the prison?
A Yes.
- Q Do you know what food rations were given these fliers when they were at Kiangwan?
A I was not in charge of the food detail, so I am not certain. However, they received much the same in general as we soldiers did. The main dish was approximately 450 grams of rice and 150 grams of barley. The side dishes consisted of fish or meat sometimes and greens, vegetables. Much of the vegetables were raised in a plot 1800 feet square and this garden provided the Tatsuta unit with a large proportion of their vegetables. The Tatsuta unit was known for its good treatment of all prisoners under them.
- Q Who knew that, about the good treatment?
A From the standpoint of the food ration as set down by the army we felt that it was better than that set down by the army.
- Q Did Captain Nielsen feel that way?
A I have never heard from that person whether it was good or bad.
- Q Did you hear from any of the fliers whether it was good or bad?
A No, I have not heard from any of the prisoners that the food was good or poor.
- Q Describe the cells in which these fliers were confined.
A The building was made of concrete. The cells were 6 feet wide and 12 feet deep, about 12 or 13 feet high with electric lamp in the center of

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the cell, usually about 25 to 30 watts. There was a latrine in the corner of each cell and the floor was wooden floor.

Q Were the prisoners placed in solitary confinement when you first saw them in August?

A Yes, they were. They were in the cell that I described just previously.

Q Solitary confinement?

A Yes, they were in solitary confinement.

Q Why was Hallmark sent back to Bridge House?

A I do not know the reason why, nor do I even remember the name of the person who was sent back.

Q Wasn't it the sick man who was sent back to Bridge House?

A I heard later that he was sick and that he had contracted a contagious disease.

Q Were living conditions at Kiangwan as good as Bridge House?

A I don't know. I have never seen their food supply.

Q Have you ever been in Bridge House?

A I have been there two or three times on official business.

Q Do you know anything about how the prisoners were treated there?

A I have heard nothing concerning prisoners there.

Q Nothing at all?

A No.

Q Nobody ever talked to you about Bridge House?

A No.

Q Didn't you look around when you were there?

A By official business I meant acting as courier for documents and I have never seen the places where the prisoners were confined.

Q Didn't you know what people say about Bridge House?

A I have never heard anything about the airmen.

Q Did Captain Tatsuta say anything to you about why Hallmark was sent away from Kiangwan?

A I have heard that it was because he was sick.

Q How much exercise was given these men every day?

A They were given on the average, that is, to all prisoners confined there, an average of once in the morning and once in the afternoon. The type of exercise was not determined.

Q How much time in the morning and how much in the afternoon?

A Although there is no regulations, it has been over one hour in the morning and more than one hour in the afternoon.

MAJOR DWYER: You may cross examine.

CROSS EXAMINATION

Q (By Mr. Kumashiro) (To Interpreter Kranz) I will speak in Japanese and you translate into English.

Q Were the guards army personnel or civilians?

A The guards were civilians.

- Q What is the difference between an army personnel and a civilian?
A The army personnel has an insignia of rank while a civilian does not.
- Q Can a civilian command an army personnel?
A The civilian has no authority of giving orders to the army personnel.
- Q Is this noted in the law?
A This must be recorded in the law but I do not recall it.
- Q At the time of the execution what was the rank of Tatsuta?
A He was a civilian attached to the army.
- Q By whose command did you become guard?
A It was the command of the Ministry of War in Japan.
- Q Where was the unit to which you were attached?
A I was attached to the headquarters of the Japanese Expeditionary Forces in China.
- Q Was that in Nanking?
A Yes.
- Q Was the Kiangwan Military Prison under the authority of Nanking Headquarters?
A At that time it was under the command of the Nanking Headquarters.
- Q Was that the army headquarters or the MP headquarters?
A The command was that of the army headquarters in Nanking. I was assigned to the penitentiary department.
- Q Have you seen any official letter in Shanghai Penitentiary Department?
A I haven't seen all but I have seen some.
- Q Who signed these official documents?
A The warden and the detachment chief signed them.
- Q Who was the chief of the guards?
A It was Isakichi.
- Q Was Isakichi the chief of guards in Nanking?
A He was attached to the penitentiary department of Shanghai which was under the command of the army headquarters in China.
- Q Who was the warden of the Nanking Prison?
A It was Ooka Tokijiro.
- Q Who issued the writ of execution?
A I do not know well that which concerns the trial, but I believe it was done by the prosecution counsel.
- Q Do you know to whom this writ of execution is addressed?
A As I have mentioned before this is addressed to Ooka Tokijiro, or his subordinates--

MAJOR DWYER: Now we object to this question, first of all upon the grounds that any writ or document that is being testified to, the document is the best evidence. That should be brought before the Commission and let it speak for itself. This witness can say most anything as to any document if the document isn't brought in. I suggest the defense either bring in the document or explain why it isn't here. We also move to strike from the record all testimony of this witness concerning any supposed or alleged writ or order of execution upon the grounds stated.

MR. KUMASHIRO: I am just taking the writ of execution as an example, but if you object I will withdraw the name of the writ of execution. I will change it to the order of the superior.

MAJOR DWYER: I make the same objection. Obviously counsel is now talking about writs generally or orders generally. Extraordinarily improper. We object.

MR. KUMASHIRO: I'd like to know why the prosecutor objects to a question of that nature. I can see no reason for objecting.

MAJOR DWYER: Prosecution objects because the line of questioning here is not tied down to this particular case. If they have any evidence to produce from this witness that applies to the case here, the orders and writ issued in this case, it is admissible, but unless the evidence does pertain to what happened in this case it is irrelevant and immaterial and has nothing to do with the issues in this case, so we ask counsel to tie his questions down to this particular case here.

COLONEL MC REYNOLDS: Is it the defense counsel's efforts to bring out more or less the channels of official papers, or the person who issued those orders?

MR. KUMASHIRO: I'd like to find out the exact way of the official channels.

MAJOR DWYER: Now may it please the Commission, the record shows that this man was a civilian, on his own testimony, at the time all this took place. I submit now that counsel will have to qualify him as an authority on military channels before he can ask him the questions. He is obviously disqualified because in his own statement he is a civilian.

CAPTAIN FELLOWS: We have one suggestion to offer. If the witness knows, he can certainly state what he knows. If he doesn't know, he is not being asked a hypothetical question, such as you ask an expert or an authority. I think the question was based upon knowledge, not upon his expert position.

COLONEL MC REYNOLDS: Objection overruled. Proceed.

Q Can Ooka Tokojiro or his subordinates object to the writ of execution?

A I believe we can not.

Q Please explain the program of a prisoner's life in Kiangwan Military Prison concerning Japanese prisoners?

A They rise at six o'clock in the morning after which they clean the room, then go to the latrine.

Q Is there any difference between the treatment of the Japanese prisoners and the foreign prisoners?

A There is none.

Q Was there any difference of treatment among the Doolittle fliers?

A I believe there was none.

Q Did you ever hear that the Doolittle fliers received better treatment than the Japanese fliers?

A There was no special treatment for the Doolittle fliers but the treatment was the same to all the prisoners.

Q Who cleaned the latrine of the solitary cells?

A I believe the Japanese in charge of---I believe the Japanese prisoners did it.

- Q Who cleaned the latrine of the Doolittle fliers?
A I believe the Japanese Military Prisoners did it.
- Q Were the prisoners in Kiangwan given more greens than was rationed?
A There was no extra rations to the prisoners but the greens that were,-- they received extra vegetables that were raised on their lot.
- Q Were these vegetables given to the prisoners by the command of Tatsuta?
A Yes.
- Q After the execution do you remember any one bringing flowers in the truck?
A I do not remember.
- Q After the execution were the army personnel given orders to meditate or did they meditate upon their own accord?
A That was not done by orders.
- Q Do you know where was Hallmark taken from Kiangwan prison?
A I did not know it at that time but I learned later that he was taken to the Bridge House.
- Q Do you know how many orders were given at the execution?
A I do not recall.
- Q Do you know how many Japanese prisoners were executed since you came to Shanghai?

MAJOR DWYER: I believe that question is irrelevant in this case. It has nothing to do with any of the issues involved in this case. We object to it.

COLONEL MC REYNOLDS: Objection sustained.

LT COL BODINE: May it please the Commission, we have a few more questions to ask which probably will take ten or fifteen minutes. Is it the Commission's desire to recess until tomorrow?

MAJOR DWYER: Prosecution will have a few more questions to ask the witness on re-direct examination. We will need him until tomorrow.

COLONEL MC REYNOLDS: The Commission will adjourn until nine o'clock tomorrow.

(Whereupon the Commission adjourned at 1715 hours on 21 March 1946 to reconvene at 0900 hours on 22 March 1946.)

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MORNING SESSION

... Pursuant to adjournment, the Commission reconvened at 0900 hours, 22 March 1946, at which time all of the Members of the Commission, the accused, attorneys for prosecution and defense, the interpreting staff and the official reporter resumed their seats in the court room...

COLONEL MC REYNOLDS: The Commission is in session.

PROSECUTOR: Sergeant Mayama will take the stand. The interpreter will remind the witness that he is still affirmed.

(Captain Hahn as interpreter).

Sergeant MAYAMA SHICEJI

called as a witness for the prosecution, resumed the stand and after being reminded he was still affirmed, was examined and testified as follows:

CROSS EXAMINATION

Q (By Mr. Scomiya) Do you know that the prosecutor issues the order of execution?

A Yes, I do.

Q In the case of these three fliers, was the procedure the same?

A Yes.

Q To whom was the addressed, the order?

A To Ooka Takijiro.

Q Was he the head of the prison here? Were it not Captain Tatsuta head of the branch?

A Yes.

Q Not Captain, just Tatsuta?

A It is not.

Q The order execution of the fliers addressed to whom? To whom the order for the fliers execution was addressed?

A It is also Ooka Takijiro.

(Sgt Morozumi assumed the interpreting position.)

Q To whom was the writ of execution of the sentences for five prisoners addressed?

DEFENSE (Kuwashiro) That is incorrect - the translation is not writ of execution but of life imprisonment.

Q To whom was the order authorizing the punishment of the five fliers addressed?

INTERPRETER: The question is not quite clear.

COLONEL MC REYNOLDS: Does the prosecution have any objection to the defense helping out on these questions?

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PROSECUTION: No objections.

(Mr. Kumashiro acting as interpreter)

Q To whom was addressed about the punishment of the five fliers?

A (none)

Q To whom the writ of execution of the punishment concerning to the five fliers was addressed?

A That was addressed to Ooka Takijiro.

Q Was Ooka Takijiro the Governor of the Prison?

A He was the governor of the prison.

Q Were the official documents made in the Shanghai, Kiangwan prison in the name of Ooka Takijiro?

A All important documents and the documents such as concerning to the staff matters were always signed by Ooka Takijiro.

Q I would like to ask concerning the execution of the three fliers. I would like to ask the witness, in mind of his statement yesterday that the civil staff attached to the Army could not make any order to the military officers and soldiers, can you say that the actual order of firing at the time of the execution of the three fliers was not issued by Tatsuta?

A Yes, I can.

Q Was there the prosecutor at the spot of the execution?

A Yes, he was there.

Q The reason why -- what was the reason? Was he there in order to take command of the order of execution?

A I think myself that according to the regulations in the military, the prosecutor is asked to be at the spot of the execution to take command.

(Due to some confusion in the translation, Captain Haha was asked to translate the above answer.)

PROSECUTOR: We object to the question and also move that the answer be stricken from the record on the ground that he thinks that according to military regulations that a certain thing should have taken place. The entire line of questioning is entirely suggestive and entirely improper and we ask that the question and answer be stricken from the record. This is all highly suggestive.

DEFENSE: The witness can think anything he wants and give an answer. If he thinks a certain thing is as it is, he can answer that way and there is no rule of the Commission that says he can't.

PROSECUTOR: What this witness thinks is immaterial. What he knows is material. We suggest that the question be asked, who did the firing or who gave the order for the firing. Let us get to the point instead of what he thinks may have happened according to some regulation.

DEFENSE: I would like to remind the prosecution that he will have an opportunity to cross-examine the witness, and we will ask the questions at this time.

COLONEL MC REYNOLDS: Objection over-ruled. Proceed.

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Q Was there any personnel reshuffle between the Nanking Prison and the Shanghai-Kiangwan Branch Prison?

A The personnel change between those two prisons were used to take place once a year or once or twice -- once in two years.

DEFENSE: (Capt Fellows) Do you mean personal or personnel?

INTERPRETER: Personnel.

Q I would like to know the reason of the personnel reshuffle between those two prisons because of the fact that the Kiangwan Prison is an independent prison.

PROSECUTOR: I object to this question in form. It is obviously an attempt on the part of counsel to testify on facts not in evidence.

DEFENSE: We withdraw the question.

PROSECUTOR: Objection withdrawn.

Q Who was the responsible person for the execution of the three fliers?

A I am not sure of the details but I think myself that the actual responsible person for the execution of the three fliers was Ooka Takijiro.

PROSECUTOR: We move to strike that as not responsive to the question and calling for a conclusion of the witness and has no probative value whatsoever.

DEFENSE: (Capt Fellows) If the Commission, please, I think the answer is responsive to the question. As to the probative value, we leave that to the Commission.

PROSECUTOR: If the Commission, please, we have no objection to the witness testifying as to what he knows but all these surmises and conclusions which he thinks, personally, I think should be stricken from the record.

COLONEL MC REYNOLDS: Objection sustained. The Counsel desires the defense to rephrase the question.

REPORTER: If the Commission, please, sir, you mean the Commission desires the question rephrased. You stated "Counsel desires".

COLONEL MC REYNOLDS: Yes, The Commission desires the defense to rephrase the question in order to bring out more clearly the desires of the defense for a reasonable answer.

Q If the officer responsible for the Kiangwan prison was Ooka Takijiro, was not Ooka the responsible man for the execution of the three fliers?

PROSECUTOR: The question is objected to in form. If so and so was the responsible officer was not so and so responsible for the act. It is purely calling for a conclusion of the witness. Let the witness state the facts as he knows them, as respects to this execution.

DEFENSE: Withdraw the question.

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PROSECUTOR: Objection withdrawn.

COLONEL MC REYNOLDS: Proceed.

Q If the writ of execution of the three fliers -- because the writ of execution of the three fliers was addressed to Ooka Takijiro, was not Ooka the responsible man for the execution of the three fliers?

PROSECUTOR: We object to this question on the grounds stated in the previous question. Assuming, if the writ was addressed to Ooka, wasn't he responsible, is purely calling for a conclusion of the witness. This man has not been qualified as an expert on anything. He was a guard. We object to the form of the question.

DEFENSE: (Capt. Fellows) If the Commission, please, I think a lot of the confusion is the result of the Japanese statement. They talk more or less in reverse of the way we speak. I think that is why they appear leading. It is the natural result of the literal translation of the Japanese statement.

PROSECUTOR: (Maj Dwyer) That is no reason why we should violate the rules of evidence before the Commission. That is no reason why he should give evidence based on assumptions or on facts which are given to him by defense counsel in the question. Let the witness state what he knows.

COLONEL MC REYNOLDS: Objection sustained. I again caution the defense to phrase the question in order to get a direct answer, not an assumption or the fact that a witness thinks a thing is to be so.

Q At the time of the execution of the three fliers, was the Kiangwan Prison under the jurisdiction of the 13th Army?

A No, it wasn't.

Q How many fliers were taken into custody of the Kiangwan Prison?

A I am not sure the exact numbers of the fliers but I think now it was seven fliers but the previous day of the execution I think that there were eight fliers.

Q Did the accused, Tatsuta, make any lectures to his subordinates to treat the fliers favorably?

A At the time of the morning ceremony he used to give the lectures in that line.

Q Were the fliers confined in solitary confinement at first?

A Yes, they were.

Q When was the fliers transferred to the -- when the fliers were transferred to live together?

A I am not sure of the day but after the execution about one month, then the remaining five fliers were transfer to live together.

Q What was the size of the cell in which the fliers were then transferred?

A The cell was 15 feet wide, 15 feet deep and 12 feet high. This is not very clear.

Q Were there any windows?

A There were four windows of four partial glasses.

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- Q Tell the size of the window in width?
A I cannot tell exactly the size by foot but one glass of the window is more or less one foot by one foot.
- Q How many blankets were they given?
A I remember during the time of hot season they are given three blankets and when it begins colder they were given five or six blankets.
- Q How about the pillows?
A I don't remember.
- Q What time did the fliers wake up in the morning?
A It differs according to the month of the years but there is no difference between the Japanese prisoners and the fliers.
- Q What time the Japanese prisoners wake up in summer?
A In mid-summer they wake up at six o'clock in the morning.
- Q Were the fliers wake up at the same time as the Japanese prisoners?
A Yes.
- Q What time go the prisoners to bed in the evening?
A It also differs according to the length of the days. In summer the prisoners go to bed at half past eight in the evening.
- Q Do the prison allow the prisoners to wash themselves every morning?
A Yes, they do.
- Q At the time of the washing in the morning, did the prisoners have exercise?
A It is not definitely ruled out but because of the fact that at the time of the washing there are too many prisoners come together, so there are no time to give any exercise to them but sometimes they are given exercise at the same time when they washing.
- Q What kind of exercise were the prisoners given?
A The prisoners can do what they like,
- Q Do you not have the experience to give the exercise in the American style to the prisoners?
A I do not remember that the name of the exercise was disclosed to the prisoners and the staff of the prison but the prisoners did exercises which I do not see previously.
- Q Did the staff of the prison have a baseball match with the fliers?
A I don't remember.

DEFENSE: No further questions.

REDIRECT EXAMINATION

(Sgt Arita interpreting)

- Q (By Maj Dwyer) Was Ooka present at the execution?
A He was not present.
- Q Why wasn't he?
A Such details, having been just a guard, I do not know.
- Q How come you know all about these channels of orders that you testified to, then?

A In the Japanese Army there is such a thing as superior officer and subordinate and in the Nanking Penitentiary it is the same and that is why I know about it.

Q Ooka was sick in Nanking, wasn't he?

A I do not remember.

Q Tatsuta took his place, didn't he?

A Yes.

Q So Tatsuta carried out this writ of execution, didn't he?

A I believe that he executed the orders of Ooka Takijiro.

Q You were a lance corporal at the time of the execution, weren't you?

A That is wrong, I was a civilian attached to the Army.

Q Do you remember when I took a statement from you through an interpreter at Japanese 13th Army Headquarters?

A I stated at the time of the questioning that at the time I was a civilian attached to the Army as a prison guard and later I was with the 13th Army.

Q I'll ask you the question again. Do you remember giving me a written statement which you signed, through an interpreter?

A I remember having signed the document.

Q Now I show you the document you signed and ask you if that is your signature?

A I wrote that signature.

Q Did the interpreter read that statement back to you before you signed it?

A Yes.

Q Were you asked this question and did you give this answer?

"What was your duty at that time?" Answer "A guard of the prison."

A Yes.

Q And were you asked this question and did you give this answer?

Question "What was your rank?" Answer "Lance corporal (Gunzoku)"

DEFENSE: (Capt Fellows) What does "Gunzoku" mean?

INTERPRETER: Attached to the Army.

A I did say I was a civilian attached to the Army but I did not say I was a lance corporal.

Q Were you asked this question and did you give this answer: Question "Did you hear anybody talk about it?" Answer "I was a guard so I did not go much into the Doolittle Fliers' case."

A Yes.

Q Were you asked this question and did you give this answer: Question "Who was in charge of the execution?" And your answer "I cannot recall the name of the man who was in charge."

A Is that the head of the troops or other personnel?

Q I ask you again, were you asked this question and did you give this answer? You can answer this "yes" or "no". Question, "Who was in charge of the execution?" Answer, "I cannot recall the name of the man who was in charge."

A Yes.

Q Were you asked this question and did you give this answer? Question, "Do you know who the officers were who gave the command to fire the rifles?" Answer "No."

A Yes.

Q And were you asked this question and did you give this answer? Question, "What did Captain Tatsuta do at the time of the execution?" Answer, "I think Captain Tatsuta spoke to the fliers before they were executed."

A Yes.

Q Were you asked this question? "Was he in charge of the guards at the execution?" And did you give this answer: "Captain Tatsuta was governor of the Kiangwan Military Prison in Shanghai at that time so I think he must have been in charge." Did you give that answer?

A I did not say that he probably did. However, I said I do not remember.

Q I ask you again, were you asked that question and did you give that answer?

A I was asked that question.

Q And did you give that answer?

A For an answer I said I do not remember clearly.

Q Did you make that answer, "Captain Tatsuta was governor of the Kiangwan Military Prison in Shanghai at that time so I think he must have been in charge."?

DEFENSE: If the Commission, please, this is the prosecution's witness. We haven't objected to his trying to impeach his own witness but he is asking the same question over and over. I think the defense will have to object to the prosecution's attempts to impeach his own witness.

PROSECUTOR: In the first place the witness is obviously a hostile witness. There can be no question about that. This man tied one of the fliers to the cross. He is a member of the same outfit. Previously he tied one of these fliers to the cross.

DEFENSE: That hasn't been brought out in evidence.

PROSECUTOR: I mean the Japanese Army, I don't mean the 13th Army. He is a member of the same Army and is definitely a hostile witness here. I think, for the purpose of the record I think it would be well to have a ruling on whether these are hostile witnesses or not. We will have more of them on the stand and I believe it would be well to have a ruling on it.

COLONEL MC REYNOLDS: The defense objection is over-ruled. As to the ruling on the hostility of the witnesses, the counsel will reserve the right to decide that at a later time.

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PROSECUTOR: The Commission, you mean?

COLONEL MC REYNOLDS: The Commission, yes.

Q Did you make the following as part of your statement, "The above statement has been read to me in Japanese by Interpreter Caesar Luis dos Remedios, and I understand it fully, and it is a true and correct statement. I affirm the statement." And then your signature?

A I did not have such thing read to me nor did I say such things. However the questions and answers, the previous statements, I did hear.

Q And were those statements the truth when you gave them to me?

A What I answered there is no error in.

Q At the time of the execution was Captain Wako a member of the Japanese 13th Army?

A Yes, he was officer of the 13th Army.

Q Was Captain Okada an officer of the Japanese 13th Army at that time, also?

A I do not know about him at that time.

Q Was General Sawada the Commanding General of the Japanese 13th Army at that time?

A Yes.

Q What names were put on those three urns of ashes about which you told the Commission?

A I did not put the name on the urns, therefore I do not remember.

Q Were they the names of the fliers or were they other names?

A I don't think it was the name of the fliers.

PROSECUTOR: No further questions.

RECROSS EXAMINATION

Q (By Lt Col Bodine) Do you know who General Shimomura was?

INTERPRETER: What is his rank, full General?

DEFENSE: Lieutenant General.

A I do not know his face but I do not know whether it was at that time or later or before that but I had heard his name and I am sure I heard about him.

Q Do you know the date General Shimomura took command of the 13th Army?

A I do not remember.

Q Do you remember the date that General Sawada was relieved of command of the 13th Army?

A I do not know.

Q Then how do you know that General Sawada was in command of the 13th Army at this time?