

Q. How many men at position U were armed?

A. Seven.

Q. With reference to the 25 men on the second floor of the station, where were they stationed?

A. They were on alert in the instruction room on the second floor.

Q. Were there any men stationed on the porch of the second floor?

A. No.

Q. How many men on the second floor were armed?

A. They were not armed. As it was crowded and they did not have any weapons, they were stationed on the second floor.

Q. How many men at position Z were armed?

A. May I look at my memo?

Q. Certainly.

A. 28.

Q. The witness stated that when he came out of the station upon hearing this whistle, he looked to the left and stated that he could not see clearly, is that correct?

A. Yes. I did see the automobiles lined up, but I did not know what kind of automobiles.

Q. What are the reasons that you couldn't see clearly?

A. It was quite some distance and then my eyes are not so good, so I was not able to see clearly.

Q. Was it dark then?

A. It was dark outside, but they had their headlights on.

Q. Are you sure that the men he had stationed were at the same positions to which they had been assigned?

A. They were at their stations, but as the vehicles came down the center of the road they had to go to the side of the road.

DEFENSE: If the court please, could we ask an adjournment now and continue the cross examination this afternoon? I might call the court's attention to the fact that both Mr. Murphy and I are unfamiliar with all of the facts in this case up to this point. We got the typewritten record of the evidence yesterday for the first time. As far as I myself am concerned I must confess that the whole picture is not clear in my mind yet, and such being the case I don't think that either Mr. Murphy or I should be required to cross examine without some preparation beforehand. I therefore request the court to take an adjournment now until this afternoon.

PROSECUTION: Prosecution has no particular objection. I'd like to point out, though, that both Mr. Murphy and Mr. Faison were present during the whole time this witness was examined, as well as the two previous witnesses.

PRESIDENT: The court will adjourn to meet at 1:30 this afternoon.

The Commission then took a recess until 1:30, at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats. Mr. Robert B. Scott was also present.

PROSECUTION: The witness is reminded that he is still under oath.

Q. You testified that you had a report concerning the meeting of the Formosans at Showa School on the afternoon of the 19th?

A. Yes.

Q. With reference to the information in that report, were you informed that a Mr. Ling of the Chinese Consular Affairs Office addressed that meeting?

A. No.

Q. Were you advised from that report that the Formosans at that meeting, as a result of the meeting decided to disperse and go home?

A. No.

Q. Were you advised in that report that most of the Formosans following that meeting did disperse?

PROSECUTION: If the court please, I object to that question. He is questioning him on what he received at the time he received the report. Now he is asking him questions which happened after the meeting.

DEFENSE: I am trying to inquire as to whether the report included that information. If it didn't, the witness can say so.

LAW MEMBER: Your question is inferring a fact, so the objection is sustained.

DEFENSE: I withdraw the question.

Q. Was any report made to you at any other time that most of the Formosans at that meeting did disperse?

A. No.

Q. Did you have any further report that some of these Formosans later met at the Chinese Mission?

A. I did not receive any report, but I heard this from one of the occupants of the jeep at the check point.

Q. In line with that information were you also informed that it was decided at that meeting by the Formosans to go home?

A. When do you mean?

Q. After they decided to go home from the meeting at the Chinese Mission.

A. Yes, after we stopped the vehicles in front of the police station and the occupants of the jeep told us that they had decided to go home.

Q. When you came out of the police station you testified you could not see clearly, is that correct?

A. I said that I could see the vehicles but I could not recognize the vehicles.

Q. Were there any electric street lights on in the vicinity?

A. No.

Q. Any moonlight that night?

A. No.

Q. Now you testified that you couldn't see clearly, and in addition to that

- you testified that the headlights of the sedan and the truck obscured your vision of what was going on in the trucks, is that correct?
- A. When I first went out of the police station I could not see very clearly, but I could see the trucks after I approached the vehicles.
- Q. You testified that you saw spitting and club waving in the trucks, is that correct?
- A. Yes.
- Q. Now are you certain that you were able to distinguish that as club waving, spitting, in view of the previous testimony?
- A. Yes.
- Q. You testified that the Formosans on the trucks were doing a great deal of shouting. Is it true that the Japanese police were also doing a great deal of shouting?
- A. They were not shouting.
- Q. When you went out to the jeep I believe you testified that at that cross, line T, when you went out to the jeep you testified earlier that the jeep had by that time crossed line T, was somewhere in between line U and line F.
- A. Yes.
- Q. To what positions had the men in T moved to allow the jeep to come in through there? You can come to the map, if you care to.
- A. The majority of the policemen were in the place that I indicated.
- Q. Had any moved to the river side of the road?
- A. A few of them.
- Q. As the convoy moved through line U, where did those men move to?
- A. The majority of them were on the police station side.
- Q. Did any move to the river side?
- A. I believe a few went toward the river side.
- Q. Were the men in line W still in position?
- A. Yes.
- Q. So that there were men alongside the river side of the road from T, from U, and from W?
- A. A few of them were on that side.
- Q. Well, I submit for the witness's consideration that the three shots which he states were the first he heard could have come not from the truck but from a line of Japanese policemen lined up on the river side of the road, is that correct?
- A. No.
- Q. Well, I submit for the witness's consideration that those three shots could have been a signal to open fire given by the Japanese police.
- A. No.
- Q. You can resume your chair. With reference to the fourth truck the witness states hit the building, who was in charge of the police that eventually

arrested the occupants of that truck?

A. As I was not present at that scene, I do not know.

Q. Where was the chief of police at this time?

A. Do you mean at the time of the arrest?

Q. At the time that the truck hit the building.

A. He was in the police station.

Q. At the time that the truck hit the building, you were still on the outside?

PROSECUTION: If the court please, the witness has not testified that the truck hit the building. I object to that question.

DEFENSE: I withdraw it. No further questions.

PRESIDENT: Any redirect examination?

REDIRECT EXAMINATION

Questions by prosecution:

Q. When the first three shots were fired, did you see any of the flashes?

A. Yes.

Q. Where were the flashes coming from?

A. As the trucks were moving I watched the trucks and I saw the flashes from the second truck.

Q. You saw the flashes of those shots from the second truck, is that correct?

A. Yes.

Q. Where was the chief at this time?

A. He was about one meter to the left of me.

Q. Did anyone else besides yourself and the chief of police have authority to order the police to fire?

A. As the policemen had weapons, according to the orders they have received previously they could fire weapons in case their lives were endangered by the attackers, and also in order to fulfill their duties, so it was not necessary for either the police chief or myself to give orders to start firing.

PROSECUTION: That's all.

PRESIDENT: Any recross examination?

DEFENSE: None.

EXAMINATION BY THE COMMISSION

Questions by members:

Q. With reference to your questioning of the occupants of the jeep, can you identify any of the accused as having been in the jeep at that time?

A. I cannot identify them.

Q. Can you identify any one of the accused with any particular detail of the incident that occurred on the 19th of July?

A. Yes.

Q. Will you please relate the details and identify the accused?

A. As I mentioned before lunch, I know the group leader Sai.

Q. In what way is he connected with the incident of July 19th?

A. Sai participated as one of the occupants of the vehicles, and every time there was an incident involving the Formosans, Sai, who was the group leader in my ward, was in command.

Q. How do you know that Sai was an occupant of one of these vehicles?

A. I heard this after I returned to the police station that Sai was riding one of the jeeps.

Q. Is that from an official report, and if so, by whom?

A. I did not mention this before, but I went to the Shibuya Railroad Station, and when I returned to the police station Sai, and I believe his name was Cho, were in the police station, and I overheard Sai saying that he was one of the occupants of the jeep.

Q. Did he state which jeep?

A. The second jeep.

PRESIDENT: Any questions by the prosecution?

PROSECUTION: Nothing further.

PRESIDENT: Any further questions by the defense?

DEFENSE: Nothing further.

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

WITNESS: I would like to say something as a witness.

LAW MEMBER: Do you wish to have this witness reappear?

PRESIDENT: The witness has been excused. He can be recalled, if he wishes to make a statement, at the behest of the prosecution. He may be recalled to the stand.

PROSECUTION: I'll recall him.

Keizo Hyodo, a witness for the prosecution, was recalled and testified as follows:

Questions by prosecution:

Q. What does the witness wish to state farther?

A. I regret the fact that such an incident happened. As a policeman I had the duty of carrying on such confiscation of prohibited goods and I tried my best not to carry out these raids because I knew if I did carry out the raid there would be an antagonistic feeling between the Formosans and the

policemen, but we could not get their cooperation, and if they had cooperated such an incident would not have happened.

DEFENSE: Mr. President, may I object to this testimony being received. It is irrelevant, immaterial. This is a self serving statement being made by the witness, has absolutely nothing to do with the issues in this case. I ask that it not be received.

LAW MEMBER: Objection will be sustained.

PROSECUTION: Prosecution has nothing further.

PRESIDENT: Any questions by the defense?

DEFENSE: No.

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

PROSECUTION: If the Commission please, at this time prosecution would like to offer quite a number of witnesses. We'd like to lay a foundation for the purposes of introducing some weapons in evidence. Owing to the fact that so many are involved and it has passed through so many hands, we would like to request the permission of the Commission to permit us to put these witnesses on the stand for the sole purpose of laying the foundation for offering these weapons in evidence, and reserving the right if we should or should not maybe later want to use these witnesses about another incident that may have happened, that we would have the right to do so, and that they will always be available for the defense if the defense wants to call them as a witness.

PRESIDENT: Any objection?

DEFENSE: No objections.

PRESIDENT: Subject to any member of the Commission objecting, the ruling of this Commission is that the introduction of such witnesses may be made.

PROSECUTION: If the Commission please, I'd like to make a further request here. We have discussed many things with all of these witnesses. The ones that are now coming to the stand may want to volunteer some information about the other part of the incident, and I would like for the interpreter to tell them to confine their answers merely to the weapons themselves and don't get out on a tangent. I think it may save us some time.

LAW MEMBER: You inform the interpreter to advise them to relate matters only asked by you.

PROSECUTION: Prosecution calls as its next witness Shigeyuki Nakagawa.

Shigeyuki Nakagawa, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: Repeat: I consciously swear to tell the truth, I will hide nothing, and I will conceal nothing.

A. (Through interpreter) I do.

PROSECUTION: Do you understand that if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or by any other American court or Commission?

A. I do.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the court.

A. Shigeyuki Nakagawa.

Q. Where is your duty station with the Japanese police department?

A. At the Meguro Police station.

Q. Were you on duty at the Shibuya Police Station on the 19th of July, 1948 in the evening?

A. I went as a reinforcement at about 8:00 o'clock.

Q. After the incident at the Shibuya Police Station was over, did you make a search for evidence?

A. Yes.

Q. Where did you search?

A. On the truck which had collided.

Q. Did you find any evidence aboard the truck?

A. Three bullets and a pistol, Model 14.

PRESIDENT: Are you referring to bullets or cartridges?

A. Four rounds, unused rounds.

PRESIDENT: I believe the question should be put to the witness again. The answer doesn't check.

Q. What else did you find besides the pistol you have just referred to?

A. I found four bullets wrapped in paper, and fourteen year model pistol with eight rounds in it.

INTERPRETER: I wish to correct the record to read four rounds instead of bullets.

Q. What did you do with the pistol and the four rounds which you found in the paper?

A. After I found the pistol and the four rounds, I took them immediately to the Shibuya Police Station and handed them over to Sergeant Nunome.

Q. Where in the truck did you find the pistol?

A. I got on the truck from the right side and found the pistol about one foot away from the spare tire.

Q. Describe where the spare tire was in the bed of the truck?

A. There were three spare tires on the truck. One was toward the front a little on the left side, one was on the right center, and another to the rear of the truck.

Q. Under which of those tires did you find this pistol?

DEFENSE: If it please the court, I don't believe the witness has testified that they were under any tire.

LAW MEMBER: Is there an objection?

DEFENSE: Yes, I object to that question.

LAW MEMBER: Objection sustained.

Q. Which of the three spare tires you have just described did you find the weapon about one foot from?

A. On the right side of the spare tire at the right center of the truck.

PROSECUTION: That's all.

PRESIDENT: Cross examination?

CROSS EXAMINATION

Questions by defense:

Q. Who told you to make a search for evidence?

A. Assistant Police Inspector Kobayashi, who was the platoon leader.

Q. What platoon were you in?

A. I was the squad leader of the first squad of the Meguro Platoon.

Q. Was that platoon stationed across the roadway leading to the bridge opposite the police station?

A. I was on the side road in front of the Shibuya Station about one meter in from the main road.

Q. At what time did you make your search for evidence?

A. At 9:50.

Q. 9:50?

A. Yes.

Q. Who was on the truck at that time?

A. About ten policemen besides me, but I do not recall their names.

Q. Were you the first policeman on that truck?

A. Yes.

Q. You testified that you found four rounds in the paper and eight rounds in the pistol, is that correct?

A. Yes.

Q. Were any of those twelve rounds fired?

A. No.

Q. How many rounds fit into a 14 year model pistol?

A. In a 14 year model pistol eight rounds fit into a 14 year model pistol, but the one I found had seven rounds in the magazine and one in the chamber.

Q. Then the 1 1/2 year model pistol you found was fully loaded, is that correct?
A. Yes.

Q. But none of the eight rounds were fired, is that correct?
A. That is correct.

Q. Do you recall what time the occupants of that truck were taken off the truck that night?
A. They were taken into custody about 9:30.

Q. Did you find anything else on that truck?
A. When I found the pistol I was going to bring it to the police station. I saw two or three policemen holding clubs, but I am not sure.

DEFENSE: No further questions.

PRESIDENT: Any redirect?

REDIRECT EXAMINATION

Questions by prosecution:

Q. Could the rounds of ammunition which you found in the paper have been used in the Model 1 1/2 pistol?

A. It was larger than the rounds that are used in the 1 1/2 year model pistol.

Q. If you were to see that pistol again, could you now identify it?
A. Yes.

Q. I'll ask you to step to this table and see if you can pick out that pistol.
A. This is the pistol.

Q. State if you know what this tag is on this pistol.
A. I did not put this tag on the pistol.

PROSECUTION: That's all.

PRESIDENT: Recross?

DEFENSE: No further questions.

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: If the court please, we request a recess at this time to get our witnesses straight.

PRESIDENT: Of what duration?

PROSECUTION: Ten minutes will be sufficient.

PRESIDENT: The court will recess for approximately fifteen minutes.

The Commission then took a recess until 11:45, at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats.

PROSECUTION: Prosecution calls as its next witness Shigeru Yamazaki.

Shigeru Yamazaki, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: Repeat: In accordance with my conscience I swear to tell the truth, I will hide nothing, I will conceal nothing.

A. (Through interpreter) I do.

PROSECUTION: Do you understand that if you fail to tell the truth as you have just sworn to do, you are liable to be punished by this Commission or any other American court or Commission?

A. I do.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the Commission.

A. Shigeru Yamazaki.

Q. Are you a police officer?

A. Yes, I am.

Q. What station are you attached to?

A. Shibuya Police Station.

Q. With what department of the Shibuya Police Station are you attached to?

A. Investigation Department.

Q. Were you on duty at the Shibuya Police Station the evening of the 19th of July, 1946?

A. Yes.

Q. Did you make a search for evidence around the Shibuya Police Station after an incident occurred there that evening?

A. Yes.

Q. About what time did you make this search?

A. I believe it was about after 9:30.

Q. Where did you search?

A. On the automobile.

Q. Explain what you mean by "the automobile."

A. It was a truck.

Q. Where was this truck?

A. It was a truck that had collided and it was next to a warehouse, Yamaguchi Warehouse.

Q. What did you find?

A. A pistol and a square stick.

Q. I'll ask you to come to this table and, if you can, pick out the pistol which you found.

A. This is it.

PROSECUTION: I'd like to ask that this be marked for identification only as Prosecution's Exhibit No. 6.

LAW MEMBER: It will be so marked.

Q. Did you make an inspection of what is now marked Prosecution's Exhibit No. 6?

A. Yes, I did.

Q. What did that inspection consist of?

A. I took out the magazine. I cocked the gun and the round fell out and I was cautioned.

PRESIDENT: I question that interpretation "cocked the gun."

Q. What do you mean by "cocking the gun?"

A. I pulled back the slide.

Q. What was contained in the magazine?

A. There were rounds in the magazine.

Q. Was there a round in the chamber?

A. Yes.

Q. How many rounds were in the magazine?

A. Five rounds.

Q. Have you had any previous experience with the handling of firearms?

A. I have not had very much experience with this pistol.

Q. Have you had any experience with any pistols?

A. Yes.

Q. Did you make an effort to determine whether or not this pistol had been recently fired?

A. I smelled it.

Q. From that smell, what conclusion did you reach?

A. I smelled gunpowder, so I believe that it was fired within thirty minutes to an hour.

Q. What did you do with the pistol then?

A. I placed the pistol on the desk of Policeman Sugano.

Q. State if you know what Sugano did with the pistol.

A. He did not do anything. He just wrote my name on a piece of paper.

Q. Examine the paper which is on the pistol in your hand and state whether or not that is the paper that he wrote your name on.

A. It was not this paper. I believe it was a much larger piece of paper.

Q. Will you now put the magazine which was in that weapon at the time you found it back in the pistol?

LAW MEMBER: That's loaded and he is unfamiliar with that type of pistol.

PROSECUTION: If the court please, I'd like the record to show that the witness identified the clip of ammunition here which belongs to that pistol, so that it can be carried under the same exhibit.

Q. What else did you find at the time you were looking for evidence?
A. I found this square stick.

PROSECUTION: I ask that this be marked Prosecution's Exhibit No. 7 for identification purposes only.

LAW MEMBER: It will be so marked.

Q. Where in the truck did you find that stick?
A. In the front part of the truck on the left side as you look from the back.

Q. Where did you find the pistol in the truck?
A. On the front left side by the tire.

Q. What did you do with this stick which is now marked Prosecution's Exhibit No. 7?
A. I brought it to Policeman Sugano.

Q. Did you take that stick and pistol at the same time to Sugano?
A. Yes.

PROSECUTION: You may resume your seat. No further questions.

CROSS EXAMINATION

Questions by defense:

Q. You testified that you made your search approximately at 9:30, is that correct?
A. Yes.

Q. Who else was on the truck at that time?
A. I don't know the names of the person.

Q. How many persons were on the truck at that time?
A. Do you mean the police?

Q. I mean anybody that was on the truck.
A. After they were all arrested and taken off the truck, there were two or three policemen.

Q. What time was that?
A. I cannot tell you the exact time, but it was before 10:00.

Q. About how long before you made your search was that?
A. What?

Q. How long after the men were taken off the truck did you make your search?
A. I went immediately.

Q. And at that time there were two or three other policemen on the truck, is that correct?
A. Yes.

- Q. And at that time was there anybody around the truck?
A. Yes.
- Q. Who were those persons?
A. I do not know.
- Q. Were they policemen?
A. Yes.
- Q. Were there any persons there in addition to the policemen?
A. I do not believe there were.
- Q. Approximately how many persons were around the truck?
A. Twenty to thirty uniformed policemen.
- Q. In addition to the two or three policemen who were on the truck at that time, was there anybody else on the truck?
A. No.
- Q. At that time was it your duty to search for evidence on that truck?
A. Yes.
- Q. Did you make a search for evidence?
A. Yes.
- Q. And you found one pistol and one club, is that correct?
A. Yes.
- Q. Did you look in the front seat of that truck, in the driver's seat?
A. No.
- Q. Did you make any further search of the truck?
A. I did, but at that time there were two or three others searching the truck, so after I got these I went back.
- Q. When you were searching the back of the truck, could you see what was in the front section of the truck?
A. I got on from the front.
- Q. By "the front" do you mean the end of the truck where the driver sits?
A. By "front" I mean the part by the driver's seat. I put my foot on the running board there and climbed onto the truck.
- Q. At that time did you notice anything on the front of the truck or in the driver's seat of the truck?
A. No.
- Q. At the time you began your search, did you see the other policemen on the truck?
A. Yes.
- Q. Where were they at that time?
A. There were a lot of other policemen. Who do you mean?
- Q. I mean the two or three that you said were on the truck. Were they in the front or in the rear?

PROSECUTION: If the court please, by "the front of the truck" does he mean the front of the cab or the front end of the truck?

DEFENSE: I am referring to the front of the truck that the witness described as the part of the truck he climbed on.

LAW MEMBER: Use the term "body".

Q. When you climbed on the truck, did you climb up on the front cab of the truck or did you climb directly onto the body of the truck?

A. I put my foot on the running board and got on the body of the truck.

Q. Did you make any search at all of the cab of the truck?

A. No.

Q. At that time the two or three other policemen that you testified were on the truck, were they on the body of the truck or in the cab of the truck?

A. They were on the body of the truck.

Q. Did you have any reason for not investigating the cab of the truck?

A. No.

Q. You testified that there were rounds in the pistol you found, is that correct?

A. That is correct.

Q. Were they live rounds or had they been fired?

A. They were in the magazine. They were not fired.

Q. Will you describe the type of pistol you found?

PROSECUTION: If the court please, I think that's unnecessary. He has identified it by picking it out. There's no use confusing the witness. I object to that question.

LAW MEMBER: What is the purpose of this question?

DEFENSE: Well, the purpose of the question, if it please the court, was to have the witness state whether or not in the second question if the weapon is a common type weapon or whether it is an odd weapon. The purpose of the description is to have the description in the record.

PROSECUTION: The witness has testified he is not familiar with that type of weapon.

DEFENSE: If it please the court, I believe the witness testified he has not had much experience with that pistol, but he has had experience with weapons. I believe I could properly ask him whether that's a common weapon.

PROSECUTION: As far as the record goes, the weapon is now part of the record.

LAW MEMBER: That's true; objection sustained.

DEFENSE: Is the court's ruling that I shall not ask him to describe the

weapon, or I shall not ask him whether it's a common weapon?

LAW MEMBER: The description.

Q. Based upon your experience with firearms, is the weapon that you found a common type weapon?

PROSECUTION: I ask the Commission to take judicial knowledge of the fact that this U. S. Colt 45 is a United States Army weapon, and as far as the Japanese are concerned it shouldn't be a common weapon to the Japanese. Therefore I think that question is immaterial and I object to it.

DEFENSE: I withdraw the question.

LAW MEMBER: He may ask the question whether it's common or not common, yes or no.

A. This weapon is not common in Japan except for the ones I have seen on the MPs.

DEFENSE: No further questions.

PRESIDENT: Any redirect?

REDIRECT EXAMINATION

Questions by prosecution:

Q. Will you describe the location of any items which you saw in the bed of the truck?

DEFENSE: If it please the court, I believe that's proper questioning for the direct and not for the redirect. He's testified as to what he found. I don't think there's any need to go over what was on the truck. I object to the question on that subject.

LAW MEMBER: Objection is overruled.

A. I climbed on the truck from the left front side of the truck, left as you look in the direction of the front of the truck, and as soon as I climbed on there was a tire there. I climbed onto the truck from the left front, that is, left as you look from the truck, and as soon as I got on, there was a spare tire there, and I found a pistol to the left of the tire, and on the right side of the truck between the spare tire and the cab I found this stick.

Q. Was the stick you just referred to Prosecution's Exhibit No. 7?

A. Yes.

Q. How many spare tires were aboard the truck?

A. Three.

Q. Where were they located in the truck?

A. Two up in front and one in the middle.

Q. What else did you see aboard the bed of the truck?

A. I saw a club, but as there were two or three other policemen on the truck I did not touch it.

Q. What else did you see?

A. I saw a drum.

Q. What size was that drum?

A. It was a forty gallon drum.

PROSECUTION: That's all.

PRESIDENT: Any recross?

DEFENSE: No questions.

PRESIDENT: Any questions by members of the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Shojiro Shibasaki.

Shojiro Shibasaki, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q. Repeat: In accordance with my conscience I swear to tell the truth, concealing nothing and adding nothing.

A. (Through interpreter) I do.

Q. Do you understand that if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?

A. I do.

Q. State your name to the court.

A. Shojiro Shibasaki.

Q. Are you a police officer?

A. Yes.

Q. Where are you stationed?

A. Shibuya Police Station.

Q. With what department of the Shibuya Police Station are you attached?

A. I am in charge of Livelihood Section.

Q. Were you on duty with the Shibuya Police Department on the 19th of July, 1946?

A. Yes, I was.

Q. Were you on duty in the evening of the 19th of July, 1946?

A. Yes, I was.

Q. Did you make a search for evidence after an incident had taken place that night at the Shibuya Police Station?

A. Yes, I did.

Q. About what time did you commence this search?

A. I believe it was a little after 10:00.

Q. Where did you search?

A. I searched the truck on which the Formosans came.

Q. What did you find, if anything?

A. Four iron rods and one wooden stick.

Q. Could you identify those, were you to see them again?

A. Yes.

Q. Will you come to this table and pick them out?

A. These are it.

PROSECUTION: I'd like for all of these to be offered for identification purposes as Prosecution's Exhibit No. 8.

LAW MEMBER: They will be so marked.

Q. Where in the truck were these weapons located?

A. I got on from the rear of the truck, and they were scattered about the rear of the truck in the rear center of the truck.

Q. What did you do with these weapons?

A. I gathered them up and brought them to the Chief Criminal Investigator Nomura.

Q. Where was Chief Criminal Investigator Nomura?

A. He was in the Shibuya Police Station. There is a criminal investigation office. That is where he was.

PROSECUTION: No further questions.

CROSS EXAMINATION

Questions by defense:

Q. At the time you made your search, were there any other persons on the truck?

A. I remember there were three or four others on the truck.

Q. Were they policemen?

A. Yes.

Q. Were there any persons around the truck?

A. I remember there were uniformed policemen around the truck.

Q. Were there any other persons around the truck?

A. I do not know.

Q. Approximately how many policemen were near the truck?

A. I believe twenty to thirty.

Q. When you found the rods and stick which you have just identified, were they hidden on the truck or were they plainly visible?

A. It was plainly visible.

Q. Can you describe the type of truck that you searched?

A. What do you mean by "the kind of truck?"

Q. Was it a new truck or an old truck?

A. It was an old truck.

Q. For what general purposes is that type of truck used, as far as you know?

A. Usually it is used for transportation and other things.

DEFENSE: No further questions.

PRESIDENT: Any questions by members of the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Takichi Kurimata.

Takichi Kurimata, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will come forward and be sworn. In accordance with my conscience I will tell the truth, hiding nothing and concealing nothing.

A. (Through interpreter) I do.

PROSECUTION: Do you understand if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?

A. I do.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the Commission.

A. Takichi Kurimata.

Q. Are you a police officer?

A. Yes, I am.

Q. Where are you stationed?

A. Shibuya Police Station.

Q. In what department do you work at the Shibuya Police Station?

A. The Investigation Department.

Q. Were you on duty the late evening of the 19th of July, 1946 at the Shibuya Police Station?

A. Yes, I was.

Q. State whether or not you made a search for evidence after an incident had occurred at the Shibuya Police Station on the night you have just testified about.

A. Yes, I did.

Q. Where did you search?

A. On top of a truck.

Q. Where was this truck located?

A. In a garden in front of the police station.

Q. About what time was this search conducted?

A. I do not remember the exact time, but it was around 10:00.

Q. What did you find aboard the truck?

A. One iron rod and two clubs.

Q. Could you identify those were you to see them again?

A. Yes.

Q. Will you step forward to this table and see if you can pick them out?

PROSECUTION: I'd like to offer these as Prosecution's Exhibit No. 9 for identification purposes.

Q. Where aboard the truck were these instruments found?

A. On the left rear.

Q. What did you do with them when you found them?

A. I brought them to Investigation Chief Nomura.

Q. Where was Nomura at that time?

A. He was in the Investigation Chief's office.

Q. Are there any markings or any characteristics on these instruments you have just identified that assist you in now identifying them as being the ones you picked up at the time?

A. Yes.

Q. What are they?

A. The iron bar is a gas pipe, and there is a valve on it. One of the two clubs has a groove around the end.

PROSECUTION: That's all.

PRESIDENT: Questions by the defense?

DEFENSE: No questions.

PRESIDENT: Any questions by the Commission? There appear to be none. The witness is excused.

WITNESS: On the other club there is some paper on it.

LAW MEMBER: That may be added in answer to the prosecution's question as to the identification of the weapons.

PRESIDENT: There being no further questions, the witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Kyoshi Egawa.

Kyoshi Egawa, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: Repeat: In accordance with my conscience I will tell the truth, I will hide nothing, I will conceal nothing.

A. (Through interpreter) Yes, I do.

PROSECUTION: Do you understand if you do not tell the truth as you have just sworn to do, you will be liable to punishment by this Commission or any other American court or commission?

A. Yes.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the Commission.

A. Kyoshi Egawa.

Q. Are you a police officer attached to the Shibuya Police Station?

A. Yes.

Q. To what department of the Shibuya Police Department are you attached?

A. I am a secretary of the criminal investigation.

Q. Where were you on the late evening of the 19th of July, 1946?

A. I was guarding the interior of the police station.

Q. Did you make a search for evidence after an incident had occurred on the night of the 19th of July, 1946?

A. Yes.

Q. Where did you search?

A. I searched a truck.

Q. Where was this truck located?

A. It was in a vegetable patch in front of the police station.

Q. State if you know whether or not this truck had been involved in the incident a little earlier.

A. Yes, it was connected with that incident.

Q. What did you find aboard this truck?

A. Two clubs and one jack knife.

Q. Will you come to this table and, if you can, identify the items you have just described?

A. These two clubs and this jack knife.

PROSECUTION: We ask that these be marked Prosecution's Exhibit No. 10 for purposes of identification.

LAW MEMBER: They will be so marked.

- Q. Are there any identifying marks on these sticks which assist you in identifying these as being the ones which you took from the truck?
- A. On the clubs the words "Kyobashi Public School" are branded in. That was my mistake,--"Kyobashi Showa Primary School."
- Q. Just to keep the record clear, I hand you these sticks and ask you to state what is burnt in.
- A. On it it is branded "Kyobashi Showa Primary School."
- Q. What did you do with these three items you have just identified after you found them?
- A. I showed them to the chief of criminal investigation.
- Q. Where was he at that time?
- A. He was in the criminal investigation office.
- Q. Then what did you do with them?
- A. I received an order to confiscate them.
- Q. What did you do with them?
- A. Secretary Sugano wrote the names on a piece of paper.
- Q. What names? Why did Secretary Sugano write names on the paper?
- A. In order to differentiate them from other evidence.
- Q. State if you know what names he wrote on that paper.
- A. On it he wrote, "two clubs" and the approximate time it was found and the name of the person who found them.
- Q. In other words, he wrote your name on the paper which he prepared so he would know the time and who had brought them into the police station?
- A. Yes.
- Q. What did he do with the paper?
- A. I tied the paper to the club.
- Q. What did you do with the clubs then?
- A. I brought them to a room where they were all kept.
- Q. Where aboard the truck did you find these three items you have identified?
- A. I found the clubs in the right center of the truck looking from the rear of the truck.

PROSECUTION: No further questions.

CROSS EXAMINATION

Questions by defense:

- Q. When you found that jack knife on the truck, was the knife open or was it closed?
- A. It was open.

DEFENSE: That's all.

PRESIDENT: Any redirect? Questions by members of the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: If the Commission please, at this time I'd like to request that the Commission ask the accused if they would stipulate that where I neglected to label this weapon which the first witness picked up as Prosecution's Exhibit for identification, it be marked No. 11.

DEFENSE: No objection.

LAW MEMBER: It will be so marked.

PRESIDENT: At this time the Commission will adjourn to meet tomorrow morning at 0900.

The Commission then, at 1600 on 15 October 1946, adjourned to meet on 16 October 1946 at 0900.

RICHARD H. ELLIOTT
Major, Chief Prosecutor

Metropolitan Police Station
Tokyo, Japan
16 October 1946

The Commission met, pursuant to adjournment, at 0915, all the personnel of the Commission, prosecution and defense, who were present at the close of the previous session in this case being present.

The accused, interpreters and the reporter were also present.

PROSECUTION: If the court please, at this time I'd like to make an announcement regarding tomorrow being a large national holiday for the Japanese Empire, being the Feast of Harvest, Thanksgiving. Since all of our witnesses are Japanese and the court housekeeping personnel are all Japanese, I'd like to request that at today's adjournment we adjourn until Friday morning.

PRESIDENT: Is that made in the form of a motion by the prosecution?

PROSECUTION: Yes, sir.

PRESIDENT: The motion is approved, and when the Commission adjourns at noon today it will meet on Friday at 9:00 a.m.

PROSECUTION: The prosecution calls as its first witness Zenichi Hosokawa.

Hosokawa, Zenichi, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: Will the witness come forward and be sworn? In accordance with my conscience I will tell the truth, I will hide nothing, I will conceal nothing.

A. (Through interpreter) I do.

PROSECUTION: You are reminded that if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or Commission.

DIRECT EXAMINATION

Questions by prosecution:

Q. Will you state your name to the court?

A. Zenichi Hosokawa.

Q. Are you a Japanese police officer?

A. Yes.

Q. Were you a Japanese police officer on the 19th of July, 1946?

A. Yes, I was at the police station.

Q. Where are you attached?

A. I am attached to the Shibuya Police Station, to the Personnel Section of the Police Affairs Department.

Q. On the 19th of July after an incident had occurred at the Shibuya Police Station, did you make a search for evidence?

A. Yes.

Q. Where did you make this search?

A. On the truck in front of the police station.

Q. State if you know whether or not that truck had been involved in the incident on the 19th of July?

A. Yes.

Q. Did you find any evidence aboard the truck?

A. Somebody else found the evidence on the truck. I found the evidence under the truck.

Q. What did you find under the truck?

A. Cider bottle containing gasoline.

Q. What did you do with that bottle?

A. I brought this back to the police station and handed it over to the chief investigator.

Q. How do you know that the bottle contained gasoline?

A. By the smell.

Q. Were there any markings on this bottle that would assist you in identifying it at this time?

A. Yes.

Q. What were those markings?

A. There's a three arrow brand on the bottle.

Q. What kind of lid or stopper was on this bottle you say was gasoline?

A. A paper stopper.

Q. Will you step to this table and, if you can, pick the bottle which you found under the truck.

A. This is the bottle.

Q. Will you indicate how much liquid was in the bottle at the time you found it?

A. About this much.

PROSECUTION: If the Commission please, I'd like to request that the record show that the witness indicated about one-third of the size of the bottle containing the fluid.

Q. To whom did you turn the bottle over to in the police station?

A. Assistant Police Inspector Nomura, who is in charge of the Investigation Section.

PROSECUTION: At this time, if the Commission please, I'd like to offer this bottle to be labeled for purposes of identification as Prosecution's Exhibit No. 12. No further questions.

LAW MEMBER: It will be so marked.

DEFENSE: No cross examination.

PRESIDENT: Any further questions?

PROSECUTION: No, sir.

PRESIDENT: Any questions by the Commission?

EXAMINATION BY COMMISSION

Questions by members:

Q. Was the bottle on its side or standing erect when you found it?
A. It was slanting in the tracks where the tires passed.

PRESIDENT: Any further questions by the Commission? There appear to be none.
The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Yoshio Yanagimoto.

Yoshio Yanagimoto, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with my conscience I swear to tell the truth, hiding nothing and concealing nothing.
A. (Through interpreter) I do.

PROSECUTION: Do you understand that if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?
A. I do.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the Commission.
A. My name is Yoshio Yanagimoto.

Q. Were you an officer with the Japanese Police Department on the 19th of July, 1946?
A. Yes.

Q. Were you on duty at the police station the 19th of July, 1946?
A. Yes.

Q. Were you on duty at the Shibuya Police Station the 20th of July, 1946?
A. Yes.

Q. Were you a member of a search party on the 20th of July, 1946 after an incident which had occurred between the Shibuya policemen and some Formosans?
A. Yes.

Q. Did you find anything from your search?
A. Yes.

Q. What did you find?
A. Small pistol.

Q. Will you step to this table and, if you can, identify that pistol?

PROSECUTION: I request the Commission that this weapon be marked for purposes of identification as Prosecution's Exhibit No. 13.

LAW MEMBER: It will be so marked.

Q. What did you do with this pistol?

A. I picked this up and handed it over to Assistant Police Inspector Miyauchi who was the platoon leader.

Q. Where did you find this pistol?

A. About two meters to the rear of the truck in a potato patch.

Q. Describe in detail where it was.

A. To the rear of the vehicle about two meters to the rear there is a sweet potato patch, and I found this in this patch.

Q. Describe its position.

A. The muzzle was facing toward the vehicle and slightly down.

Q. Was the weapon concealed by leaves from the potatoes in the patch?

A. Yes.

Q. Will you step back to the table and, if you can, pick out the magazine for this pistol?

A. I do not know the magazine used in the pistol because I handed it over to Miyauchi as soon as I found it.

Q. At the time you found the weapon, did you make an inspection of it?

A. No.

Q. Where was Miyauchi at the time you turned this weapon over to him?

A. He was in the police station.

Q. What time of the day was it that you found this weapon?

A. At about 0510.

PROSECUTION: No further questions.

PRESIDENT: Questions by the defense?

CROSS EXAMINATION

Questions by defense:

Q. At the time you made your search for evidence on the morning of 20 July, how many persons were around the vehicle?

A. Just two of my friends.

Q. How many persons were near the potato patch you described?

A. Nobody was around.

Q. Were there any persons in the area around the police station at that time?

A. Yes, there were.

Q. About how many persons?
A. I do not remember exactly.

Q. At the time you made your search in the garden, was there any evidence that a number of persons had been in that garden since the previous night?
A. I believe somebody had made a search, but because it was dark and because the weapon was concealed by potato leaves, they could not find the weapon.

DEFENSE: If it please the court, I don't believe that answer was responsive to the question. I'd like that answer stricken and the question repeated to the witness.

LAW MEMBER: Repeat the question.

The reporter read back the last question.

A. Yes.

DEFENSE: No further questions.

PRESIDENT: Any questions by members of the Commission?

EXAMINATION BY COMMISSION

Questions by members:

Q. Was the pistol that you found purposely hidden or been covered up?
A. I do not know.

Q. Was the pistol wrapped up in leaves or was it hidden by the leaves on plants growing in this garden?
A. It was not wrapped in anything.

PRESIDENT: Any further questions by the Commission? Any questions by the prosecution or defense? There appear to be no further questions. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Yoshio Horinouchi.

Yoshio Horinouchi, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with my conscience I swear to tell the truth, hiding nothing and concealing nothing.
A. (Through interpreter) I do.

PROSECUTION: Do you understand if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?
A. Yes.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the court.
A. Yoshio Horinouchi.

Q. Are you a Japanese police officer attached to the Shibuya Police Station?
A. Yes.

Q. Were you so serving on the 19th and 20th of July, 1946?
A. Yes.

Q. Were you a member of a searching party looking for evidence after an incident had occurred between the Japanese police and some Formosans on the 19th of July?
A. Yes.

Q. What did you find, if anything?
A. A pistol magazine.

Q. What kind of pistol magazine?
A. I believe it was a magazine for a Browning.

Q. Will you step to this table and, if you can, identify that clip.
A. This is the one.

PROSECUTION: I'd like to offer this as Prosecution's Exhibit No. 14 for purposes of identification.

LAW MEMBER: It will be so marked.

Q. What did you do with this clip after you found it?
A. As soon as I found it I looked around and saw Nishio at the porch of the police station, so I handed it over to Nishio, thinking that that would be one of the evidence.

Q. About what time of the day was it that you found this clip you have identified?
A. About 0520.

Q. Where did you find it?
A. On the side of the truck there was a vegetable garden, and I was searching in there with my hands when I felt this magazine.

PROSECUTION: No further questions.

CROSS EXAMINATION

Questions by defense:

Q. At the time you made your search, was it 0520 in the morning?
A. Yes.

Q. At that time was it light or was it dark?
A. It was light.

Q. When you found the magazine, did you examine to see what was in it?
A. Yes, I held it in my hand and looked at it.

Q. Were there any rounds of ammunition in it?
A. Yes.

Q. How many rounds?
A. Eight.

Q. How many rounds fit into that magazine?
A. I believe about eight.

DEFENSE: No further questions.

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: If the Commission please, at this time I would like to recall the witness we had on the stand yesterday. I neglected to offer one bit of evidence at that time.

Takichi Kurimata, a witness for the prosecution, was recalled and testified as follows:

PROSECUTION: The witness has already been sworn in this case. He is now reminded that he is still under oath.

Questions by prosecution:

Q. Did you not testify yesterday that you made a search for evidence on the night of the 19th of July, 1946?
A. Yes, I did.

Q. Did you make a search on the 20th of July, 1946?
A. Yes.

Q. What did you find on the 20th of July?
A. I found a large magazine.

PROSECUTION: If the Commission please, I'd like to have the monitors get together on that last translation.

A. (Continued) I found a large cartridge case.

Q. State whether or not that cartridge case was live ammunition.
A. It had been used.

Q. Where did you find this cartridge case?
A. I found this cartridge case in front of the Shibuya Police Station toward Ebisu about one foot from the street car tracks.

Q. Do you know what the caliber of that case was?
A. I do not know.

- Q. Will you step to this table and, if you can, identify that shell case?
A. This is the one.

PROSECUTION: At this time I request that this shell case be marked Prosecution's Exhibit 15 for identification.

LAW MEMBER: It will be so marked.

- Q. What time of the day was it that you found this case you have just identified?
A. About 0700 on the 20th of July.
- Q. What did you do with it when you found it?
A. I handed it over to Chief Investigator Nomura.
- Q. Where was he at the time you handed it over to him?
A. In his office.

PROSECUTION: No further questions.

Questions by defense:

- Cross*
- Q. On the morning of 20 July where did you make your search for evidence?
A. In front of the Shibuya Police Station.
- Q. Do you mean along the street in front of the Shibuya Police Station?
A. Yes.
- Q. That is the time you found the cartridge case you just identified, is that correct?
A. Yes.
- Q. How can you tell that the cartridge case you just identified is the one you found on the morning of 20 July?

PROSECUTION: If the Commission please, I object to that question. We haven't offered the shell case in evidence at this time. We have just laid a foundation for it. It will take up the Commission's time to go into that line of questioning at this time.

DEFENSE: If it please the court, I believe the witness identified that cartridge case as the one he found. I'm asking him how he knows that's the one.

LAW MEMBER: He may answer the question.

- A. That cartridge case is larger than the one used by the policemen, so that is how I know the cartridge case.

DEFENSE: No further questions.

PRESIDENT: Any questions by the prosecution or members of the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Kansuke Nunome.

Kansuke Nunome, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with my conscience I swear to tell the truth, hiding nothing and concealing nothing.

A. (Through interpreter:) I do.

PROSECUTION: Does the witness understand if he does not tell the truth as he has just sworn to do, he is liable to punishment by this Commission or any other American court or Commission?

A. Yes.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the Commission.

A. Nunome Kansuke.

Q. You are a Japanese police officer attached to the Shibuya Police Station?

A. Yes.

Q. Were you so serving on the 19th of July and the 20th of July, 1946?

A. Yes.

Q. Are you acquainted with Policeman Nakagawa?

A. Yes.

Q. Was Nakagawa on duty at the Shibuya Police Station the night of the 19th of July?

A. He came as a reinforcement from Meguro and was serving at the station.

Q. Did you have any official business with him on the night of the 19th of July?

A. Yes.

Q. What was that business?

A. Sergeant Nakagawa found a pistol and brought it over to me and asked me to hand it over to the police chief as one of the evidences.

Q. What time of the night was it that he turned the pistol over to you?

A. About 2205.

Q. What kind of pistol was it that he turned over to you?

A. A 14 year model pistol and four rounds wrapped in paper.

Q. Do you know the caliber of ammunition that was wrapped in the paper?

A. I do not know.

Q. Do you know what the caliber of ammunition is which is used by the Japanese police?

A. 3.5 millimeters.

Q. Compared to 3.5 millimeters, will you describe the difference in size of the cartridges given to you by Nakagawa?

A. I do not know exactly, but it was larger.

Q. Will you step to this table and, if you can, identify the pistol which Nakagawa turned over to you.

PROSECUTION: I'd like the record to show, if the Commission please, the witness picked up Prosecution's Exhibit No. 11 and the magazine No. 11, for identification.

Q. Did you make an examination of this pistol at the time Nakagawa turned it over to you?

A. Yes.

Q. State if you know how many rounds of ammunition were in the magazine.

A. Seven rounds in the magazine and one in the chamber.

Q. What did you do with this weapon after Nakagawa turned it over to you?

A. After receiving this pistol from Nakagawa, I made an examination and then handed it over to Chief Inspector Nomura.

Q. How many rounds of ammunition were in the piece of paper which Nakagawa handed you?

A. Four rounds.

Q. Will you step back to the table and, if you can, pick out those four rounds?

PROSECUTION: I request the Commission to make this Prosecution's Exhibit No. 16, for identification purposes.

Q. What did you do with the rounds of ammunition that Nakagawa gave you?

A. I brought this over to Chief Investigator Nomura and I also made a check over there. Then Sugano who was a secretary wrote down something on paper and attached it to the pistol.

Q. State if you know what was written on that paper.

A. He wrote the name of the pistol, the number of rounds, and I do not know the rest of the things he wrote down.

Q. State if you know what he did with the paper.

A. After he wrote this down on the paper he attached it to the pistol and handed it back to Nomura, and then went back to his post at the porch.

PROSECUTION: No further questions.

PRESIDENT: Questions by the defense?

CROSS EXAMINATION

Questions by defense:

Q. You have just identified four rounds, is that correct?

A. Yes.

Q. Those are the four rounds which were given to you by Nakagawa, is that correct?

A. Yes.

Q. How can you tell that those are the four rounds that Nakagawa gave you?

A. The shape of the round differs.

- Q. How does the shape of the round differ?
A. It differed from the rounds that were used in the 14 year model pistol, and I noted the differences so I can identify them now.
- Q. When Nakagawa gave you the rounds, were they wrapped in paper?
A. Yes.
- Q. Where is that paper?
A. I handed it over to Nomura wrapped in the paper.
- Q. You testified that Japanese policemen use 3.5 millimeter round, is that correct?
A. Yes.
- Q. Do all Japanese policemen use the same type of weapon?
A. They use Browning and the 14 year model pistol.
- Q. Do they all use the same size round?
A. I believe the same.
- Q. Is it true that some Japanese policeman use other size rounds in their weapons?
A. No.

DEFENSE: No further questions.

PRESIDENT: Any redirect?

REDIRECT EXAMINATION

Questions by prosecution:

- Q. Do any Japanese police use 45 caliber ammunition?
A. I have not seen anyone use such rounds.

PROSECUTION: No further questions.

PRESIDENT: Questions by defense?

DEFENSE: No further questions.

PRESIDENT: Questions by the Commission?

EXAMINATION BY COMMISSION

Questions by members:

- Q. What is the caliber of that M-14 pistol?
A. I do not know exactly.
- Q. Do you know what the diameter of the 3.5 millimeter cartridge is?
A. I do not know.
- Q. Well, is it about the size of a pencil, is it larger, or is it smaller?
A. I do not know because I have not compared them.

PRESIDENT: Questions by the prosecution or the defense? There appear to be no further questions. The witness is excused.

There being no further questions, the witness was excused and withdrew.

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

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

PROSECUTION: Prosecution recalls the witness Miyauchi. The witness has previously been sworn in this trial and he is now reminded he is still under oath.

DEFENSE: If it please the court, I feel it is my duty to inform the court, I have been advised that the present witness was present in the rear of the courtroom again this morning during the testimony of previous witnesses. I believe this witness was reminded earlier during the trial that he was not permitted to be in the courtroom during the testimony of other witnesses.

PROSECUTION: I am informed by the monitor that he was in the courtroom, and he was told to leave this morning.

PRESIDENT: He was present during what testimony? I want the interpreter to ask the witness how much testimony did he hear in here this morning, and who was on the stand.

WITNESS: I came in here looking for somebody, but I did not hear any testimony.

PRESIDENT: Who was on the stand, was part of the question.

WITNESS: I believe it was Yanagimoto.

PROSECUTION: May I address the court? I am told that our monitor saw him come in and told him to leave immediately.

PRESIDENT: The witness may be placed on the stand, but the Commission will be cognizant of the fact that he was present during the testimony given by Yanagimoto.

PROSECUTION: If the Commission please, we submit that he was not present during the testimony of the witness. If necessary we'll put the interpreter on the stand who saw him come in and told him to leave.

PRESIDENT: Does defense have any answer?

DEFENSE: No further answer except the statement of the witness himself.

PRESIDENT: The Commission has given its opinion. The witness will be placed on the stand and we will proceed.

PROSECUTION: I'd like for the court to hear me further on that. The witness stated that the witness was on the stand but he did not hear any testimony, and we are prepared to put on a witness who saw this present witness enter the courtroom and also leave. The witness stated that he heard no testimony.

DEFENSE: If it please the court, I am advised that the witness was sitting in the back of the courtroom at the time.

PRESIDENT: The Commission has given its opinion in this matter. We will proceed.

PROSECUTION: Note the prosecution's objections to the court's ruling.

Haruo Miyachi, a witness for the prosecution, was recalled and testified as follows:

Questions by prosecution:

Q. You are the same Miyachi who has previously testified in this case?
A. Yes.

Q. Approximately how long were you in the courtroom this morning?
A. I believe two seconds.

Q. Did you come into the courtroom and sit down as a spectator?
A. I came in here looking for somebody, but I was cautioned so I came in here looking for somebody and I sat down, but I was cautioned so I went out right away.

Q. Are you acquainted with Police Officer Yanagimoto?
A. Yes. I did not know it was him when he was standing on the witness stand, but later I heard that Yanagimoto was testifying.

Q. Were you on duty--

PRESIDENT: May the Commission inquire the purpose of this line of questioning?

PROSECUTION: Yes, sir. We just wanted to establish what actually happened. We were talking about information different people had, and how we were just going to show by the witness himself how long he was in here. That was the original purpose. That last question, the answer wasn't what I had in mind.

PRESIDENT: Proceed.

Q. Were you on duty at the Shibuya Police Station on the 20th of July?
A. Yes.

Q. Did you see Yanagimoto that day?
A. Yes.

Q. Where were you when you saw him?
A. Yanagimoto is my subordinate, so I have the authority to supervise him in the course of duty, so I always see him.

Q. What time of the day on the 20th of July did you see him?
A. From 0500 I saw him almost all day long.

Q. Did you have a conversation with Yanagimoto relative to a pistol?
A. Yes.

Q. What time did that conversation take place?

A. As soon as it got light on that day I spoke to my subordinates about searching the area where a truck was stopped the previous night, as I had heard that they had found some pistols and sticks, and as it was dark yet that previous night, I gave the order to my subordinates to make a further search.

Q. Did he turn a pistol over to you?

A. He brought a small pistol to me and said that he had found this in the garden.

Q. Will you describe the type pistol that he handed you?

A. This pistol was smaller than the pistol that is used by the police officers and on the handle was written the words, "Simpson" and when he gave the pistol to me it had some mud on it and there was also mud in the bore.

Q. Did you make an examination of this pistol?

A. When Yanagimoto brought this pistol to me, I immediately brought this to Assistant Police Inspector Nomura who was collecting evidence, and that is where I made the examination.

Q. State if you know how many rounds of ammunition were in the pistol.

A. In the magazine of the gun were three rounds, and there was one round in the chamber, making a total of four rounds. As it was dangerous to have a live round in the chamber, I took it out.

Q. Will you step to this table and, if you can, indicate that pistol?

A. This is it.

PROSECUTION: I'd like the record to show, if the Commission please, the witness identified Prosecution's Exhibit No. 13.

Q. Will you now pick up the magazine?

A. This is it.

PROSECUTION: If the Commission please, I'd like at this time for the record to show that the witness picked up the magazine containing three shells, and let that be incorporated as Prosecution's Exhibit No. 13. Does the defense have any objections to that?

DEFENSE: No objections.

LAW MEMBER: It is so ordered.

Q. At what time of the day was it that Yanagimoto gave you this weapon?

A. It was immediately after daybreak, so I believe it was a little after 5:00.

Q. At what time was it that you turned it over to Assistant Inspector Nomura?

A. Immediately after I received it.

PROSECUTION: No further questions.

Questions by defense:

Q. How many of your subordinates did you send out to search for evidence on the morning of 20 July?

A. Not all of my subordinates, but about four or five. It was not only my subordinates but to other members of that police station.

DEFENSE: No other questions.

PRESIDENT: Any redirect?

PROSECUTION: No redirect, sir.

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: If the Commission please, I would like just about one minute to confer with other counsel of the prosecution in reference to new matter we have just discovered. Prosecution calls as its next witness Narumi Nishio.

Narumi Nishio, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with your conscience do you swear to tell the truth, hiding nothing and concealing nothing?

A. (Through interpreter) I do.

PROSECUTION: You are reminded that if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or Commission.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the Commission.

A. Narumi Nishio.

Q. Are you a policeman attached to the Meguro Police Station?

A. Shibaya Police Station.

Q. Were you on duty the evening of the 19th of July, 1946?

A. Yes.

Q. Were you assigned as a platoon leader?

A. Yes.

Q. Was Horinouchi in your platoon?

A. Yes.

Q. Did you see him on the night of the 19th of July?

A. Yes.

Q. Did he give you anything at that time?

A. On the morning of the 20th about 5:30 a.m. he brought a magazine with several rounds in it to me.

Q. What did you do with the magazine which he gave you?

A. First I asked him where he got this magazine and then I brought this to Assistant Police Inspector, Chief Investigator Nomura.

Q. Will you step to this table and, if you can, identify the magazine which he gave you?

A. This is it.

PROSECUTION: I would like the record to show, if the Commission please, that the witness identified Prosecution's Exhibit No. 14.

Q. At what time of the day did you give what you have identified as Prosecution's Exhibit No. 14 to Inspector Nomura?

A. I believe it was around 5:35 a.m.

Q. State if you know how many rounds were in the magazine.

A. There were eight rounds in it.

PROSECUTION: No further questions.

PRESIDENT: Questions by the defense?

CROSS EXAMINATION

Questions by defense:

Q. At the time Horinouchi gave you the magazine, were you standing on the porch of the police station?

A. Yes.

Q. At that time was it light or was it dark?

A. It was light.

Q. Could you see any persons searching for evidence at that time?

A. Yes.

Q. About how many were searching for evidence?

A. I do not remember for sure, but there were seven or eight in that vicinity.

Q. In what vicinity?

A. In the little garden by the truck that had stopped.

Q. Did you see any other persons searching for evidence?

A. No.

Q. Did you see any persons searching for evidence in any other place?

A. No.

Q. Did you see any persons searching for evidence along the street in front of the police station?

A. No.

Q. Did you see any persons searching for evidence anywhere along the street within your vision?

A. I saw people within my line of vision, but I do not know whether they were searching for evidence or not.

DEFENSE: No other questions.

PRESIDENT: Any redirect?

PROSECUTION: No, sir.

PRESIDENT: Questions by the Commission?

EXAMINATION BY THE COMMISSION

Questions by members:

Q. Do you know if anyone looked in the river near the truck for evidence?
A. I do not know.

PRESIDENT: Any questions by the defense or prosecution? There appear to be no further questions. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Katsuji Sugano.

PRESIDENT: The Commission will take a five minute recess.

The Commission then took a recess until 1115, at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats.

Katsuji Sugano, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with your conscience do you swear to tell the truth, hiding nothing and concealing nothing?
A. (Through interpreter) I do.

PROSECUTION: The witness is reminded that if he does not tell the truth as he has just sworn to do, he is liable to punishment by this Commission or any other American court or commission.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the Commission.
A. Katsuji Sugano.

Q. Are you the secretary to the Criminal Investigation Section of the Shibuya Police Department?
A. Yes.

Q. As such is it your duty to accept evidence which has been collected by the police?
A. Yes.

Q. Do you work under the direction and supervision of Assistant Inspector Nomura?
A. I keep the records of Chief Investigator Nomura.

Q. Were you on duty at the Shibuya Police Station the night of the 19th of July and the morning of the 20th of July?
A. Yes.

Q. In your capacity as secretary, did you receive any evidence on the night of the 19th of July?

A. Yes.

Q. What evidence did you receive?

A. Before I received the evidence, I discovered a pair of pliers.

PROSECUTION: Will the reporter repeat the question?

The reporter read back the last question.

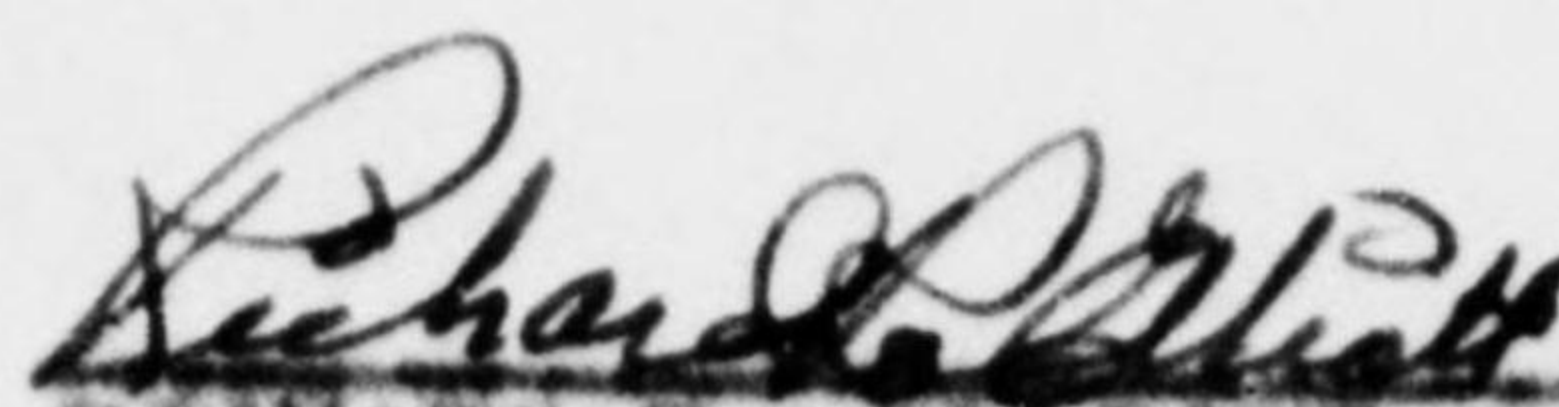
A. I received one 11th year model large pistol and four rounds of ammunition wrapped in paper from Police Sergeant Nunome, and he received these from the finder Wakagawa of the Meguro Police Station. I put these in an envelope and put the name and the place of discovery and the number on a piece of paper and put them on the gun. Policeman Yamazaki brought to me one Colt pistol with six rounds of ammunition. There is a desk in front of me, and when Yamazaki pulled back the slide on this pistol, a round fell out and I cautioned him and took out the magazine. I also numbered this evidence. Policeman Kurimata brought to me two clubs and one iron rod, and in the same way I put the place where it was found, the time it was discovered and the name of the finder on a piece of paper and put it away. I received four iron rods and one club from Policeman Shibasaki and I did the same thing with these. I received two clubs and one jackknife from Policeman Egawa, and I also tagged these items. From Policeman Yasuzaki I received one square stick and from Policeman Hosokawa I received one cider bottle with about one inch of gasoline, and I tagged these and put them away too, and I found one pair of pliers outside. While I was inside the police station I heard a shout outside from the direction of the truck, somebody shouting, "I found a pistol." I went out to the truck, and facing the rear of the truck in the left corner I found this pair of pliers, and I thought this had some value as a piece of evidence, so I brought this with the other evidence.

Q. What if anything was turned in to you on the 20th of July?

A. Assistant Police Inspector Miyauchi brought a small Simpson pistol with four rounds, and this was found by Policeman Yanagimoto. I wrote the number, the place where it was found, the time where it was discovered, and the name of the finder on a piece of paper, and took out the four rounds, put them in an envelope, and put them away with the other evidence. From Assistant Inspector Nishio I received one Browning magazine with eight live rounds, and Policeman Horinouchi was the one that found these items. I placed these in an envelope and I put the number, the place of discovery, time and the finder's name, and put them away together with the other evidence. From Policeman Kurimata I received one large cartridge case and I put this in an envelope and also tagged it with the number, place, time and the finder's name. That is all.

PRESIDENT: At this time the Commission will adjourn to meet Friday morning at 0900.

The Commission then, at 1135 on 16 October 1946, adjourned to meet at 0900 on 18 October 1946.


RICHARD H. ELLIOTT
Major, Chief Prosecutor

Metropolitan Police Station
Tokyo, Japan
18 October 1946

The Commission met, pursuant to adjournment, at 0915, all the personnel of the Commission, prosecution and defense, who were present at the close of the previous session in this case being present.

The accused, interpreters, reporter, and Mr. George T. Hagan were also present.

PROSECUTION: The witness is reminded he is still under oath.

Questions by prosecution continued:

Q. You are the same Sugano that testified at the last session of this Commission?

A. Yes.

Q. Did you receive on the 20th any other evidence other than what you have already testified to?

A. Yes.

Q. What else did you receive?

A. There isn't any.

Q. After you had received the various items to which you have previously testified, what did you do with them?

A. I put them in the evidence cabinet and locked it.

Q. State whether or not on the 20th of July, 1946 you assisted in the making of photographs of the weapons you received.

A. Yes.

Q. What part did you take in the making of these photographs?

A. I brought the weapons from my room to the Crime Prevention Office, where they took the pictures.

Q. State if you know who made the pictures.

A. Police Officer Kondo in charge of the crime prevention.

Q. Were you present at the time the photographs were made?

A. Yes.

Q. Was there anything contained in the photographs which we have not identified here as being evidence received by you?

A. I think all the weapons that were photographed had been presented as evidence.

Q. Will you step to the table and identify, if you can, what was turned over to you and by whom?

A. Yamazaki brought this.

PROSECUTION: If the Commission please, I'd like the record to show that the witness picked up Prosecution's Exhibit No. 7.

A. (Continued) Police Officer Kurimata brought this. Shibasaki brought this. Egawa brought this. I do not know who brought this. Sergeant Hosokawa brought this bottle. Police Officer Kurimata brought this. Assistant Police Inspector Nishio brought this. Sergeant Nunome brought this. Police Officer Yasuaki brought this. Assistant Police Inspector Miyauchi brought this. Sergeant Nunome brought this. I brought this. We got this from the drum can. We got this from the fuel can.

PROSECUTION: If the Commission please, at this time I'd like the record to show that the witness identified all of the exhibits which at this point have been marked for purposes of identification.

LAW MEMBER: The record will so show.

PROSECUTION: No further questions.

DEFENSE: No questions.

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Mitsuru Kondo.

Mitsuru Kondo, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with my conscience I swear to tell the truth, hiding nothing and concealing nothing.

A. (Through interpreter) I do.

PROSECUTION: Do you understand if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?

A. Yes.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name.

A. Mitsuru Kondo.

Q. You are a Japanese police officer attached to the Shibuya Police Station?

A. Yes.

Q. State whether or not you are the police photographer for the Shibuya Police Department.

A. Yes.

Q. Were you so serving on the 20th of July, 1946?

A. Yes.

Q. Did you make any photographs on the 20th of July, 1946 at the Shibuya Police Station?

A. Yes.

Q. At whose orders were these photographs made?
A. Chief Investigator Nomura.

Q. Was anyone else present at the time the photographs were made?
A. Police Officer Sugano was present.

Q. Were tags attached to the weapons prior to the time that you made the photographs, identification tags?
A. Yes.

Q. State if you know who made out those tags.
A. I do not know, but I believe Police Officer Sugano made these.

Q. At what time of the day were the photographs made?
A. About 1000 on the 20th of July.

Q. How many different photographs did you make at that time?
A. I made three cabinet size photographs, and four quarter size photographs.

Q. How many photographs did you make of the weapons?
A. Four quarter size photographs of pistols, and I also took one quarter size photograph of all the pistols assembled. I also took a photograph of the cartridges on a cabinet size photograph.

Q. Will you ask him the question again, please?

The reporter read back the last question.

A. I took four quarter size photographs of the pistol, one cabinet size of the pistol all assembled, one cabinet size of the sticks, cider bottles and pistols all assembled together, and one picture of the truck.

PROSECUTION: At this time, if the Commission please, I'd like to have these marked for purposes of identification.

DEFENSE: No objection.

Q. I hand you these photographs and ask you to state whether or not you made these pictures.

A. Yes, there is no mistake.

PROSECUTION: I'd like the record to show that Prosecution's Exhibit No. 17 for identification is a photograph of eleven clubs, three pistols, four pistol magazines, one cider bottle, four rounds of 45 ammunition, 6 rounds of 45 ammunition, eight rounds of 32, a pocket knife and a pair of pliers. Prosecution's Exhibit No. 18 is a photograph of three pistols, four magazines—on 17 there is one empty cartridge case, 45 caliber.

PRESIDENT: Isn't it a fact that Exhibit 17 shows the exhibits No. 6 to 16 inclusive? In addition thereto, a pair of pliers.

PROSECUTION: That is correct, sir.

PRESIDENT: Please so state.

PROSECUTION: Yes, sir. Exhibit No. 18 is a photograph of Prosecution's Exhibit No. 11 with eight rounds of ammunition and a magazine and a

photograph of Prosecution's Exhibit No. 13, a magazine and three rounds of ammunition, and Prosecution's Exhibit No. 14 with eight rounds of ammunition, Prosecution's Exhibit No. 6 with magazine and six rounds of ammunition.

PRESIDENT: Exhibit No. 18 shows in addition thereto Exhibit No. 15 and 16, does it not?

PROSECUTION: Yes, sir, it does. Prosecution's Exhibit No. 19 is a photograph of Prosecution's Exhibit No. 11. Prosecution's Exhibit No. 20 is a photograph of Prosecution's Exhibit No. 6. Prosecution's Exhibit No. 21 is a photograph of Prosecution's Exhibit No. 13. Prosecution's Exhibit No. 22 is a photograph of Prosecution's Exhibit No. 14 and No. 16. At this time if the Commission please, I'd like to offer these photographs in evidence.

LAW MEMBER: Any objection?

DEFENSE: No objection.

LAW MEMBER: They will be admitted into evidence and marked Exhibits 17 to 22 inclusive.

PROSECUTION: At this time, if the Commission please, I'd like to offer Prosecution's Exhibits No. 7 through 16 in evidence.

LAW MEMBER: Any objection?

DEFENSE: No objection.

LAW MEMBER: They will be admitted in evidence and so marked.

PROSECUTION: No further questions of this witness.

PRESIDENT: Questions by the defense?

DEFENSE: No questions. *Cross*

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Takeichi Suzuki.

Takeichi Suzuki, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with my conscience I swear to tell the truth, I will hide nothing, I will conceal nothing.

A. (Through interpreter) I do.

PROSECUTION: Do you understand if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?

A. Yes.

DIRECT EXAMINATION

Questions by prosecution:

- Q. State your name to the Commission.
A. Takeichi Suzuki.
- Q. What business are you engaged in?
A. Driving vehicles.
- Q. For what company do you drive vehicles?
A. Nihon Bashi Transportation Company.
- Q. Were you so employed on the 19th of July, 1946?
A. Yes.
- Q. Did you drive one of the Company's vehicles during the incident which took place at the Shibuya Police Station?
A. Yes.
- Q. State whether or not after the incident was over you discovered clubs in your truck.
A. Yes, there were.
- Q. How many clubs were there?
A. Three.
- Q. When did you discover these clubs?
A. On that day.
- Q. How many clubs were there?
A. Three.
- Q. What were you doing between 2:00 and 3:00 in the afternoon of July the 19th, 1946?
A. I was waiting in front of the primary school.
- Q. Had you washed your truck on the afternoon of the 19th of July?
A. Yes.
- Q. Was there anything left in the bed of your truck after the washing?
A. No.
- Q. Did you haul any passengers during that day which carried clubs?
A. Yes.
- Q. I'll ask you to step to this table and, if you can, identify the clubs which you found on the truck.
A. These are the ones.
- PROSECUTION: At this time, if the Commission please, I'd like this to be labeled for purposes of identification as Prosecution's Exhibit No. 23.
- LAW MEMBER: They will be so marked.
- Q. What did you do with these clubs when you found them?
A. Since there were bloodstains on the club, I washed it and stored it.

Q. Did you turn the clubs over to anyone?

A. On the 21st I handed the clubs over to Police Inspector Ueda of the Metropolitan Police.

PROSECUTION: No further questions.

CROSS EXAMINATION

Questions by defense:

Q. When did you discover the clubs which you have just identified?

A. About 2130 on that day after I finished my work.

Q. Did you find anything else on your truck?

A. There was a seriously injured person on the truck.

Q. Which truck were you driving on the night of 19th of July?

A. You want the number? 88315.

Q. Approximately how many trucks were with you when you drove--

PROSECUTION: If the court please, that's a collateral issue, improper on cross examination. I object to it.

DEFENSE: If it please the court, the witness testified that he drove one of the trucks that night and these clubs were found on the truck.

PROSECUTION: That's correct.

DEFENSE: I'm trying to find out which truck it is so that we may know which truck of the group those clubs came from.

LAW MEMBER: Objection is overruled.

PROSECUTION: I ask that the defense be bound by this witness's testimony on collateral issues, since he is making him his own witness.

LAW MEMBER: It is so ordered.

DEFENSE: If the court please, we object to making this witness our own witness on cross examination. We can't be bound by his replies. We don't know what he's going to testify to. We've had no opportunity to discuss this matter with this man.

LAW MEMBER: You may call him as your own witness.

DEFENSE: We don't wish to call him, if the Commission please. We want him on cross examination.

LAW MEMBER: Proceed with the cross examination.

Q. What is your nationality?

PROSECUTION: If the court please, I still maintain that this is a collateral issue. It's not proper cross examination.

DEFENSE: If it please the court, I believe it is proper cross examination.
I'm trying to show the bias and prejudice of this witness.

LAW MEMBER: Objection is overruled.

A. I am a Japanese.

Q. Following the incident on 19th of July, 1946 were you investigated by the Japanese police concerning that incident?

A. Yes.

DEFENSE: No further questions.

PRESIDENT: Any redirect?

PROSECUTION: No redirect, sir.

PRESIDENT: Questions by the Commission?

EXAMINATION BY THE COMMISSION

Questions by members:

Q. How did the person you found in the truck in a serious condition become injured?

A. He was shot with a pistol.

Q. How do you know?

A. There was some shooting in front of the Shibuya Police Station when I was driving the car.

PRESIDENT: Any questions by prosecution?

PROSECUTION: No, sir.

DEFENSE: No questions.

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: The prosecution calls as its next witness Ryozo Ueda.

Ryozo Ueda, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with my conscience I swear to tell the truth, hiding nothing and concealing nothing.

A. (Through interpreter) Yes, I do.

PROSECUTION: Do you understand if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?

A. Yes.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the court.

A. Ryozo Ueda.

Q. What is your official capacity with the Japanese police department?

A. Police Inspector of the Metropolitan Police.

Q. Are you acquainted with Takeichi Suzuki?

A. Yes, I am.

Q. Did you see him on the 21st of July, 1946?

A. Yes.

Q. What did you see him about?

A. Since I heard that driver Suzuki had some connection with the Shibuya incident, I inquired him about the situation.

Q. Did he turn over anything to you at that time?

A. Yes.

Q. What did he turn over to you?

A. Two octagonal sticks and one round stick, three in all.

Q. I ask you to come to the table here and, if you can, identify the sticks he turned over to you.

A. These are the ones.

PROSECUTION: If the Commission please, at this time I'd like the record to show that the witness identified Prosecution's Exhibit No. 23.

Q. On Prosecution's Exhibit No. 23 there appears to be some writing. Will you consult that paper and tell us what it says?

A. It says, "Evidence: Shibuya incident, two large sticks, one small stick. Finder: Suzuki Takeichi. Date: July 21st, 1946."

Q. State if you know who wrote that paper?

A. Yes. Police Detective Uehara wrote this. He is my subordinate.

Q. State whether or not Prosecution's Exhibit No. 23 has been in your official custody since the 21st of July, 1946.

A. Yes.

PROSECUTION: At this time, if the Commission please, I'd like to offer Prosecution's Exhibit No. 23 into evidence.

LAW MEMBER: Any objection?

DEFENSE: No objection.

LAW MEMBER: It will be admitted and so marked.

Q. I hand you again Prosecution's Exhibit No. 23 and ask you to state whether or not there are any markings on one of these clubs?

- A. The word "kijina" is written on there. On the other "Yaesu Boy Scouts" is stamped with a rubber stamp.

PROSECUTION: No further questions.

PRESIDENT: Questions by the defense?

DEFENSE: No questions. *No Cross*

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: If the court please, our next witness will touch on another phase of the case and will be questioned at some length. I move that we take the morning recess at this time before we put him on the stand.

PRESIDENT: The Commission will take a ten minute recess.

The Commission then took a recess until 1025, at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats.

PROSECUTION: The prosecution calls as its next witness Tomoroku Shizuka.

Tomoroku Shizuka, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with my conscience I swear I will tell the truth, hiding nothing and concealing nothing.

A. (Through interpreter) I do.

PROSECUTION: Do you understand if you do not tell the truth as you have just sworn to do, you are liable to punishment by this court or any other American court or commission?

A. I do.

DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the Commission.

A. Tomoroku Shizuka.

Q. What is your official position with the Japanese police department?

A. Assistant Police Inspector.

Q. Are you attached to the Metropolitan Police Board?

A. Yes, the Criminal Investigation Department, Second Detective Section.

Q. Were you so serving on the 20th of July, 1946?

A. Yes.

Q. Did you have an occasion on the 20th of July, 1946 to conduct an interrogation of persons alleged to have been involved in the Shibuya Police Station incident?

A. Yes.