

to the police boxes on the two respective routes in his area. Surely he knows that without looking, without any question. "Did you call the station?" "Yes, I did." He remembered that without looking. "What did you tell him?" Any memorandum, the fact that he has them in his lap doesn't mean he is reading from them, and we're perfectly willing if translation can be provided, to furnish the court with a complete English translation of the complete record, but it's a physical impossibility to do so, and anyone knows that if he objects we can ask tomorrow that the chief bring down the voluminous records of the police station, and then he can refresh his memory from them if the court wishes, but certainly if the chief under oath says he is refreshing his memory from the extract copy of the official records of the police station, he is certainly permitted to do so.

LAW MEMBER: Is the defense making a formal objection?

DEFENSE: Yes, because the prosecution has just stated that he does not have to refer to the notes as to the evidence he has just been giving with respect to police boxes and instructions. Yet the last ten or twenty minutes he has been referring to his notes.

LAW MEMBER: Objection is overruled.

PRESIDENT: The Commission will adjourn until tomorrow morning at 0900.

The Commission then at 1600 on 1 October 1946, adjourned to meet at 0900 on 2 October 1946.

Richard R. Elliott
RICHARD R. ELLIOTT
Major, Chief Prosecutor

Metropolitan Police Station
Tokyo, Japan
2 October 1946

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

The accused, interpreters and the reporter were also present.

PRESIDENT: The Commission is in session.

PROSECUTION: The witness is reminded that he is still under oath. At this time, if it please the Commission, I would like to point this out. It's just been brought to my attention that one of the defendants was not in court yesterday in the afternoon session, that is, Chin Kin Lyu, the defendant wearing the white suit who was not in the stockade but is being held in custody of the Japanese police. Through error he was not noticed yesterday afternoon. It's just been brought to my attention this morning. The accused is No. 43 in the numbering of the court.

PRESIDENT: The trial will proceed.

Questions by prosecution continued:

- Q. At what time in the afternoon did you have all the reserve policeman which you had asked for at your station?
- A. A little after 5:00. It was before 6:00 when everybody was assembled.
- Q. When they all were assembled what did you do with them?
- A. We formed units and dispersed them.
- Q. Did you give instructions as to how they should be dispersed?
- A. I gave them the picture of the general situation and the probability of attack and we also told them the necessity of protecting the station.
- Q. Did you give any orders as to how they were to be deployed?
- A. I designated a general place where they were to be stationed, and the assistant police inspector took them there.
- Q. What is the name of the assistant inspector?
- A. All of the assistant police inspectors.
- Q. Were all of the assistant inspectors there when you gave the orders for deployment?
- A. I ordered my police inspector and my police inspector ordered assistant police inspector.
- Q. Who is the police inspector that you ordered?
- A. Keizo Hyozo.
- Q. What orders did you give Keizo Hyozo as to the dispersal of the forces?
- A. One, to stop all passing cars and to inspect and interrogate the occupants as to their destination and business and to inspect what's in the car. Two, the use of weapons, not to fire their pistols if the Formosans do not start anything. Use weapons only if the Formosans start to use the clubs and their pistols.

Q. My question was what orders you gave to your inspector as to the deployment of your forces as to where you were to put them, the dispersal of the forces was the question.

DEFENSE: If it please the Commission, I believe the interpreters have some question as to the last translation.

PRESIDENT: All right, the court interpreters and the prosecution and defense interpreters will consult with each other and arrive at a correct translation.

INTERPRETER: I would like to change that, the second section of the part concerning the weapons. "Use weapons only if they penetrate into the station and start using the clubs and the weapons."

Q. (Continued) Using the police station as a nucleus there is a road. The road of attack is in front of the station and there is another road at the side of the station. Police were stationed at each end of the road and in front of the station. They were also stationed in the station and in the yard of the police station.

Q. From how many directions may the police station be approached?
A. Two roads.

Q. And did you order guards placed on each of these roads?
A. Yes, I did, on three places on the road.

Q. I ask you to go to the map which is Prosecution's Exhibit No. 1 and point out around the police station.
A. This is the police station.

Q. I ask you to take this blue pencil and draw diagonal lines across the building known as the police station so that it will be more visible on the exhibit.
A. This is the building.

Q. I now ask you to take the blue pencil and to draw horizontal lines in blue over that portion of the police station known as the front porch or the entrance porch. Again referring to the map I ask you to indicate from how many directions on the map the police station may be approached by vehicle.

PROSECUTION: I'd like to have the record show, subject to objection, that the witness had indicated a direction from the right of the map as you face it, from the left of the map along the road as you face the map, and from directly across the police station as you face the map.

Q. Did you at that time order police to be deployed on these three roads which you have just indicated?
A. Yes, I did.

Q. Indicating a position on the map at the bottom of the map as you face it, which would be in the rear of the police station, I ask you if it can be approached by vehicle from that direction?
A. There is a church in back, there is a cliff back there, so you cannot approach it from there.

- Q. In addition to ordering your forces deployed on the three approaching routes as you have indicated, where else did you order your forces to be deployed?
- A. In front of the station, inside the station, over here on the side.
- Q. Indicating a position looking at the map immediately adjacent to the station on the left as you face the map, that portion you have indicated, what is it?
- A. It's a side gate to the police station. It's a roadway to the side gate of the police station.
- Q. Did you order any deployed in any place else than those you have indicated?
- A. In the yard of the police station so they can be used any place. One unit of about thirty men was placed there to protect the inside.
- Q. You testified yesterday that the total number of men you had in the late afternoon including your own forces were 386 policemen. Were all these policemen there at the time that you made this deployment that you have just indicated?
- A. Yes, they were.
- Q. Were all these men deployed, were they all regular policemen or what did your force consist of?
- A. Most of the policemen were uniform policemen and a small portion of them were plainclothes men from my unit. There were only enough plainclothes men which can be counted.
- Q. You say there were uniformed policemen. Were they dressed in their white uniform or their blue uniform?
- A. They were all mixed up, white and black.
- Q. By that you mean some had the white uniform and some had the black?
- A. Yes.
- Q. You mentioned that you had a group stationed inside the police station. Who composed that group?
- A. Uniformed policemen and plainclothes men.
- Q. Anyone else in that group outside of uniformed police men?
- A. I do not think there was any.
- Q. At this time were the office workers still in the building or not?
- A. There was some called junior policemen.
- Q. Were they also deployed at this time?
- A. He did not use them.
- Q. Were the men who acted as clerks in the police station deployed or used at this time?
- A. He did not use them. One portion left but the rest remained inside.
- Q. You mentioned that you had a reserve force. Of what were they composed?
- A. They were uniformed and plainclothes men.
- Q. At what time of the day was this deployment made?
- A. At the time of the 7:00 o'clock report we were finished.

Q. Approximately how many hours or how long after the deployment was completed was it before the vehicles approached?

A. Forssen automobiles?

Q. Yes.

A. The attacking automobiles?

Q. Yes.

A. About two hours, as I remember.

Q. And during those two hours the men remained at the positions which you have indicated?

A. Yes, they were.

Q. You testified that you issued two orders at the time that you talked to the inspector of police. Will you tell us what the first order was?

A. The first order was all the vehicles passing on that street and the street coming down in front of the police station were to be stopped and the vehicle inspected and the occupants questioned.

Q. What was the second order he gave?

A. It was the use of the weapons.

Q. What was that order?

A. Do not fire until they fire. The second order was if they come into the police station with their pistols and their clubs and start being rough, then use your pistols.

DEFENSE: At this time if the Commission please we have noticed that the witness is carrying something in his right rear pocket which looks as if he might be carrying a pistol. I don't believe that's proper for a witness in court to be armed, in addition to the spectators in the rear.

PROSECUTION: If the court please, the witness is a policeman. He's testified he is chief of police in Shibuya Police Station. I see nothing wrong with a policeman in uniform coming on the witness stand armed. There's no objection to taking it off. I more or less resent the implication of defense, though, in saying it's improper.

DEFENSE: I'll leave that up to the Commission to decide.

PRESIDENT: It's contrary to the customs for a witness to appear armed in court. There is ample protection furnished. The witness will remove any arms he might have.

PROSECUTION: I'd like to have the record show, however, that the chief of police being of Japanese nationality is unfamiliar with the rules of an American court and undoubtedly it's an inadvertance on his part.

Q. After you completed this deployment of your troops at 1900 hours, what did you do?

A. We did not do anything particular after that.

Q. Were you in contact with your police boxes of your ward?

A. Yes, we were. We ordered them to report if they saw Forssens' trucks, the direction of their travel, the number of men and the number of trucks.

Q. During that interval did you receive a report that an armored car was in your ward?

DEFENSE: I believe that's a rather leading question. You've been using them all morning asking him about the attacking force. I believe you can merely ask him what happened and what reports were given, and the witness will answer the questions.

LAW MEMBER: Are you making an objection?

DEFENSE: Well, I'd object to that type of questioning, yes, sir.

LAW MEMBER: All right, now I'll make a rule. The same rule that applies in war crime trials will apply here. In examination or cross examination of non-English speaking witnesses, leading questions may be asked. That is in order to elicit direct answers and expedite the trial.

A. As I remember, at around 5:00 o'clock that evening a major arrived and told me that there will be an armored car from the First Cavalry Division in front by the police box in front of the Shibuya Station. They told me that if anything happened, "call for us there." They stayed till around 6:00 o'clock, as far as I remember.

Q. By station do you mean the Shibuya Police Station or the Shibuya Railroad Station?

A. By the police box in front of the Shibuya Railroad Station.

Q. How far is the Shibuya Railroad Station from the Shibuya Police Station?

A. Approximately 300 meters.

Q. And that car was there from about 5:00 o'clock until about 6:00 o'clock?

A. Yes, it was.

Q. Did they report to you as they were leaving?

A. Yes, they did.

Q. Had you requested the First Cavalry Division to send that armored car to your ward?

A. I did not request it.

Q. Do you know who did?

A. I do not know. The police did not request it.

Q. After you completed your deployment of your policemen and prior to the arrival of the vehicles carrying Formosans when the shooting occurred were there any vehicles which passed in front of your police station carrying any Formosans?

DEFENSE: Is that type of question to be considered as a leading question?

LAW MEMBER: Read the question.

PROSECUTION: Strike the question. It's probably too long anyway and will lead to a confusing answer. I'll withdraw the question.

DEFENSE: It's not that it was too long that I was objecting.

Q. After you had completed your deployment, did any vehicles carrying Formosans pass in front of your police station?

A. I did not see them pass, but I had a report about them passing.

Q. Approximately what time was that?

A. It was still light then, so I believe it was a little after 7:00. There was a taxi or sedan which passed and he was stopped at this check point.

Q. Were any other vehicles stopped at or about that time?

A. At that time a truck with Formosans was ordered to stop but it went by at full speed.

Q. The orders you issued to stop vehicles, was it given before or after this report that the truckload of Formosans went through without stopping?

A. It was after the order to examine them.

Q. Approximately what time did it get dark that evening?

A. I think it was around 7:30.

Q. At 2100 or 9:00 o'clock that evening was it dark at the Shibuya police area?

A. Yes, it was.

Q. Where were you at 2100 that evening?

A. I was in my police chief's room. It was dark, but stars were out.

Q. Did you leave the police station after 2100 hours?

A. I was in the police chief's room until the incident occurred.

Q. What occurred?

A. I assembled all the assistant police inspectors and spoke to them about the Formosans and the present situation. At that time I heard a whistle and at the same time I heard a loud commotion outside.

PROSECUTION: At this time I'd like to tell the witness not to talk for such a long time because it makes it more difficult for the interpreter and possibly a lot of the testimony may be lost, so I ask the witness to only tell a bit of what happened and then hesitate and give you a chance to interpret.

Q. Continue. What did you do when you heard this whistle and commotion?

A. At that time I thought the attack had started and I told the assistant police inspector to go back to their respective units. I then ran outside to this place, to the scene, without my hat on.

Q. When you arrived outside, what did you see?

A. On the left road of the police station as you go out there were five or six cars and they were surrounded by police.

Q. What type of cars or vehicles were they?

A. At the head of this column was a jeep and as I ran out that's where I went.

Q. Were the cars in motion or had they stopped when you ran out?

A. They were stopped.

Q. Who was with you when you approached the vehicles?

A. When I ran out I was with myself, so I don't know who followed me out. When I ran out and stopped at the jeep there was a police sergeant by name of Kojima.

Q. What was Kojima doing when you came up to the jeep?

A. Kojima was motioning for the occupants of the truck to get out.

Q. And what happened next?

A. I went to the scene and at that time the feeling was tense and I told the police to withdraw a little.

Q. By "withdraw a little" what do you mean?

A. The police were standing right by the truck and they could have been hit easily, so I told them to withdraw and then I believe the police were trying to make them get off the truck and take away their weapons.

Q. What were the Formosans in the truck doing at this time?

DEFENSE: May it please the court, there hasn't been any evidence as to the identification of the persons on the truck.

PROSECUTION: I withdraw the question.

Q. Who was on the first truck?

A. When I first saw the truck I knew them to be Formosans.

Q. What were the Formosans on the truck doing when you ordered the police to withdraw from the truck?

A. As I arrived at the truck they were talking with the persons in the jeep. Shall I speak of that first?

Q. No. He testified that he ordered the police to withdraw from the trucks. I ask you what were the Formosans doing at the time that you ordered the police to withdraw from the truck?

A. At that time they would not listen to anything anybody would say and they were on the verge of hitting the policemen.

Q. Well, what were they doing? Describe what they were doing.

A. They were saying bad things like bakayaro, for instance, and they were swinging around their clubs.

Q. What does bakayaro mean?

A. It is a very degrading term.

Q. It's a degrading term, but what does it mean?

A. In English bakayaro means foolish, but I don't think that's the only meaning.

Q. Was it only one person who was talking and brandishing a club, or was it more than one?

A. Almost all of them were doing it.

Q. Were they talking in a loud voice or a low voice?

A. In a loud voice. It was loud enough so that I could hear it from my police chief's room.

- Q. Did you approach any of the vehicles as you came out of the station?
A. I went close to the jeep and stood there.
- Q. Did you have any conversation with the people in the jeep?
A. Yes, I did.
- Q. Tell us what occurred at the jeep.
A. On the right of the driver's seat in the jeep a fat man was sitting there and I believe this man was a Formosan because of his language. At that time I had on a white uniform and they asked me if I was the police chief Tsuchida.
- Q. Continue to describe what occurred.
A. I was surprised because they knew my name and at that time I said yes.
- Q. Continue.
A. At that time the headlight of the car in back was shining on me. When the headlight of the truck was shining on me I turned around and on the truck I saw Formosans, and at that time I told the man sitting next to the driver's seat in the jeep, "Are you the Formosans?" and then I asked, "Where are you going?" and then they said they would return quietly to the headquarters.
- Q. How many persons were in the jeep?
A. As I remember I think it was seven, but it might be one difference either way.
- Q. Do you know whether the people in this jeep were Formosans or Chinese?
A. Later we spoke some more and I found out that they were all Formosans. I don't know what the driver was, but the rest were all Formosans.
- Q. Did you have any further conversation with the people in the jeep?
A. Then I told them to pass on quietly and then I told the assistant police inspector Miyauchi to get on the jeep and guide them.
- Q. Before you told Miyauchi to get on the jeep, what was the conversation between you and the people in the jeep?
A. Just as Miyauchi was going to get onto the jeep, the occupants of the jeep started to talk to me in a coarse way.
- Q. Before you told them to continue, what was said between you and the persons in the jeep?
A. After I told them to pass on quietly, then I told Miyauchi to get on the jeep. Then at that time as Miyauchi was trying to get on the jeep they said, "What's the meaning of all this?" and pointed to all the policemen surrounding the vehicle.
- Q. The question was as to the conversation. We want the entire conversation that occurred between him and the person or persons in the jeep, the entire conversation from the time he started till he finished.
- DEFENSE: Perhaps the witness has already given it. You've asked him that several times.
- PROSECUTION: Unfortunately I don't understand Japanese or I probably would know.

DEFENSE: Well, I believe the interpreter is interpreting everything he said.

Q. I'm asking him to give the entire conversation.

A. Shall I tell it over again? They looked at me and said, "Are you the Police Chief Tsuchida?" and I said, "Yes, I am Tsuchida," and then I said, "Are you the ones?" and then I said, "Well, this is a difficult situation," and then they said, "For today we will return quietly to our headquarters."

Q. Continue with any conversation that occurred.

A. Then I said, "Pass on and return quietly." I said, "Pass on quietly."

Q. Was it at that point that you ordered Miyauchi to get on the jeep?

A. Yes, I did. At that time Miyauchi was there so I told him to get on the jeep.

Q. Who is Miyauchi?

A. He is assistant police inspector.

Q. Why did you order him to get on the jeep?

A. A policeman was stationed up ahead and I didn't want another incident to occur over there so I told Miyauchi to get on to guide him.

Q. In what color uniform was Miyauchi dressed?

A. I do not remember.

PRESIDENT: The Commission will take a ten minute recess.

The Commission then took a recess until 1045 at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats.

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

Q. After you waved the jeep on and placed Miyauchi as an escort, what did you do?

A. I've forgotten a little of the conversation that went on. Would you like me to explain that?

Q. We want the full conversation that occurred between you and the occupants of the jeep. If you have omitted any portion of it, please give it now.

A. I asked the occupant of the jeep where he came from. He came from the Chinese Mission. This is all.

Q. After you finished talking with the persons in the jeep, what did you do?

A. After telling them to pass on but before the jeep had started, the three in the rear told me in a loud voice, "What is the meaning of all this," and pointed at the policemen who were surrounding the vehicles.

Q. Continue.

A. Then I told them, "These policemen are to protect you."

Q. Then what occurred?

A. Then the ones who rode between the rear seat and the driver's seat offered to shake my hand.

- Q. What did he say?
A. He said, "Thank you, police chief." Two or three of them shook my hands.
- Q. Then what occurred?
A. Then I stepped about two or three steps backwards and told them to pass on, so they went.
- Q. What was the second vehicle in the convoy?
A. It was a sedan.
- Q. Did you talk with the people in the sedan?
A. No.
- Q. During the time that you were talking to the people in the jeep, do you know what if anything was going on in the vehicles behind the jeep?
A. I do not. It's a fact that they were talking in a loud voice.
- Q. Could you hear them as you were talking to the occupants in the jeep?
A. Yes, they were making a disturbance.
- Q. I'll ask if you will indicate on the map, Prosecution's Exhibit No. 1, the point where you were standing at the time that you were talking to the occupants of the jeep. Make a small cross at the point where you were standing at the time that you were talking to the occupants in the jeep. Will you place the letter C right adjacent to the cross you have just made. Then the cross you have marked in blue pencil regarding which is the letter C is the place on the roadway where you were standing and talking to the occupants of the jeep?
A. Yes.
- Q. Will you now make a blue cross at the point on the roadway where you were standing after you stepped back and waved the jeep to go on? Will you write the letter D near that cross to indicate the same?

PROSECUTION: You may resume the stand.

- Q. As the sedan was passing you, did the occupants thereof talk to you?
A. No.
- Q. Did they say anything to you?
A. No, they did not.
- Q. What was the next vehicle that you saw?
A. It was a truck.
- Q. Do you know approximately how many persons were on that truck?
A. There were many persons on the truck, and I believe there were at least thirty.
- Q. What were they doing?
A. They were shouting in loud voices and calling out such things as bakayaro and sama o miro. Translating Japanese into English means, "You crazy fools," and "look at yourselves."
- Q. Approximately how many persons on the truck were calling out names such as he has just given?
A. Almost everyone in the truck.

- Q. In addition to that did they do anything else?
A. They were swinging their arms, but I do not know whether they had sticks or clubs.
- Q. After this first truck were there any more vehicles?
A. Yes, there were.
- Q. Do you know approximately how many people were in the second truck?
A. I cannot say exactly, but about the same as the previous truck.
- Q. What were they doing?
A. They were doing the same as the occupants of the other truck. They were shouting.
- Q. You have testified that the jeep had been ordered to pass on, that the sedan followed it, also testified as to the first truck and now the second truck. Did they all start and leave together, or was there an interval of time when each vehicle left the spot where it had been parked?
A. Almost the same time. I think the jeep left a little ahead and the others left the same time.
- Q. As you were standing on the street as this second truck was passing you, do you know the names of any of the officers who were standing near you?
A. I do not remember. I believe that Kojima was near me and I believe that Higuchi was also near. I am not sure but I think that Kinoshita was also near me.
- Q. Was Police Sergeant Haga near you?
A. At that time I did not know that Haga was standing near me.
- Q. Were there any more vehicles after the second truck passed you?
A. As far as I remember, I think there were some vehicles.
- Q. I ask you this. After the sedan, how many trucks did you see?
A. I believe three trucks.
- Q. Did you see the third truck? As you were standing on the street on the spot indicated did you see the third truck?
A. When I was standing by the jeep, I saw the jeep, the sedan and the first truck, and I did not see what followed, but when I stepped back and saw them pass I recall that there were three trucks.
- Q. Do you know approximately how many persons were in the third truck?
A. The three trucks had the same number of occupants.
- Q. What were the persons in the third truck doing?
A. The same as the occupants on the first two trucks. They were shouting and saying bad things. I heard from my subordinates later they were spitting on the officers.
- Q. By the words, "saying bad things" do you mean the words "bakayaro" and the other word which you used previously?
A. Yes.
- Q. Do you know who the people in these trucks were?
A. They were all Formosans.

Q. Will you continue and tell what occurred at this time?
A. After the third truck passed me about five meters, I heard three pistol shots. I saw the shots being fired from the last truck.

Q. By "last truck" what truck in this group of trucks do you mean?
A. It was the last of the three trucks.

Q. You mean the third truck?
A. Yes.

Q. Did you see the shots fired?
A. Yes.

Q. Do you know in what direction they were fired?
A. I saw that the occupant on the right side of the truck fired the shot in my direction. I saw the flash.

Q. Will you step to the map, prosecution's Exhibit No. 1 and with the blue pencil indicate with a small cross the spot where the truck was when this first shot was fired? Will you mark the letter E right adjacent to that cross?

PROSECUTION: All right, you may resume your seat.

Q. At the time that this shot was fired, do you know where Sergeant Haga was?
A. When the three shots were fired I saw the flash in my direction, so I looked back and for the first time I realized that Haga was there. I saw him hold his right shoulder and falter backwards.

Q. Was the shot that hit Haga one of those first three shots that you heard?
A. Yes.

DEFENSE: May it please the court, the witness can testify that he saw shots and he saw Haga holding his shoulder, but I don't believe the witness can testify that it was one of those shots that hit Haga.

LAW MEMBER: Are you making an objection?

DEFENSE: Yes, I am.

LAW MEMBER: Well, make an objection; don't just ramble on.

DEFENSE: No object to the last question.

LAW MEMBER: Do you have anything to say in answer to the objection?

PROSECUTION: I merely say that the police chief testified previously that he turned around as he saw the flash aimed in his direction and he saw the police officer Haga grab his shoulder. I think he is qualified to make an observation.

LAW MEMBER: Objection sustained.

Q. At the time when you turned around, what did you see Haga do?
A. I saw Haga hold his right shoulder and stagger backwards.

Q. What did he then do?
A. He fell forwards.

- Q. By that do you mean that he fell forward and to the ground?
A. Yes.
- Q. Did you learn later whether or not Haga had been wounded that evening?
A. Yes.
- Q. Will you step to the map, prosecution's Exhibit No. 1, and indicate the spot where Haga was standing when you turned and saw him grab his shoulder? Will you take this pencil and mark with a small blue cross as before the spot where he was standing?
A. This is the spot. There is a mark already.
- Q. Indicate with a blue cross. Adjoining that small blue cross place the letter F. Then the small cross adjoining which is the letter F is the spot where you saw Haga at the time that you turned and he grabbed his shoulder?
A. Yes.
- Q. After these three shots which you stated you heard and before you saw Haga grab his shoulder, were there any other shots fired?
A. There were shots being fired by the police officers before I saw Haga grab his shoulder.
- Q. After these shots, what happened?
A. I was standing in that position where I indicated and about ten seconds later I suddenly saw that the scene behind me lighted. I stepped toward the right.

PRESIDENT: Read that last answer.

The reporter read back the last answer.

- Q. Will you explain what you mean by the scene behind you lighted?
A. By that I mean that the headlight of a vehicle was shining on me and I stepped to the right because a vehicle came.
- Q. By that you mean a vehicle behind the third truck?
A. Yes.
- Q. After these first three shots, what further if anything did you see occurring on the third truck?
A. I did not see anything further.
- Q. In addition to these three pistol shots to which you have testified, did you see any other flashes or bursts of pistol shooting from any of the trucks?
A. Both sides were shooting.
- Q. Did you see flashes of gunfire from any of the trucks?
A. At that time I was not concerned about the shooting. I was concerned more of reporting this to the army as the shooting occurred and Haga was wounded.
- Q. What did you do at that time?
A. As I saw the headlight from another vehicle to the rear, I stepped aside to avoid being run over.

Q. Approximately how long did the shooting last?

A. As far as I remember, from two minutes to three minutes.

Q. Did you see any gun glashes other than the three pistol shots which you have told us about?

A. No, I did not see.

DEFENSE: May it please the Commission, I object to that question as already being answered by the witness.

LAW MEMBER: Objection sustained. It's true it has been answered.

Q. Do you know what happened to the vehicles that you saw in front of the police station?

A. After I avoided being run over I think the jeep and another vehicle that came, it's one of the vehicles that came after I avoided being run over.

Q. Do you know, I ask you again, what happened to the vehicles that you saw in front of the police station?

A. What do you mean by "the vehicles in front of the police station?"

Q. I did not ask that. Again, do you know what happened to the vehicles which you have told us about, the jeep, the sedan, the first truck, the second truck, the third truck? Where did they go?

A. They passed through.

Q. After you stepped aside when you saw this next truck coming, what happened?

A. I do not know what passed in front of me but two vehicles, either a jeep or a truck passed, and one of them struck something.

Q. What were you doing at that time?

A. I was standing there and drew my pistol out and started shooting.

Q. Was there any pistol firing from either of these two vehicles?

A. I actually did not see the shooting, but my subordinates told me that they were shooting.

DEFENSE: May it please the Commission, we object to the last part of that statement, what he did not see himself.

PROSECUTION: If it please the court, it was the report of his subordinate to the police chief, and I think he is in a position to testify to it.

LAW MEMBER: Find out if it was an official report. Find out who reported it to him.

PROSECUTION: It might save time. We have plenty of witnesses available. We have the witnesses here. I withdraw the question.

LAW MEMBER: Objection sustained.

Q. What did you next do?

A. Then I thought of reporting this to the MP right away and was worried about the conditions in the police station, so I went into the station.

Q. Did all of these vehicles which he saw at that time leave the area of the police station?

A. They passed in front of the police station.

Q. Did they all leave the area of the police station?
A. There was one truck which struck the building in front of the police station.

Q. Do you know which truck that was?
A. The last truck, the very last truck.

Q. Will you step to the map, prosecution's Exhibit No. 1, and indicate the spot where that truck struck the building? Do you know the spot where the truck struck the building?
A. I did not see at that time, but I saw this afterwards.

Q. When did you first see the truck?
A. You mean the collision?

Q. Yes, when the truck struck the building.
A. Next morning.

Q. Will you mark the letter G adjacent to the cross which you have just made on the map? Did that truck remain at that spot during the balance of that evening?

DEFENSE: May it please the Commission, I object to that question because the witness has just answered that he did not see the truck strike the building. He saw a truck there the following morning. Now the question is being put, is that where the truck struck the building.

LAW MEMBER: Objection overruled.

A. Yes.

Q. Did you see this truck strike the building or not?

DEFENSE: May it please the Commission, that question has been answered previously.

LAW MEMBER: Objection sustained.

Q. Where was this last truck the last time that you saw it?

DEFENSE: We object to that question as not being definite. The last time he saw it may be any time the following morning or thereafter. I don't believe that's the question the counsel means.

PROSECUTION: If the defense please, I thank him for the assistance.

Q. What was the last time you saw it that evening?
A. Is it after the collision?

Q. No, that evening.
A. I saw this truck pass me when I avoided being run over.

Q. Then what did you do?
A. I went into the police station and telephoned the MPs, the First Cavalry of the Eighth Army, and the Metropolitan Police Station.

Q. Were any arrests made that evening at the scene at Shibuya?

A. 27 occupants of the last truck.

DEFENSE: May it please the Commission, we object to that answer. He was asked were any arrests made, not who they were or where they came from. We object to that answer as not being responsive to the question.

LAW MEMBER: Objection overruled.

Q. Do you have a record of the persons who were arrested at that time?

A. I have.

Q. Have you that record with you?

A. Yes.

Q. Will you refer to that record at this time? What is that paper that you have in your hand?

A. This is a copy from the record at the police station.

Q. Do you know if that is a true copy of the record at the police station?

A. Yes.

Q. Is it a true copy of an official record of your police station?

A. Yes. There are 28 names on this list. One was riding the jeep.

PROSECUTION: I ask that this be marked Prosecution's Exhibit No. 3. At this time I'd like to offer in evidence Prosecution's Exhibit No. 3 and then ask that it be withdrawn so that a translation of same may be made.

LAW MEMBER: It will be received in evidence and marked Prosecution's Exhibit No. 3.

PROSECUTION: May I have permission to withdraw it so a translation may be made?

LAW MEMBER: You may.

Q. Do you have in addition to the number of persons who were arrested who are listed on this Prosecution's Exhibit No. 3, a record of any other persons who were arrested that evening?

A. No, I do not have.

Q. Were any other persons in addition to these arrested that evening?

A. These are the ones that were handled by us.

Q. Do you know if anyone else made any arrests that evening at the Shibuya area?

DEFENSE: May it please the Commission, we object to that question as being the third time it's been asked the witness.

PROSECUTION: The first time I've asked this question, if it please the court. I said, does he know if anyone else made any arrests. He's testified these arrests were made by the police.

DEFENSE: Well, may it please the Commission, he asked the witness before

whether any arrests were made that evening. He did not ask who made the arrests, and the answer was 27 persons were arrested. Now he's asked again whether any more arrests were made that evening.

LAW MEMBER: There are certain language difficulties, so the objection is overruled.

A. No, I have not heard anything to that effect.

Q. Do you know if there were any wounded persons who were found in the Shibuya Police Station area that evening?

A. Yes.

Q. What happened to them?

A. They were sent to the hospital.

Q. Do you know how many there were?

A. As I remember, seven persons.

Q. Do you have a record of the number?

A. It's not seven, it's nine persons.

Q. Did you at that time make an entry in the records of the police station as to the persons who were wounded?

A. Yes.

Q. Have you a copy of that record?

A. Yes.

Q. Have you it with you?

A. Yes.

Q. Will you refer to it?

DEFENSE: May it please the Commission, the defense will object to this record being introduced. There's been no evidence as to who made, who the wounded persons were, how it becomes an official part of the police records. This witness has not testified as to whether he saw the wounded persons.

PROSECUTION: If it please the Commission, I haven't offered it as yet.

DEFENSE: Well, may it please the Commission, I believe the prosecution was beginning to lay a foundation for the introduction of that record, and I thought I would object at the outset.

LAW MEMBER: I suggest you withdraw your objection at this time.

DEFENSE: Objection is withdrawn.

Q. What is on that piece of paper?

A. What paper? Names and addresses and the age and the extent of injury.

Q. Do you know if these wounded persons were taken into your police station that evening?

A. I believe that they were taken into the hospital. I was busy with the MPs and the other persons who arrived, so I do not know for sure.

Q. Do you know if any of your subordinates took these wounded people into the police station?

A. I have a report that they were taken into the police station.

Q. Do you know by whom?

A. I do not remember right now, but if I look it up I can tell you.

PROSECUTION: If it please the Commission, we are not prepared to offer this at this time. We will delay until we can properly identify the document.

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

The Commission then, at 1145 on 2 October 1946, adjourned to meet at 0900 on 3 October 1946.

Richard R. Elliott
RICHARD R. ELLIOTT
Major, Chief Prosecutor

Metropolitan Police Station
Tokyo, Japan
3 October 1946

The Commission met, pursuant to adjournment, at 0940, all the members of the Commission, prosecution and defense, who were present at the previous session being present, except Mr. Robert D. Scott, who was excused by the President.

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

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

Questions by prosecution continued:

Q. Were any of your policemen wounded that evening?

A. Four policemen.

Q. Who were they?

A. Haga, Benzo, Police Sergeant, Kawakami, Yoshio, Nishio—I forgot his first name, assistant police inspector—and Policeman Teushima.

Q. Did any of the wounded policemen die?

A. Police Sergeant Benzo Haga.

Q. Do you know when he died?

A. August 9th.

Q. Of this year?

A. Yes.

PROSECUTION: That's all. Defense, your witness.

DEFENSE: May it please the Commission, earlier in the testimony of this witness he referred to certain notes which prosecution said would be available to the defense. With the permission of the court we would like to postpone cross examination of this witness until we've had a chance to examine those notes and have them translated.

PRESIDENT: What do you propose to accomplish by translating his notes?

DEFENSE: Well, the witness was referring to certain notes which he said were being used to refresh his recollection as to various events. There was some question as to whether he was reading or whether he was just refreshing his recollection.

PROSECUTION: If the court please, those notes were not put in evidence. They weren't offered in evidence. If the defense wishes to recess court for a week or so while we get the official notes of the police station translated—if it please the court, may I make a statement? I would like to recall to the court's attention the incident wherein I attempted to have introduced into the record the list of the wounded Formosans, and objection was made and I couldn't do so, with the result that I will have to introduce them later with other witnesses after establishing that it is admissible. It seems rather odd at this time that counsel now wants to have them. That at least is one piece of evidence which would have been in the record

and available if he hadn't objected. We have no objection to letting them have access to the notes which the chief used, no objection to that, and if we give the chief time he can extract from his notes those which were used. They aren't in evidence, but we have nothing to hide on the matter.

PRESIDENT: Is it a fact that your counsel can read Japanese, defense counsel?

DEFENSE: May I confer with him just a minute as to all of them? May it please the court, the counsel agree that they can read Japanese.

PRESIDENT: Sometime previously the prosecution offered to make the notes available to the defense. The Commission, subject to any objection of any member, therefore rules that you should have taken advantage at that time, and trial will not be held up pending any translation of the memorandum used by the witness.

DEFENSE: May it please the court, then may we see the Japanese notes?

PRESIDENT: Does prosecution wish to make the memorandum available to the defense? It may do so. The Commission cannot order it because the memorandum was not introduced in court as an exhibit.

PROSECUTION: If it please the court, the chief of police has his notes with him, his copies of the official records. As they are cross examining him on any particular point, if they wish to see the memorandum which he used to refresh his memory on that particular point, it is available and will be available. I don't think that will delay the trial any because he has it here and they have the Japanese reading counsel, so it can be done at the time of cross examination. I think that's as far as we should go and I think that is going farther than we would be required by the rules to go.

PRESIDENT: It is the opinion of the Commission that the prosecution is very generous in making the memorandum available inasmuch as it is not required to do so, and the defense may take advantage of such offer and proceed with the cross examination.

DEFENSE: If it please the Commission, may I now make a request that the notes be made available to counsel now?

PRESIDENT: The offer has been made. It's just a question of whether or not you wish to accept such notes.

DEFENSE: I misunderstood. We would like to have the notes used by the witness.

PROSECUTION: If it please the court, I think it's quite clear that I said they should specify which notes. He has the entire file there and he only referred to pages now and then. As he cross examines and goes back over, we will readily make available the part that he indicates. We certainly aren't going to turn over to him en masse the entire police record, but any portion that he wants as he examines, he can merely ask the chief if he has it there and we have no objection of the chief giving it to him in court to examine it for the purpose of better cross examining the defendant. That's all.

PRESIDENT: Can the defense state now what particular memorandums are desired, or will you do so as you proceed?

DEFENSE: May it please the court, the memoranda which I requested were those which the witness had in court and to which he referred during his direct testimony. I realize that they were not admitted into evidence. For that reason the court is unaware as well as the defense is unaware as to the contents of those papers. I am not interested in the official records which were not introduced and which he did not refer to.

PROSECUTION: Just what particular records does the defense refer to?

PRESIDENT: That question was asked by the Commission. I'd like to have an answer to it.

DEFENSE: I refer to the records which the witness had in his hand during his direct testimony.

PRESIDENT: It was stated by the prosecution that he had a considerable amount of memoranda which he did not refer to to testify. Do you call for his entire file that he now possesses?

DEFENSE: No, I ask for those which he had. I could not see them other than the fact that he had papers.

PRESIDENT: Please confer with the prosecution and obtain the memoranda that you desire.

CROSS EXAMINATION

Questions by defense:

- Q. How long have you been police chief of the Shibuya Station?
A. Ten months.
- Q. Are you familiar with the general area and population about Shibuya Station?
A. In general I know.
- Q. What is the approximate size of the area under the jurisdiction of the Shibuya Police Station?
A. I think about 2,000,000 taube. A taube is approximately 2 meters square.
- Q. About how many persons live in that area?
A. About 42 or 43,000.
- Q. Are there any large business districts in that area?
A. With the Shibuya Railroad Station as a center there is a commercial street which was burnt by airraids.
- Q. In the area which you have just described as being under the jurisdiction of the Shibuya Police Station, how many of those persons are Japanese?
A. Almost all Japanese.
- Q. What is the nationality or the nationalities of the other persons?
A. As I said before, part Formosans and part Koreans.
- Q. Approximately how many are Formosans?
A. As I remember, about forty or fifty.

Q. Of the 43,000 people under the jurisdiction of the Shibuya Police Station, approximately forty are Formosans?

A. That is true.

Q. Approximately how many persons among the 43,000 are Koreans?

A. About the same amount.

Q. During the ten months in which you were police chief of Shibuya Police Station, did you ever have any trouble with the Koreans in your neighborhood?

A. There was no trouble. The only time was when a Korean shot a pistol out in the street.

Q. Do you know the occupation of the Koreans who live in your neighborhood?

A. Yes, I know it in general.

Q. What is that occupation?

PROSECUTION: If the court please, I don't see what the Koreans have to do with this case. I object to this line of questioning as being irrelevant and immaterial.

DEFENSE: Well, may it please the court, this witness spent considerable time in his testimony discussing trouble which he had had as police chief with Formosans in his neighborhood. I am trying to show in cross examination that that was not the only trouble, show the relationship between any such trouble with Formosans with trouble brought on by other persons.

LAW MEMBER: Objection sustained.

Q. When you became police chief of Shibuya Police Station, do you know whether there had been any previous trouble with Formosans in your neighborhood?

A. I have heard of some. I know.

Q. You testified previously that since the termination of the war you have had trouble with Formosans in your neighborhood. Is that correct?

A. Yes, I did.

Q. Do you know whether there was any trouble with Formosans before the termination of the war?

A. There was no trouble then.

Q. In your opinion as a police chief, what is the reason for the trouble with Formosans since the termination of the war?

A. As I have said before, they are not engaged in honest business. They trade in prohibited goods such as clothing, rubber shoes and soap, and when the police try to control them, then they cannot continue to live. After the war they did their utmost to create violence in groups and it was our job to create peace and order. I do not mean all of them, but the greater number of them.

Q. By "the greater number of them" do you mean the greater number of the forty Formosans who live in your area?

A. I do not mean just them. I mean the ones that assemble there during the day.

- Q. Do these persons who assemble there assemble there for the purpose of transacting business?
- A. It is not for business. There are some that assemble there for business, but the greater number do not assemble there for business.
- Q. You testified previously that you received an order to make Koreans and Formosans obey Japanese laws, is that correct?
- A. Yes, I did.
- Q. From whom did you receive that order?
- A. From the Metropolitan Police Board.
- Q. What did that order say?
- A. In general, as I have stated before. Shall I repeat it?
- Q. Yes, what did it say?
- A. One, Koreans and Formosans must abide by Japanese laws. Two, Koreans and Formosans are to come under Japanese jurisdiction and Japanese police will be used to control them. Three, mass demonstrations must be stopped. That is the general idea of the order.
- Q. When you received that order, what steps did you take to inform the persons affected about that order?
- A. I sent police to call the Korean leagues Boka and Sai Ryu To from the Formosans' Chinese Self-Government Association.
- Q. Does Sai Ryu To live in Shibuya Ward?
- A. I believe he had his residence in Coaki, but he slept at the Association's headquarters.
- Q. How did you summon these persons to the police station?
- A. As I said before, I dispatched policemen to get them.
- Q. How many policemen?
- A. I sent one policeman to each place.
- Q. On what day did you send this summons?
- A. I believe it was the 24th or the 25th.
- Q. On what day did you receive the order that Koreans and Formosans were subject to Japanese laws?
- A. I believe it was the 24th. I recollect it as the 24th.
- Q. Did you receive an answer from Sai Ryu To?
- A. I did not receive any answer.

PRESIDENT: The individual to whom you are referring, is he a member presently on trial?

DEFENSE: Yes.

PRESIDENT: What is his proper name?

DEFENSE: Sai Ryu To, I believe. No. 26 I think it was, sir. If the court please, I believe Sai Ryu To is his Japanese name, the way the Japanese pronounce it phonetically.

PRESIDENT: For the benefit of the record use the correct Chinese name, or at least tie this evidence up to the name, the proper Chinese name of the individual to whom you are referring.

- Q. Is Sai Ryu To the person to whom you have referred, the person whom you identified in court previously?
- A. Yes, it is.
- Q. Did you take any other steps to inform the Formosans in your ward as to the order?
- A. After that I summoned them two or three times.
- Q. You summoned whom two or three times?
- A. Sai Ryu To.
- Q. Did you summon any other person?
- A. I did not.
- Q. Did you take any other steps to inform Formosans of the order?
- A. For the last time on the 27th I made my last summons and at that time Sai's representative came. I believe he came with the policeman I sent, but I am not so sure.
- Q. Who came with the policeman you sent?
- A. As I said before, Ryo.
- Q. During this time after you received the order that Koreans and Formosans were subject to Japanese law, what steps were taken by you to enforce such jurisdiction?
- A. At that time I told Ryo and made him understand.
- Q. What orders did you give to your subordinates concerning jurisdiction over Koreans and Formosans?
- A. As I said before, I called them together and explained personally. I explained to my subordinates within a period of three days the instructions that came in this order.
- Q. What instructions had you given your subordinates before you received that order?
- A. I did not give any instructions before that because there was no necessity. I have no authority to instruct my subordinates until I get my orders from the headquarters.
- Q. As police chief of the station, do you have any authority to instruct your subordinates as to the persons over whom they have jurisdiction?
- A. Yes, I have.
- Q. Before you received the order on the 24th or 25th of March, did you give your subordinates any instructions as to jurisdiction over Koreans and Formosans?

PROSECUTION: If the court please, I object to this line of questioning because it's attacking the jurisdiction of the Japanese police. Yesterday or the day before yesterday we had an expert from the Legal Section of SCAP, chief of the Law Division, who testified that the Japanese police did have jurisdiction over the Formosans at the time. There appears to be no question as to who had the jurisdiction.

LAW MEMBER: The objection is overruled.

A. I do not remember. As far as I remember, I did not.

Q. Prior to receiving the order on the 24th or 25th of March, did you ever arrest any Koreans or Formosans or did your subordinates ever arrest Koreans or Formosans?

A. At this moment I cannot think of them. I have no recollection.

Q. Do you have any recollection of any trouble that you had with Koreans or Formosans prior to receiving the order on the 24th or 25th of March?

A. I believe there was trouble before that, but the police did not do anything about it.

Q. What answer did Ryo give you when he was summoned by the police?

A. I have not heard of any answer then; just when he came.

Q. Didn't Ryo return to the police station with a policeman?

A. I do not remember accurately. He might have come to the station with the policeman, but I do not know for sure.

Q. Did he come to the police station at all?

A. Yes, he came.

Q. What did he say to you?

A. At first he made a lot of excuses and said that, "We do not have to comply with military law, and we are the victors."

LAW MEMBER: Is Ryo No. 41?

DEFENSE: He has not been identified by anybody yet, sir.

A. (Continued) "We are the victors and we do not have to obey the Japanese Law." At first he gave those excuses, but later on he went away with understanding.

DEFENSE: May it please the court, the Ryo to whom I refer is the Ryo which the witness said came to the police station.

LAW MEMBER: He is not one of the accused?

DEFENSE: Well, he's never been identified any farther than that.

Q. When Ryo left the police station, did he understand the order which you had received from the Metropolitan Police Board?

A. I believe he did. He said, "I will go home and confer with the Association leader."

Q. At that time did he threaten to use any violence against the Japanese police?

A. Do you mean did Ryo say that?

Q. You have just said that when he left, he understood the order. Did he threaten to use force--

PROSECUTION: If the court please, I believe the defense is misquoting the witness. I don't believe he said he understood the order. He said he

would go and talk it over with the leader of the Association. Will the reporter verify that?

The reporter read back the testimony requested.

PROSECUTION: I withdraw the objection.

- Q. Before Ryo left the police station, did he threaten to use any violence against Japanese police if they enforced the order?
- A. He did not say anything like that to me. Among the three things he said previously, "We are the victors in this war and we will not abide by Japanese law and we will not accept control by the Japanese police." I think he included in that something about using violence.
- Q. But before he left the station didn't he understand the order?
- A. He did.
- Q. After the order was explained to him and he understood the order, did he threaten to use any violence against the Japanese police if they tried to enforce the order?
- A. He did not say anything like that, but he said he himself could not answer it.
- Q. When was the next time you saw Ryo?
- A. I believe I did not see Ryo when he came later. I believe he gave this document to my police inspector or the police sergeant.
- Q. Is the document which you have just referred to the letter which you read to us on Tuesday morning?
- A. Yes, the contents of that letter.
- Q. Do you have a copy of that letter with you now?

PROSECUTION: The copy of the letter is in evidence as Prosecution's Exhibit No. 2.

Defend:
AB

A. May it please the Commission, I was trying to find the copy to have him refer to it. I didn't know whether the exhibit was present in court at the time. If it is I withdraw that question and will let him refer to the exhibit. We have the English translation, but apparently he won't be able to read it.

PROSECUTION: He probably has the original with him. We have no objection.

DEFENSE: He has the original?

PROSECUTION: I imagine he has. You can ask him.

- Q. Do you have that letter with you at this time?
- A. I do not.
- Q. Do you have a copy of that letter with you?
- A. I presented the copy a while back.
- Q. Do you remember the contents of that letter?
- A. I remember the general outline of that letter.

- Q. As far as you remember is there anything in that letter which says that the writers of that letter will use force against the Japanese police?
- A. The last part of the letter of the 27th said that, "We cannot comply entirely with this order," and from that I drew the conclusion that they would not obey the Japanese laws nor would they come under the control of the Japanese police.

PRESIDENT: The Commission will take a ten minute recess.

The Commission then took a recess until 1055, at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats.

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

- Q. I will read to you a statement. Then I will ask you whether you remember it being in the letter which you received. "We are not discriminating nor attacking the righteous claim of your people. Furthermore, we are confident that we have a tolerant view of this matter and will not hesitate to give full cooperation to your people."
- A. Either the second or the third paragraph is similar to this. It is not exactly the same.
- Q. I direct your attention to the 30th of March of this year. Do you recall an incident that took place in the Shochiku-Kan Theatre?
- A. Police Officer Imamura from my police force was beaten by some Formosans.
- Q. Were you present at the Shochiku-Kan Theatre when that took place?
- A. No, I was not present.
- Q. Were any arrests made at that time, as far as you know?
- A. No, nobody was arrested.
- Q. Do you know the persons who beat the policeman Imamura?
- A. I have heard that the Formosans beat Imamura. There are two or three policemen together.
- Q. But no one was arrested at that time?

PROSECUTION: If the court please, I believe there's a question about the interpretation of the chief's last answer.

INTERPRETER: The record stands.

- Q. But no one was arrested at that time, is that correct?
- A. I believe they could not make any arrests.
- Q. I direct your attention to the 16th of April of this year. At that time what took place in Shibuya Ward?
- A. A person named Sawada was making a speech in front of the Shibuya Railroad Station, and in his speech he used the word that would insult Chinese people.
- Q. What was that word?
- A. As I mentioned before, the word "chankoro".

Q. Is that word a very insulting word to Chinese persons?
A. I believe so.

PROSECUTION: If the court please, may we have the interpretation of the word "chankoro" from the interpreters?

DEFENSE: May it please the court, the interpreters may be able to give us a literal definition of the word in English, but the English translation may not have any meaning whatsoever to us as to the degrading nature of the word when it is said in the original language. I have no objection to it being translated, but I don't know whether it will be of any importance.

PROSECUTION: If the court please, I was under the understanding that's the purpose of having translators so as to have the Japanese translated into English, the English language being the official language of the court.

DEFENSE: I have no objection to it being translated.

PRESIDENT: It might be well to have the prosecution and the defense both give us their versions of the word.

PROSECUTION: If the court please, as I understood you asked for the prosecution and the defense's definition of it? Well, the prosecution's interpreters have come to the conclusion that the word "chankoro" is interpreted as Chink or Chinaman, the same as "Jap" is used for "Japanese" and "Yank" for "Americans".

DEFENSE: May it please the court, the interpreters for the defence have interpreted the word as meaning "Chinese slaves". I believe they cannot find it in any of the standard dictionaries, however.

PRESIDENT: That is their understanding of the word?

DEFENSE: That is correct, sir, Chinese slaves or beggars.

PROSECUTION: What is the official interpreter's version of it?

INTERPRETER: My understanding is it's a sort of a slang referring to Chinese as Americans would call Chinks or Japanese Japs.

PRESIDENT: Proceed with the questioning. The Commission will take cognizance of the interpretation given by the defense and prosecution, and if the word has more significant meaning, defense can establish that fact later.

Q. Is the word "chankoro" used by the Japanese?
A. Yes.

Q. To whom is that word addressed when it is used by Japanese?
A. Some refer to the Chinese people as "chankoro".

Q. Is the word "chankoro" used as a term of respect or is it a term used to insult the person to whom it is addressed?
A. I believe insulting.

Q. Do you know the circumstances under which Sawada used the term on the night or the day of the 16th of April?

- A. In Sawada's speech when he was slamming the Communists, he mentioned the fact that Nozaka, who is a Communist, came back from the country of the Chankoros, but according to Sawada he did not use the word "chankoro" but used the word "Chinese". I believe what Sawada says. He used the word "China" instead of "Chinese".
- Q. Where was Sawada making his speech?
A. In front of the Shibuya Railroad Station.
- Q. How far is the Shibuya Railroad Station from the commercial district in your ward?
A. The Shibuya Railroad Station is approximately the center of the business district.
- Q. Is that the business district where the Formosans and Koreans carried on business in your ward?
A. At that time the Koreans were not engaged in business. One portion of the Formosans were carrying on business. By business I mean black market.
- Q. To whom was Sawada's speech addressed?
A. The public who gathered there.
- Q. Among the public who gathered there, were there any Chinese?
A. As I was not present, I do not know.
- Q. Do you know as a fact what Sawada said at that time?
A. I do not know. I just know from the report that Sawada and some other witnesses made such statements.
- Q. Do you personally know what happened to Sawada after he finished his speech?
A. I did not see what actually happened, so I do not know.
- Q. At the time that Sawada made his speech, was his speech an election campaign speech?
A. I heard that this was a speech thanking the people after Toda failed to be elected.
- Q. Who was the successful candidate in that election?
A. I do not remember. About eleven or twelve candidates were successful.
- Q. You referred a little while ago to a person by the name of Nozaka. Was Nozaka a successful candidate?
A. He was successful.
- Q. Did you receive a report that Sawada said in his speech that Nozaka the Communist has come back from the Chankoro country?
A. Yes.
- Q. When Sawada made that speech, Nozaka had already been elected and Toda was defeated, is that correct?
A. That is correct.
- Q. After the incident took place do you know whether Sawada sent a letter to the Chinese Association apologizing for the statement he made?

Q. In collecting these weapons you have just testified that you collected the weapons from the Japanese, is that correct?

A. As I mentioned before, only Japanese, and if necessary I will make a list and present it.

Q. It is not necessary. Do you have any recollection as to when you received the order from the Metropolitan Police Station to collect weapons?

A. There were a number of orders, so I cannot remember.

Q. Do you have any idea or recollection as to when you received any of the orders?

A. I cannot remember. There was one last year and about three this year.

Q. As far as you can remember, from whom were you ordered to collect weapons?

A. To take up weapons from the Japanese, Formosans, Koreans.

PRESIDENT: The Commission will adjourn to meet again 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.

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

WITNESS: In my testimony before lunch I left out some things that I would like to say. I was asked the question, was there any incident before I received this directive from SCAP on March 27th, and my answer was, "I do not believe there were any." In thinking it over I find that there was an incident before this.

DEFENSE: May it please the court, at this time I have not asked the witness any further questions as yet on cross examination, and I request that he be told not to answer any questions or make any statements until the question is put to him.

LAW MEMBER: He is your witness. You so advise him.

DEFENSE: Do not make any statements unless you are asked a question. This morning you testified that you received an order from the Metropolitan Police Board to collect all weapons, is that correct?

LAW MEMBER: Just a moment. You will ask the witness if he wishes to correct a previous statement. If he does, he may proceed with what he just announced a little while ago.

Q. Do you wish to correct any statement you made this morning?

A. Just the thing I just stated.

Q. You have just stated that you remember one incident before you received the order in March, is that correct?

A. Yes.

Q. By that you mean you wish to correct the statement you made this morning that you do not remember any incident before you received the order in March, is that correct?

A. It is just one incident. I would like to relate the conditions at that time.

DEFENSE: Does the Commission wish me to ask him about those incidents, or is it sufficient that he corrects the statement he made this morning that he did not remember any incidents?

LAW MEMBER: Advise him to correct the statement he made this morning.

DEFENSE: If I understand the witness correctly, this morning he made a statement that he did not remember any incidents prior to the March order. Now he wishes to correct that statement by saying he does remember certain incidents. Now does the Commission wish me to ask him further about those incidents, or is it sufficient we correct it at this time?

LAW MEMBER: That will be in the form of a correction by relating the incident. Therefore, ask him what the incident was, or incidents.

Q. What were those incidents?

A. Is it just the incident?

Q. The incidents that you wish to describe that occurred before the March order and which you now remember.

A. Before the directive in March the Japanese did not report any mistreatment by the Formosans, and even the police did not intervene in such cases. The incidents that were reported to the police station were only these bigger incidents. Such incidents that involved Sawada were not reported at that time. I would like to relate an incident which happened after I became the police chief. On 28th February at Toyoko Theatre when the usher tried to stop a person who did not pay his admittance fee, he was surrounded by twenty Formosans. Two of the ushers were beaten up and one required forty days' treatment; others required about ten days. Before I became the police chief of Shibuya, there were two other bigger incidents. Assistant Inspector Miyauchi knows more about these incidents.

Q. Is there anything else you wish to correct?

A. No.

Q. Did you just say that the incident concerning Sawada was not reported to the police?

A. There is a report at the police station concerning this incident.

Q. At the time of the incident was a report made to the police?

A. Yes.

Q. Was a report made to the police concerning the incident involving the Policeman Imamura?

A. The incident in which Imamura was beaten was not reported right away as he was ashamed. I heard of this incident about one month later.

Q. Was that the first time that any report was made of the incident concerning Imamura?

A. Yes.

Q. Was that an official report?

A. Yes, I heard this from the person involved.

Q. Previously when you testified concerning the incident involving Imamura, you referred to certain notes, is that correct?

A. Yes.

Q. When you testified previously concerning the incident involving Sawada, you referred to certain notes, is that correct?

A. Yes.

Q. May I see those notes? Are these all the notes that you referred to in testifying on those two incidents?

A. No.

Q. Where are the others?

PROSECUTION: If the court please, I move that the court instruct the witness that only the particular notes he referred to during his testimony be given to the defense and not all the notes, not all the records of the police department.

DEFENSE: May it please the court, I believe I confined my request to the notes he used concerning those two incidents. If I made any broader statement, I wish to have it corrected at this time. I refer only to the notes he used in connection with his testimony on the incidents involving Imamura and Sawada.

LAW MEMBER: It appears that that's all the notes asked for. You now have them and may retain them.

INTERPRETER: I made a mistake in the answer. I did not know how the question was asked, so I would like to have the questions read again.

LAW MEMBER: Ask the witness if there are any notes there to which he did not refer during his direct examination.

Q. Are there any notes here to which you did not refer when you were testifying concerning Imamura and Sawada?

A. Concerning these two incidents I have just some for the Imamura incident which occurred on March the 30th and just Imamura was beaten, and concerning the incident involving Sawada which occurred on April the 16th, Yoshio Sawada who was the campaign manager for Toda was taken away by force and beaten. The guilty party is Ko Un Zen. That is all that is written on this sheet.

LAW MEMBER: The answer is not ^{responsive} ~~competent~~ to the question. Repeat the question.

A. (Continued) Under the Imamura incident in parenthesis I have, "Order in the theatre." All I have is the date, the guilty party and the extent of injury.

Q. Are there any notes here to which you did not refer when you were testifying concerning Imamura and Sawada?

A. Yes.

Q. Will you please let me have only the notes which you referred to when you testified concerning Imamura and Sawada?

A. It's just two lines. Do you want me to cut that portion out?

DEFENSE: With the permission of the court if there's no objection by the prosecution, may we look at the whole page so that we may see what's on it without having to cut his records?

PROSECUTION: If the court please, we agreed to let the defense use the notes for the purpose of cross examination. We didn't agree to give them the notes or let them copy them or anything else. Now we reiterate our agreement. The defense may look at the notes if he wants to for the purpose of cross examination, and return the notes, that part to which he referred on his direct examination.

PRESIDENT: The notes may be used as stipulated between the counsels, the defense and the prosecution.

DEFENSE: With the permission of the court, may I have the notes translated by other members of the defense so that I may understand the Japanese?

PROSECUTION: You may look at only those parts which we agreed to this morning. He said they only referred to two lines. We'll send our interpreter over there and see that all the other parts are covered up except those two lines. I don't think it's necessary at all because the witness just said in detail all that was in them.

PRESIDENT: The defense previously has stated that assistant counsel for the defense are qualified to read Japanese. It appears that said counsel can read the Japanese and translate to the chief counsel in English. What further translation is necessary?

DEFENSE: That is the translation I was asking for. With permission of the court, I ask prosecution to observe the translation at this time if such is their wish. If the witness will point out exactly to what he referred in his direct testimony, we will interpret and translate only those lines.

PRESIDENT: The Commission is desirous of obtaining information as to what purpose this will serve. Is this for the purpose of impeaching the witness or to bring out further details?

DEFENSE: It is for the purpose of knowing what in these notes refreshed the recollection of the witness.

PROSECUTION: The witness has testified that they are an extract from the official records of the police station. He has further testified right now in full details all that the notes contain.

PRESIDENT: It appears that there is a considerable delay over something very unimportant. The prosecution has agreed to allow your assistant counsel to peruse those items referred to by the witness. He may do so now and then ask the questions.

DEFENSE: With the permission of the court, may I request prosecution to point out what parts of this we are to translate?

PRESIDENT: The witness is in a better position to indicate what notes he referred to while testifying.

Q. What portion of those notes did you refer to in your testimony concerning Imamura and Sawada? Please mark them with a pencil.

PROSECUTION: If the court please, I'd like to explain for the sake of the record at this time that the notes referred to are not a complete record.

They are just merely excerpts from the record to refresh the witness's mind. It is not that we have anything to hide. Now if he wants the whole record, why we'll admit it, but these notes are just jotted down from the record to refresh the chief's memory. If any part of the record is going to be introduced, why we want the whole record.

DEFENSE: May it please the court, I don't believe I've ever asked for the complete record. I've only asked for those notes to which the witness referred while testifying.

PRESIDENT: The Commission desires to obtain the information as to the purpose of securing the notes, in order that we may rule properly in order to assist the defense.

DEFENSE: The purpose in obtaining the notes was to facilitate, perhaps assist in cross examination of the witness; for no other purpose.

PRESIDENT: Is the counsel for defense of the opinion that the notes contain information on data not testified to by the witness?

DEFENSE: That was the purpose of requesting the notes, to determine whether they did contain any other information.

PROSECUTION: I say that that doesn't make any difference whether it contains other information or not, in view of the fact of what they are. It's certainly not the prosecution's position to furnish defense with material for cross examination, which seems like this request is.

LAW MEMBER: It is the ruling of the Commission that when you are conducting your cross examination, that you may not introduce any evidence gained from the notes that you have just now taken.

Q. This morning you testified that you as police chief of Shibuya Station received orders to collect weapons, is that correct?

A. Yes.

Q. Did you enforce those orders?

A. Yes.

Q. I direct your attention to the month of April of this year. Did you have any incidents which you remember which concerned the collection of weapons?

A. I believe there is no such incident. Between whom is this incident?

Q. Do you recall an incident in which police of your station arrested approximately 24 persons for possession of Japanese swords and GI goods?

A. Yes.

Q. Do you recall testifying about such an incident?

A. Yes.

Q. From whom were weapons collected at that time?

A. Is it what happened that day?

Q. I want to know from whom did you collect weapons that day?

A. Only Sai Ryu To.

- Q. What weapon or weapons did he have in his possession?
A. He had a Japanese sword about seventy centimeters long.

PROSECUTION: If the Commission please, may the record show that Sai Rya To referred to is Chai Lun To named in the charge sheet, and No. 26 on the list.

DEFENSE: At this time, if the Commission please, I object to testimony by the prosecution. Now the witness testified concerning this incident, and there was never any question put to the witness as to who the person was. I don't believe it's proper for prosecution at this time to testify.

PROSECUTION: If the court please, Sai Rya To has been identified three or four times in this trial already.

DEFENSE: May it please the court, he's been identified once concerning another incident. Prosecution has had ample time in its direct testimony on this incident to identify whoever the person was.

LAW MEMBER: The Commission has asked to identify anyone named. It is for our benefit. In fact, you should have identified him. I direct both prosecution and defense to identify these accused.

PRESIDENT: For benefit of counsel, that directive was issued earlier in the day in that at times you are using a Japanese name, whereas the defendants are listed under their Chinese names. For that reason, each time a Japanese name is used and it does refer to a defendant, that name will be associated with the proper Chinese name of the individual in order that the record may be readable.

Q. Is the Sai Rya To to whom you have just referred in the courtroom at this time?

A. Yes.

Q. Point him out.

A. He is on the third row desk.

Q. Is the man who is now standing the man to whom you refer?

A. Yes.

DEFENSE: The record will show that the witness pointed out No. 26 on the court's list, listed as Chai Lun To in the charge.

Q. Was Sai Rya To arrested for possession of the sword?

A. Yes.

Q. What happened after he was arrested for possession of the sword?

A. I sent Sai Rya To to be tried at the military trial.

Q. What happened at that trial?

A. I do not know the result.

Q. Was Sai Rya To arrested by police under your jurisdiction?

A. I was in charge of that party, so I believe he was arrested under my supervision.

- Q. Did you make a record of his arrest?
A. Yes, I believe so.
- Q. Did you make any record as to what happened to Sai Ryu To following that arrest?
A. I believe not. My responsibility ends after I send the man out.
- Q. Do you know that Sai Ryu To was acquitted in the Provost Court for possession of the sword?

PROSECUTION: If the court please, he just testified that he didn't know what happened, what the result of the trial was.

DEFENSE: May it please the Commission, I realize that I've asked him the question before, but I believe there's a little greater latitude in cross examination to ask a witness more than once in a different form.

LAW MEMBER: Due to the language difficulties, the objection is overruled.

- A. He himself told me about it, but I did not believe his story.
- Q. Previously you testified concerning a letter which was delivered to you by a person whom you identified as Ryo, is that correct?
A. Yes.
- Q. When you received that letter, what did you do?
A. I said the letter was not brought directly to me. It was brought to the police sergeant or the one at the information desk.
- Q. When did you see that letter?
A. On that day.
- Q. What did you do when you saw the letter?
A. I reported this to the Metropolitan Police Station.
- Q. Did you report it to anybody else?
A. I did not.
- Q. During the time you were police chief of Shibuya Station, did you ever request assistance from the Formosans' Association?
A. No, I have not. It was not necessary to ask their aid.
- Q. Did you ever request their cooperation?
A. I have requested their cooperation.
- Q. Did you direct your request to the leader of the Association?
A. I have not actually asked the cooperation, but I hoped for their cooperation. It is not my duty to ask for their assistance. It's the duty of the Ministry of Internal Affairs.
- Q. Did you ever speak to the leader of the Association concerning the question of maintaining order?
A. Do you mean Sai?
- Q. I asked you to name anybody in the Association with whom you discussed the matter of cooperation.
A. No, I did not discuss with anybody.

Q. Did you ever speak to the man whom you call Sai?

A. Yes.

Q. What did you discuss with him?

A. I always told him to obey the Japanese laws and to cooperate with the Japanese people.

Q. Did this man whom you referred to as Sai say that he would cooperate with you in maintaining peace and order among the Formosans?

A. He did not say anything to that effect. Do you want me to relate an example?

Q. Yes.

A. He had requested me to recognize the selling of prohibited goods along the road.

PROSECUTION: I'd like to ask the court at this time if the Sai referred to is one of the defendants.

Q. Is the person you referred to throughout this testimony as Sai, in the courtroom at this time?

A. The same person that I pointed a while ago.

DEFENSE: May it please the court, the reason why I refer to him as Sai is that the name is being used in the interpretation, not to confuse the court or try to show that it is some other person.

PROSECUTION: I request the court to let the record show that the man described in that last series of incidents, his Chinese name is Chai Lun To, No. 26.

Q. When you were enforcing the order to collect weapons, did you collect any weapons from persons other than Japanese?

A. Yes.

Q. Did you testify this morning that you collected weapons only from Japanese?

A. Yes.

Q. Did you make any more mistakes in your testimony this morning?

PROSECUTION: If it please the court, I object to the questioning of the defense counsel. He testified this morning that he took a sword from Sai Ryu To, a Formosan. The inference of counsel now is that the defendant made a mistake or lied when he testified this morning that he didn't take weapons from other Formosans. I think the court and all of us remember the testimony very well, that he took pistols from Japanese and that he took a sword from Sai Ryu To. I think counsel ought to be warned to limit the cross examination to the facts. I think the evidence is very clear, without reference to the notes, that he said he took a sword from Sai Ryu To. Certainly that is a weapon. Possibly the translation between the languages, weapons might be understood to mean only pistols. Probably that is true. If that is true, why of course the mistake is to be understood, but the evidence is clear that he did take a sword from Sai Ryu To.

DEFENSE: If it please the court, I believe the record will show that I've always used the word "weapon" except just recently when I referred to the

sword taken from Sai. Just now the witness has said that this morning he testified that he did not take any weapons from persons other than Japanese, and at this time he gave the contrary answer. I asked him whether he made any other mistakes. Obviously a contradictory answer must be a mistake.

LAW MEMBER: It appears that the discrepancy is due to the interpretation. It is understandable that swords and pistols could be confused, and there are various directives that came out from time to time from SCAP. It is clear that the witness could be confused by the questions.

Q. Did you collect any weapons from persons other than Japanese?
A. There may be other persons other than Sai.

Q. At the time the person you call Sai told you that he had been acquitted by the Provost Court, did he give you the reason why he was acquitted?
A. No, I did not hear the reasons.

Q. Did Sai tell you that the reason why he was acquitted was that there was no directive concerning possession of swords by Formosans?
A. I did not hear anything to that effect.

Q. When you were given the order to collect weapons in your ward, how did you proceed to collect weapons?
A. I've told what I did in my testimony this morning.

Q. Will you please repeat what you did?
A. I instructed the officers to search for weapons in their area and for those who hid their weapons, to inquire in the neighborhood and go into the house if necessary in search of weapons.

Q. Did you publish any notice that all weapons would be turned into the police station?
A. Yes, I published it and it also came out in the newspapers.

Q. Did anybody surrender his weapon after the notice was published?
A. Yes, many people brought their weapons to the police station.

Q. Approximately how many weapons were brought to the police station?

PROSECUTION: If the court please, prosecution has no particular objection to this line of questioning, but I can't see what purpose it serves. It seems to me it's taking up time needlessly.

DEFENSE: If it please the court, there's been testimony on direct examination as to weapons in the neighborhood that were in the possession of Formosans. I wish to find out some more about the existence of weapons in the neighborhood, whether they were turned in. I believe if the court will permit me to ask a few more questions, it may be a little more clear.

PRESIDENT: Are your remarks in the form of an objection?

PROSECUTION: I said we had no objection but I see nothing to be gained by this line of cross examination.

LAW MEMBER: Defense may proceed with the questions.

- Q. Approximately how many weapons were turned into the police at this time?
A. I cannot recall the number. If necessary I can go through the file and get the exact number.
- Q. It's not necessary. Were any weapons surrendered by Formosans?
A. Not a single one.
- Q. Did the person whom you call Mr. Sai turn in any weapons?
A. He did not voluntarily bring any weapons.
- Q. In the month of June or July of this year did Mr. Sai ever assist the police in finding or trying to find a weapon in your district?
A. I did not hear anything to the effect that he assisted in the search of weapons.
- Q. Do you remember about what date you published the notice to turn in weapons?
A. I cannot recall. Do you want me to look it up in the files?
- Q. Can you recall approximately what month it was?
A. There are so many I cannot remember.
- Q. When that notice was published did the notice say that all weapons had to be turned in immediately, or was there a period of time before weapons had to be turned in?
A. I believe that there was a period of time.

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

The Commission then took a recess until 1510, at which hour the personnel of the Commission, prosecution and defense, with the exception of Mr. George T. Hagan, excused by the President, and the accused, interpreters, and the reporter resumed their seats.

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

- Q. Do you have any Chinese nationals who live in Shibuya Ward other than Formosans?
A. There are about five or six there.
- Q. Have you ever had any dealings with those persons?
A. No, never.
- Q. In your district near Shibuya Railroad Station is there a street with several Chinese restaurants?
A. Yes, there is.
- Q. Are there many Chinese shops on that street?
A. There are.
- Q. Was a sign ever erected on that street indicating the name of the street?
A. Yes.
- Q. What is the name of that street?
A. Sakai Dori.
- Q. Was any other sign ever erected on that street indicating the name of the street?
A. No.

- Q. Was a sign or an archway ever erected on that street?
A. At that time or right now?
- Q. At any time.
A. There is something there right now, but not on that street, but I did not see any.
- Q. In the months of March or April of this year do you know whether there was any other sign erected on that street?
A. Yes, there have been signs erected.
- Q. Do you recall one that was erected in March or April of this year?
A. Yes, I remember.
- Q. Was it erected on Sakai Dori Street?
A. Yes, it was.
- Q. Was it erected in the street or on the sidewalk?
A. On the sidewalk.
- Q. How high was the sign?
A. I myself did not see it very well.
- Q. Did you ever see it?
A. I have seen it, but right now I do not remember well.
- Q. Do you remember how the sign was supported?
A. I have heard there is a wooden arch.
- Q. Were the supports for the arch on the sidewalk or in the street?
A. I have heard that it is on the sidewalk.
- Q. Do you know whether the supports for the sign interfered with traffic on that street?
A. Yes, it interfered with traffic.
- Q. On the street or on the sidewalk?
A. On the sidewalk.
- Q. Did you ever see the sign?
A. As I have mentioned before, I have seen it but I have not looked at it well.
- Q. But you remember that it interfered with traffic, is that correct?
A. Yes.
- Q. Is that the sign that you ordered your subordinates to remove?
A. Yes, it is.
- Q. What was the reason for removing the sign?
A. It was because it interfered with traffic and it looked unsightly. This was also on an order from the Metropolitan Police Office.
- Q. When was the sign erected?
A. During the month of March.

Q. When during the month of March?

A. I do not remember that.

Q. Do you remember whether it was in the early part of March or the latter part of March?

A. In the middle of March.

Q. When did you order the sign removed?

A. On the 1st of April.

Q. When was the sign removed?

A. On the 21st of April.

Q. When did you first hear about the sign?

A. When they first started to build the sign.

Q. How did you hear about it at that time?

A. From my subordinates.

Q. Did you ever hear about the sign from a man named Han Kyo Riko?

A. I do not remember.

Q. Have you ever heard of a man named Han Kyo Riko?

A. I do not remember.

PROSECUTION: If the court please, I'd like to inquire whether Han Kyo Riko is a defendant.

DEFENSE: The person just named, Han Kyo Riko, is not a defendant but is dead.

WITNESS: Do you mean Takahara by Japanese name?

Q. Do you know a man by the name of Takahara?

A. Yes, I do.

Q. Where is Takahara now?

A. He is dead.

Q. When did Takahara die?

A. During the last incident.

Q. What do you mean by the last incident?

A. The incident on the 19th of July.

Q. By the incident on the 19th of July, do you refer to the shooting which took place in front of Shibuya Police Station?

A. Yes, I do.

Q. Is Takahara a Japanese policeman?

A. No, he is not.

Q. What nationality was Takahara?

A. He is a Formosan.

Q. Did Takahara ever speak to you about the sign?

A. I do not remember.

Q. Did anybody ever come to your police station and request permission to put up the sign?

A. Nobody ever came to me, but probably they came to my subordinates.

Q. If a person wishes to put up a sign in your ward, do they go to the police station and request permission?

A. That is true.

Q. Did anybody ever report to you that Takahara came to the police station and requested permission to erect the sign?

A. I do not remember.

Q. Do you remember whether anybody made a report that anybody requested permission to put up the sign?

A. Even if they came to request permission we could not grant permission.

Q. Did you just testify that if somebody wanted to put up a sign, they would come to the police station and request permission?

A. It all depends on the place.

Q. What do you mean by that?

A. If it is any place like the front of the station where it is congested and where it may mar the beauty, then we cannot grant permission.

Q. Was this sign in front of the railroad station?

A. It is close to the station.

Q. How far from the station was the sign?

A. About 100 to 200 meters.

PROSECUTION: If the court please, I would like to see what he is offering the witness.

DEFENSE: No objection in showing it to him.

PROSECUTION: If the Commission please, I don't know the purpose of showing the witness this picture, but I want to object to it because there is nothing on it but a picture. The photographer is not here. It hasn't been qualified.

DEFENSE: May it please the court, I was to show the picture to the witness. Perhaps it would refresh his recollection as to the sign. He's testified that he doesn't remember various things about it. I was going to show it to him not to admit it in evidence but merely for the purpose of refreshing his recollection, the same purpose that his notes were used yesterday. For that reason I have shown it to counsel.

LAW MEMBER: When was this picture taken?

DEFENSE: I don't know. I did not intend to offer it in evidence, but merely that it might assist the witness in refreshing his recollection.

LAW MEMBER: Objection overruled.

Q. I ask you to look at this picture. Do you recognize or remember anything about the sign now?

A. Yes, I do.

Q. Do you want to tell us anything more about the sign?

A. There is nothing else.

Q. You testified before that the sign interfered with traffic on the sidewalk, is that correct?

A. Yes, I did. I did not say it interfered with traffic, but I said that if a sign is erected in that area, it would interfere with the traffic and mar the beauty. Isn't the picture a mistake? The picture was taken when traffic there was the least.

Q. I am not asking you about the picture. I am asking you what you remember about the sign. Did the sign interfere with the passage of vehicles on that street?

PROSECUTION: If the court please, the witness has never stated that the sign interfered with the traffic of vehicles. He said it was on the sidewalk and it speaks for itself there. The witness never said it interfered with traffic on the street with vehicles.

DEFENSE: If it please the court, I think due to the difference in language there has been a little difficulty. At one time he said it did and at one time he said it did not.

PROSECUTION: If the court please, he asked specifically whether it interfered with traffic on the street or on the sidewalk, and the witness answered, on the sidewalk.

LAW MEMBER: That is correct. How much longer do you intend to pursue this line of questioning about the sign?

DEFENSE: Just one or two more questions.

Q. After seeing this picture do you remember anything about permission being granted to erect that sign?

A. We did not grant permission.

Q. On Tuesday you testified concerning an incident which took place on the platform of the electric railway at Shibuya Railroad Station involving Miss Haga of the Shimbashi Construction Company, is that correct?

A. Yes, I did.

Q. When did that incident occur?

A. On my memo I believe it said June 28th. I might be wrong, though.

Q. Who is Miss Haga?

A. She is an interpreter of Shimbashi's Matsuda Gumi.

Q. What happened to Miss Haga at the station?

A. On the Shibuya platform about twenty or thirty Formosans surrounded Miss and Mr. Haga and started to beat Mr. Haga.

Q. Were you present at that time?

A. I was not.

Q. Did you arrest anybody for that act?

A. I did not make any arrests then, but I believe the search and investigation section of the Metropolitan Police Office made some.

- Q. Did any of your subordinates make any arrests for that incident?
A. No.
- Q. Do you know any reason why Mr. and Miss Haga were beaten on the station?
A. I do not know. I just heard that they were beaten up over there, but I did not go to that scene.
- Q. In investigating Formosans in your neighborhood, did you ever ask the assistance of the military police?
A. What incident was this?
- Q. At any time.
A. There are some instances in which I requested their aid, and some in which I did not.
- Q. Was there any difference in the attitude of the persons you were investigating when you had military police with you?
A. Yes, it changed.
- Q. Will you explain that change?
A. When the policeman Kaneko was beaten on July 16th, there were no MPs, and when another policeman was beaten on the 18th there was no police, but on the 17th when one of my policemen was beaten up, there were MPs, and at that time they were very quiet and offered no resistance.
- Q. Around the middle of April do you recall when the police economist attempted to confiscate certain goods from Formosans?
A. Yes, I remember.
- Q. What time of day did that incident take place?
A. At this moment I do not remember, but I know it is in the afternoon.
- Q. How many Japanese police officers were there that afternoon?
A. I do not know because the economist did the confiscation, but I believe there were about fifty.
- Q. Are you now referring to the incident in which the economist put the goods on the truck and then the Formosans took the goods back off the truck?
A. Yes, I am.
- Q. Were you there at any time that afternoon?
A. I was not there when it was taken, but later I went to that scene.
- Q. Did you bring more police officers with you?
A. Yes, I did.
- Q. Were they Japanese police officers?
A. Yes.
- Q. Were they armed with any weapons?
A. Yes, they were.
- Q. With what weapons?
A. Pistols and clubs.
- Q. Approximately how many police officers did you bring with you?
A. I do not remember for sure, but I believe there was about 200.

- Q. And there were about forty or fifty there before, is that correct?
A. They were not my men.
- Q. But there were about forty or fifty other policemen there when you came, is that correct?
A. Yes.
- Q. Approximately how many Formosans were present at that time?
A. About two or three hundred.
- Q. Did you make any arrests at that time?
A. No.
- Q. Did you take any of the confiscated goods with you at that time?
A. Everything was taken back by the Formosans. We did not take anything back.
- Q. Why didn't you take anything back?
A. I think that is too much to ask of me. That was the request of the economist.
- Q. Did this incident take place in an area under control of Shibuya Police Station?
A. Yes.
- Q. Do you know of any reason why the goods were not taken back by the Japanese at that time?
A. I think you should get that from the economist who had the responsibility.
- Q. I am asking whether you know any reason why the goods were not taken back.
A. I do not know.
- Q. Do you recall on the 17th of July of this year whether you confiscated any goods that were being sold in front of the Shibuya Railroad Station?
A. Yes, I remember.
- Q. Approximately how much was confiscated at that time?
A. I will produce in detailed document later on.
- Q. Do you remember now?
A. There was quite a number.
- Q. Approximately how many Japanese policemen were present that day?
A. More than 300.
- Q. Did you have any difficulty in making that confiscation?
A. It was very difficult.
- Q. Did you have any military police with you at that time?
A. Yes, the MPs were with us.
- Q. How many MPs?
A. Two.
- Q. Will you explain what you mean by "difficulty" in making the confiscation?
A. As I said before, my car was in front and then came the truck bearing the plain-clothes men, then the truck with the uniformed policemen, and far to

the rear was the military police. The plain-clothes men got out first and they went inside while the uniformed policemen surrounded the area. As soon as the plain-clothes men got inside, they pulled the clubs out from underneath the counter and started to swing.

Q. What do you mean by "on the inside?"

A. Shall I draw a little diagram?

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

The Commission then, at 1600 on 3 October 1946, adjourned to meet at 0900 on 4 October 1946.

Richard R. Elliott
RICHARD R. ELLIOTT
Major, Chief Prosecutor

Metropolitan Police Station
Tokyo, Japan
4 October 1946

The Commission met, pursuant to adjournment, at 0900, all the personnel of the Commission, prosecution and defense, who were present at the previous session being present, except Mr. George T. Hagan, excused by the President.

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

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

Questions by defense continued:

- Q. On the 17th day of July of this year were you present at a confiscation of illegal goods in your district?
- A. Yes.
- Q. Where was that confiscation?
- A. In front of the station.
- Q. In front of the Shibuya Railroad Station or Shibuya Police Station?
- A. That's the railroad station.
- Q. Did you have any Japanese police with you?
- A. Yes.
- Q. How many police were with you?
- A. About 300.
- Q. Were any of these police armed with weapons?
- A. One portion had weapons.
- Q. What type of weapons?
- A. As I remember, only pistols.
- Q. About how many of the 300 police had pistols?
- A. I cannot remember.
- Q. Did you have any other assistance in addition to the 300 Japanese police that day?
- A. It was 300 in all including persons from the other districts.
- Q. Did you have any other assistance in addition to Japanese police?
- A. There were two MPs.
- Q. Where were these MPs stationed during the confiscation?
- A. They were way to the rear of the Japanese police.
- Q. Did the military police make any arrests?
- A. I have not heard that the military police made any arrests.
- Q. Did you make any arrests?
- A. I myself did not make any arrests, but my subordinates did.
- Q. Approximately how many arrests were made that day?
- A. In all about 25 or 26, but this figure is not accurate.

- Q. Were there any Formosans present at the time you made this confiscation?
A. There were many in the vicinity.
- Q. Did you have any difficulty with the Formosans in the vicinity at that time?
A. Yes.
- Q. Will you describe what you mean by "difficulty"?
A. As the police came down from the truck and tried to make the arrests, the Formosans took out clubs and iron rods which they had under the counter, and started attacking the policemen.
- Q. Did the Formosans offer any resistance to the two military police who were there?
A. As I remember they did not give any resistance to the military police.
- Q. At the time this confiscation was being made, were Japanese police stationed completely around the area?
A. Yes.
- Q. Approximately how much was confiscated that day?
A. Do you want the number or value of the goods?
Q. The value of the goods.
A. I do not know the exact figures. I have not looked it up. However, as I mentioned before, it was about ²⁵300,000 yen.
- Q. Have you ever reported serious difficulties to the military police or to the Provost Marshal?
A. In general I did, but there are times that I did not.
- Q. Have you ever conducted any confiscations together with the military police?
A. Yes.
- Q. Have you ever conducted any confiscations or raids upon Formosans with military police?
A. Not together with the MPs, but the MPs were only there to observe what was going on.
- Q. When the MPs were there did the Formosans offer any resistance to the MPs?
A. I believe not.
- Q. Did the Formosans ever offer resistance to the Japanese police when the MPs were present?
A. When the MPs were present they did not offer resistance.
- Q. When you expect serious difficulty or trouble, do you ever seek additional help?
A. By "additional help" do you mean from other police stations or the MPs?
Q. I mean from the MPs.
A. Yes, I have requested.
- Q. Did you request any help from the MPs when you made the confiscation on July 17th at Shibuya Station?

A. I personally did not request any help, but I believe that the Metropolitan Police Station had requested the help because this was their undertaking.

Q. Have you yourself ever asked for help from the military police?

A. Yes.

PROSECUTION: I'd like to have a conference with the interpreters on that last question.

The reporter read back the last question.

A. Yes.

Q. Did you seek such help when you expected serious trouble?

A. Yes.

Q. What is the normal number of Japanese police at Shibuya Police Station?

A. During the day about 120 to 130 policemen; at night about 60.

Q. Is that the same number who were assigned to the police station in July of this year?

A. Yes.

Q. Do these numbers include Japanese policemen who were previously injured?

A. What day are you referring to?

Q. I am referring to the month of July of this year.

A. There were many changes in July. Some quit and others were transferred to other stations, so I cannot give any definite figures on the month of July.

Q. In the month of July as far as you know were there any policemen in your station who had ever been beaten by Formosans?

A. There were some that were on duty and others not on duty. I believe I testified to this before.

Q. Have you testified concerning Japanese policemen of your station who were beaten by Formosans?

A. Yes.

Q. What happened to those who were seriously injured?

A. Some were taken to the hospital and others recuperated at their home, but they did not work.

Q. What happened after they recuperated?

A. They reported to duty.

Q. As far as you know, what is the average of the age of the policemen in your station?

A. I do not know.

Q. As far as you know what is the average length of service or experience of the policemen in your station?

A. I cannot give you an accurate answer here. I can check up on the record and submit it later.

Q. In your opinion as the police chief of the station, what is the average experience of the policemen in your station?

A. If necessary I will submit this later in writing.

Q. Has the number of police in your station increased recently?

A. Yes.

Q. As far as you know where have these police come from?

A. When do you mean? What day are you basing your question on?

Q. I am referring to the increase in the number of policemen in your station.

A. These police came from the police training school.

Q. As far as you know are many of the police in your station former soldiers or sailors in the Japanese armed forces?

PROSECUTION: If the court please, I object to that question. What difference does it make if they were former soldiers and sailors? I don't see what he's trying to bring out there. There are a lot of ex-soldiers and sailors in Japan, the same as there are in the United States.

DEFENSE: If it please the court, I realize that some of these questions may at times seem a little irrelevant and the cross examination rather long, but I've been trying to show both yesterday and this morning a series of incidents which will show the deep hatred of the Japanese police for the Formosans in their neighborhood. I've tried to show that first by the continuous assaults, the number of assaults by Formosans on the police, and now I'm trying to show the prejudice the police may have because they had served in the army and fought against China. I believe the witness has also testified that several times the Formosans have said, "We were the victors and have won the war. We don't have to obey your orders."

LAW MEMBER: The Commission understands that practically all Japanese were concerned with the war effort. The objection is sustained.

Q. Did you instruct all your police as to their power to arrest Formosans?

A. Yes.

Q. What was the attitude expressed by the police in your station when the Formosans denied that the Japanese police had jurisdiction over them?

A. When the Formosans denied this orally, I believe that the police explained to them about this. However, when they denied this by some actions, I believe they took some suitable steps.

Q. Did your subordinates in the Shibuya Police Station hate the Formosans?

A. I believe they did not like the Formosans.

Q. What do you mean by "do not like the Formosans?"

A. For example, they did not obey the Japanese police, and whenever there was any kind of incident, they used force.

Q. Since your subordinates did not like the Formosans, did you caution them not to harbor any ill feeling against the Formosans?

A. I told them as policemen whether they liked the Formosans or not, they should treat them fairly.

Q. Did you think it was necessary to caution them in that manner?

A. I think it was necessary.

Q. Did you caution them very often?

A. Even among the Japanese there are persons whom the police do not like, and even against these people they should treat them fairly.

Q. Did you ever caution your police specifically about the Formosans?

PROSECUTION: May it please the Commission, I believe there's some question about the translation of that last answer.

The Reporter read back the last answer.

INTERPRETER: The record stands.

A. I did not caution the police specifically against the Formosans. I cautioned them on their daily behavior that they should not display any like or dislike.

Q. In view of the serious difficulties which your Japanese police had had with Formosans, did you think it was unnecessary to caution them specifically about Formosans?

PROSECUTION: If the court please, I think the witness has answered that question at least three times. I object to this repetitious questioning.

DEFENSE: If it please the court, I believe I've asked him whether he cautioned them against Formosans, but I've never asked him whether he thought it was unnecessary to caution them specifically with respect to Formosans.

LAW MEMBER: Objection sustained.

Q. In the Shibuya district under jurisdiction of your police station, has there been much black marketing?

A. Yes.

Q. Was this one of the serious problems of your police station?

A. Yes.

Q. Was this black marketing conducted mostly by Formosans?

A. Mainly Formosans.

Q. Was it conducted mainly by Formosans who lived in Shibuya Ward, or by Formosans who came from other wards?

A. Both. Black marketing was conducted by those who lived in the district and also by those who came from the outside.

Q. Was it conducted mostly by Formosans who came from the outside?

A. Both parties.

Q. As police chief were you taking any steps to eliminate that black market?

A. Yes.

Q. What steps were you taking?

A. I have instructed them not to black market, and against those who did bad things, I made arrests.

- Q. Did you raid and confiscate goods that were sold on the black market in your area?
- A. Yes.
- Q. Did the black market continue even after you took those steps?
- A. Yes.
- Q. Did the black market continue up to the month of July of this year?
- A. Yes.
- Q. Did you consider taking any other steps to eliminate the black market?
- A. Just those two that I mentioned.
- Q. Did you ever destroy any of the business stalls where black marketing was going on?
- A. What do you mean by destroy the stalls?
- Q. Did your subordinates ever take down the stalls in which black market goods were sold?
- A. Yes.
- Q. Did you make any other effort to stop Formosans from conducting black market activities in your area?
- A. I could not take any steps against the Formosans as they did not obey anything that the police told them. For example, they requested the police to recognize black marketing as legal.
- Q. Did you recognize black marketing as legal?
- A. No.
- Q. Did you permit any black marketing in your area?
- A. No.
- Q. When the black marketing continued and you were not able to stop the Formosans, what other steps did you take to stop the black marketing?
- A. There were times that I just ignored them, and other times I made arrests.
- Q. Was there any competition between Formosans and Japanese in that black market?
- A. Yes, I believe so.
- Q. Did you take any steps to stop the Japanese from engaging in black marketing?
- A. There are two types of black marketing; the type that the Japanese engage in is different from that the Formosans engaged in.
- Q. Will you explain that difference?
- A. One type of black marketing consists of selling goods above the ceiling price set by the Economic Control Board. This can be considered black marketing. There are a lot of people who engage in this business, and they all cannot be arrested. The second type of black marketing consists of selling prohibited goods at exorbitant prices such as clothes and food, such items that are important to the Japanese people for their daily existence. The majority of the Formosans are engaged in the second type of black marketing. There are some Japanese that are engaged in this type of black marketing.

Q. Did you ever report to the MPs or to the Provost Marshal that you were not able to stop the black marketing?

A. No.

Q. What was the reason for not reporting to the military police or the Provost Marshal that you were not able to stop the black marketing?

PROSECUTION: If the Commission please, I object to that with vehemence. Defense is attempting to show or infer that the police were bound in duty to call on the MPs. Now he is a police chief and it has been shown and proved that he had a jurisdiction over Japanese, over Formosans, Koreans, all the people in his district except the Allied nationals. Now he is not at all bound to call on the MPs except in cases of violence, and I believe the court recognizes that the defense is trying to establish the prejudice that the chief was duty bound to call on the MPs.

DEFENSE: I have no answer.

LAW MEMBER: Objection sustained.

Q. Have you ever heard of the Matsuda Gumi?

A. Yes.

Q. Do you know what the activities of the Matsuda Gumi are?

A. I have heard that they are managing the stalls.

Q. What stalls do they manage?

A. I do not know. I heard that they manage the stalls at Shinbashi, but actually I do not know.

Q. Do they conduct any activities in your ward?

A. There is no connection.

Q. I'll ask you that question again. Do they conduct any activities in your ward?

A. No.

Q. Is the Shinbashi area under your control?

A. No.

Q. Have you ever been present at any police raids in the Shinbashi area?

A. I have no connection with such raids whatsoever. The police chief from Atago has participated.

Q. Do you know anything about the members of the Matsuda Gumi?

A. I do not know.

Q. Do you know how many members there are in the Matsuda Gumi?

A. I do not know.

Q. Do you know approximately how big the Matsuda Gumi is?

PROSECUTION: If the court please, he has answered five questions that indicated he knew nothing whatsoever of the Matsuda Gumi. I object to this line of questioning.

DEFENSE: If it please the court, at first he said when I asked him what the activities of the Matsuda Gumi were, he said they managed the stalls, and as soon as I asked him any further questions, he began saying he did not know and it was in a different area. I'm trying to find out whether he does know a little more about it.

LAW MEMBER: Objection overruled.

A. I do not know.

Q. Do you know who the present leader of the Matsuda Gumi is?

A. I have met him only once. That's the time when he came about the middle of August looking for Sergeant Haga's house.

Q. Is the present leader of the Matsuda Gumi a woman?

A. Yes. I have met this woman just once in August.

Q. How long has that woman been leader of the Matsuda Gumi?

A. I do not know.

Q. Do you know the husband of the woman who leads the Matsuda Gumi?

A. I do not know and I have never met him.

Q. Do you know whether he is dead or alive?

A. I have heard that he was killed.

Q. Have you heard when he was killed or about when he was killed?

A. Sometime this year, but I do not know the exact time.

Q. Was it about the month of June of this year?

A. I do not know.

Q. Do you know whether it was before July 19th?

A. Yes.

Q. As chief of police did you ever investigate the killing of that man?

A. I have no connection with this case.

Q. Have you ever arrested any members of the Matsuda Gumi?

A. No.

Q. Have you ever received any reports of violence by members of the Matsuda Gumi?

A. Do you mean the middle of July?

Q. Have you ever received any reports of violence by members of the Matsuda Gumi?

A. I got a report from the Atago Police Station when the Formosans attacked the members of the Matsuda Gumi. In the report it said that "Formosans from your district went over and attacked with clubs the members of the Matsuda Gumi."

Q. Did you investigate those reports?

A. No.

Q. Why didn't you investigate those reports?

A. This was the duty of the Metropolitan Police Station and the Atago Police Station.

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, with the exception of Mr. George T. Hagan and Mr. Robert D. Scott, excused by the President, and the accused, interpreters and the reporter resumed their seats.

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

Q. Did you testify that Formosans in your district beat up members of the Matsuda Gumi?

A. Yes, I did.

Q. Do you know why the Formosans beat the members of the Matsuda Gumi?

A. I do not know in detail.

Q. Do you know any reason or do you have any opinion as to why they beat up the members of the Matsuda Gumi?

A. It is for the same reason as I explained before.

Q. Will you explain that reason again?

A. I believe I explained it this way. It was due to incident concerning a market which Matsuda Gumi was building.

Q. What kind of a market were they building?

A. I do not know.

Q. Do you have any idea of what they intended to sell in that market?

PROSECUTION: If the court please, I object to that because counsel is asking him to testify in rumors. He stated he didn't know. Now he's asking him what his opinion is. He's asking him to testify on rumors.

DEFENSE: If it please the court, the witness has been qualified as the police chief of the Shibuya Ward who has testified as to various reports that were brought to him in his official capacity. I'm now asking him to state what he knows as police chief with that experience behind him.

PROSECUTION: He has also testified that Matsuda Gumi operated in Shibashi Ward, which is out of his jurisdiction. He's stated he didn't know anything about it. Now he's asking him what his opinion is. He's stated he didn't know. He is asking him to testify in rumor.

DEFENSE: If it please the court, I believe the witness testified that he did not know the reason in detail, but was about to give us a repetition of an explanation. I don't recall the explanation he made before, and that is why I asked him to repeat.

PROSECUTION: Counsel's question was did he have any idea and what was his opinion, after he stated he didn't know.

LAW MEMBER: Objection sustained.

Q. Will you explain what you mean when you said, "I do not know in detail" the reason for the Formosans in your district beating up members of the Matsuda Gumi?

A. First this incident did not take place under my jurisdiction. Secondly, I heard this from a report from the Atago Police Chief, and thirdly, we have no connection whatsoever with Matsuda Gumi.

Q. Where was the market that the Matsuda Gumi was building?

PROSECUTION: If the court please, I reiterate my objection of a while ago. I object to asking this witness anything about the Matsuda Gumi because he has stated that he knows nothing about it, that it's not under his jurisdiction. Now if defense wishes to bring in the Matsuda Gumi, they can bring in the police chief of the Shibashi Station who is qualified to testify on that point.

DEFENSE: If it please the court, on the direct examination of this witness the witness referred to several or at least a few incidents involving acts between Formosans and members of the Matsuda Gumi. On cross examination he has testified sometimes that he does not know anything about the Matsuda Gumi and that it is outside of his jurisdiction. At other times he has given us partial answers as to some activities of the Matsuda Gumi.

PROSECUTION: He's also qualified his statements that he testified on something that he heard, and I still say that if he wants testimony regarding the Matsuda Gumi, the Shibashi or the police chief of that particular ward involved would be qualified to give it, and not this man.

LAW MEMBER: It is true that the witness may not know about the operation of the market, but he should know as to its location. Therefore the objection is overruled.

Q. Where was the market that the Matsuda Gumi was building?

A. I have no time to go to see where Matsuda Gumi is building their market.

Q. Did you testify that the leader of the Matsuda Gumi called on you in the month of August?

A. Yes, I did.

Q. Did you testify that the leader of the Matsuda Gumi then asked you the residence of Police Inspector Haga?

A. Yes, I did.

Q. What was your answer to the leader of the Matsuda Gumi at that time?

A. I told him his address.

Q. What was the address of Police Inspector Haga at that time?

PRESIDENT: At any time there's any question as to interpretation or language difficulties, both the prosecution and the defense will be present when the matter is discussed.

A. All I know is that he lives in Kamiuna Setagaya. At that time all I knew was that he lived in Kamiuna Setagaya, but then I told him to go to Asahi Beshi Police Box in Setagaya.

Q. Is the policeman Haga whom you just referred to the same police inspector Haga who was with you on the night of July 19th in front of the Shibuya Police Station and was wounded?

A. Yes, it is.

Q. Was Police Inspector Haga at a police box at the time you told the leader of the Matsuda Gumi those facts?

A. They inquired after Haga died, so at that time he was not at the police box. He died on August 8th.

Q. What did you tell the leader of the Matsuda Gumi at that time? Did you tell the leader that he was dead, or did you tell the leader that he was at a police box?

A. At that time the leader of the Matsuda Gumi came to express his condolence to the family of Haga.

Q. Did you just testify that you told the leader to go to a police box to see Inspector Haga?

PROSECUTION: If the court please, the defense is directly misquoting the witness. The witness did not say that Haga was at the police box. He said, "Go to the police box and find out where he lives."

DEFENSE: Well if it please the court, that's what I was asking the witness, whether he did testify he was at the box, to make sure the testimony is correct. In view of the language difficulty the testimony may have been, "See Inspector Haga at the box." That's why I asked him the question again to clear that up.

The reporter read back the last question.

A. I told them to go to the police box to ask where Haga lives.

Q. As police chief of Shibuya ward do you know of any relationship between Police Inspector Haga and the Matsuda Gumi?

A. There is no connection.

Q. How do you know there is no connection?

A. I think they have no connection because they do not know Haga's residence.

Q. Do you know of any reason why the Matsuda Gumi leader should feel obliged to express condolence to the family of Inspector Haga?

A. As a Japanese custom I believe it is only natural to go to the family to express condolence when a person dies.

Q. Were there many other persons who came to the police station to inquire for Inspector Haga's residence?

A. Yes, there were many.

Q. Who told these persons the residence of Inspector Haga?

A. At this time I do not remember.

Q. Who told the leader of the Matsuda Gumi where to find information about the residence of Inspector Haga?

A. I do not know.

Q. Did you just testify that you had a conversation with the leader of the Matsuda Gumi concerning the residence of Inspector Haga?

A. Yes, I did.

Q. Did you give the leader of the Matsuda Gumi information as to how to learn the residence of Inspector Haga?

A. Yes, I did.

Q. Did you personally give such information to other persons?
 A. The death of Haga was reported in the newspaper, and many persons sympathized with him, and because so many persons came to inquire of his residence, I do not remember.

Q. As police chief of Shibuya Police Station, is it one of your duties to give such information to persons who come to the police station?
 A. It is not my duty.

Q. Why did you personally speak to the leader of the Matsuda Gumi concerning this information?
 A. If a person asking for me has a legitimate reason for seeing me, then I cannot refuse to see him.

Q. Did the leader of the Matsuda Gumi ask to speak to you personally?
 A. I do not know, but they requested an interview with me.

Q. What else was said in that interview?
 A. Just the address of this person.

Q. As police chief of Shibuya Police Station, do you have any more important duties than supplying such information?

PROSECUTION: If the court please, I think this question is rather facetious. I object to the facetious form of the question. I think the court recognizes that as chief of police station of a ward of forty or fifty thousand he has other duties other than to give information.

DEFENSE: If it please the court, there is no intention of facetiousness intended in asking that question. The police chief has testified that several persons came to the police station to ask about the residence of Inspector Haga. He said that at least one person, the leader of the Matsuda Gumi, asked personally to speak to him. Now I'm trying to find out whether there was any other reason for the leader to speak to him personally.

PROSECUTION: I suggest that counsel ask that question and not ask the chief if he has any other duties, which I repeat I consider facetious.

LAW MEMBER: Objection sustained. Follow the prosecution's suggestion.

Q. As far as you know was there any other reason for the leader of the Matsuda Gumi to speak to you personally at that time?
 A. No, no other reason.

Q. At that time was there anyone else available in the police station who could have supplied the same information about Inspector Haga's residence?
 A. There probably was, and there should be.

Q. As far as you know is the Matsuda Gumi composed of Japanese or Formosans?
 A. Japanese.

Q. As far as you know what was the feeling between the Japanese members of Matsuda Gumi and the Formosans?
 A. I do not know that.

- Q. As police chief of Shibuya Station, did you ever receive any reports concerning disputes between Formosans and the Japanese members of Matsuda Gumi?
- A. Yes, I have heard some.
- Q. Did you ever receive reports that Formosans shot a member of the Matsuda Gumi?
- A. Yes, I have.
- Q. Did you ever receive reports that Formosans beat up members of the Matsuda Gumi?
- A. Yes, I have.
- Q. Did you receive reports as to the causes of the reported disputes?
- A. The only reasons I have heard were those that I mentioned before.
- Q. What were those reasons?
- A. They were problems concerning the market.
- Q. By that do you mean they were problems concerning business?
- A. It is a problem of the market, so I believe that is true.
- Q. Do you know or did you receive any reports as to what type of business?
- A. I have not heard.
- Q. I will ask you again, in your opinion as police chief do you know what the feeling was between Formosans and the Japanese members of the Matsuda Gumi?
- A. I do not know anything besides the fact that they were fighting.
- Q. Do you know that they were fighting?
- PROSECUTION: If it please the Commission, may I ask the defense to qualify whether he's asking the chief if he knows officially or otherwise.
- Q. How do you know that the Matsuda Gumi members and the Formosans were fighting?
- A. It is because I received such reports.
- Q. Did you take any steps concerning these reports?
- A. As I have mentioned before, it is not under my jurisdiction and has no connection with me.
- Q. But you did receive reports that they were fighting, is that correct?
- A. I have heard reports that they fought and withdrew.
- PROSECUTION: May it please the Commission, it's still a little confusing. Are these official reports or just rumors?
- Q. Were these reports official reports to you as police chief of Shibuya Station?
- A. They are official reports.
- Q. Did you ever receive any reports that members of the Matsuda Gumi planned to attack Formosans?
- A. I have not heard anything like that.

Q. Did you ever hear any rumors that members of the Matsuda Gumi were planning to attack Formosans?

PROSECUTION: If it please the court, I object to that because he's asking him directly to testify from rumor, not at all what he knows. He testified that he didn't know, and now he's asking him if he heard any rumors.

DEFENSE: If it please the court, this is a rather important point. I want to make sure whether the witness ever received any reports or any rumors that the Matsuda Gumi were to attack the Formosans. If the court will hear with me for just a few more questions, I believe the purpose of the cross examination will be brought out more clearly.

PROSECUTION: I object to the witness testifying to rumor.

DEFENSE: If it please the court, I'm not asking him the substance of the rumor. I am merely asking whether he received the rumor. I'm not trying to prove that the Matsuda Gumi did act in accordance with those rumors. I'm merely asking whether he received rumors to that effect.

LAW MEMBER: Objection overruled.

Q. Did you ever receive any rumors that members of the Matsuda Gumi planned to attack Formosans?

A. I did not.

Q. Did you ever state to anyone that you received such rumors?

A. I have not heard so. I did not tell anybody.

Q. Are you sure of those two statements?

A. Yes.

Q. Did you as police chief of Shibuya Station ever make any preparations for an attack by members of the Matsuda Gumi upon Formosans?

A. There is no reports, so I did not make any preparations.

Q. I will ask you that question again to make sure. Did you ever make any preparations for an attack by members of the Matsuda Gumi upon Formosans?

A. I have had no previous reports, so I did not make any preparations.

Q. Do you recall testifying about what you said to the occupants of the first jeep when it was stopped outside of Shibuya Police Station on 19th of July?

A. Yes, I remember.

Q. Do you recall testifying that occupants of the jeep asked you why the police were in the street?

A. I testified that way.

Q. Do you recall testifying that you told the occupants of the jeep that the police were there to protect them?

PROSECUTION: If the Commission please, I believe defense is misquoting the witness again.

DEFENSE: If it please the court, I'm trying to find out exactly what he did testify and I'm giving him a chance to correct it at this time. If I'm

misquoting him or if there was an error in his testimony, that's why I'm asking whether he did testify to that effect.

LAW MEMBER: If you are not sure what he said, ask him what he said instead of putting words in his mouth.

DEFENSE: If it please the court, I'm asking him whether he did make that statement at that time.

PROSECUTION: If it please the court, he said, "Do you remember," inferring that he had testified that way.

DEFENSE: If it please the court---

LAW MEMBER: The ruling has been made.

Q. Did you tell the occupants of the jeep that the police were there to protect them?

A. Yes, I did.

Q. What did you mean by that statement?

A. I really meant to protect them.

Q. From whom were you protecting them?

A. It was our job to protect them from anybody, and at that time it was not decided from whom we were to protect.

DEFENSE: If it please the court, at this time I believe there is a statement that was made by the witness shortly after July 19th or on the same day, and that statement or at least a translation of that statement is in the possession of the prosecution, which contradicts certain statements which the witness has just made. If it please the court, I would like to request prosecution to produce that statement at this time. I can identify it by the file number, the date of the translation, and the subject. I have no further identification of it.

PROSECUTION: Is it a sworn statement?

DEFENSE: This is just a translation in English of a statement apparently made in Japanese.

PROSECUTION: Is it a certified translation?

DEFENSE: I don't know whether the translation is certified or whether the statement was certified, because I did not see the original Japanese statement. I have merely seen the English translation. If it please the court, I can identify it by the subject, date and file number, and request that the prosecution present that statement at this time.

PROSECUTION: If the court please, prosecution has nothing in its possession that is a certified translation or sworn statement of any statement made by the witness.

DEFENSE: If it please the court, I don't think it's material whether the statement was sworn at the time. It was made by the police chief. It's an inconsistent statement with what he has just testified to under oath.

If the prosecution does not have available a certified translation, if they will produce the original statement we will provide a certified translation, subject to approval.

PROSECUTION: If the court please, prosecution has been bending over backwards to defense during this whole trial. In the first place we're working under terrific handicaps. We weren't permitted to see the defendant without a representative of the Chinese Mission. We were ordered by the appointing authority to turn over, to let defense see all the material we had, and the statements which he is referring to is nothing more than a summary. It's not sworn, it's not even translated verbatim. It's a summary of the translation of the Japanese form. Now I object strenuously to producing material for the defense. After all, it's not the duty of the prosecution to make a case for the defense. Anything that we've got we've got through our own investigation. I'd like for that to go into the record too that we got very little help from the CID and the CIS in this matter, and we've been cooperating, bending over backwards. We were ordered to do so by the appointing authority in this case.

DEFENSE: I have no further comment.

LAW MEMBER: Is this a formal motion?

DEFENSE: Yes, I move that the prosecution be required to produce that statement. If the Commission wishes, I can identify the statement as far as it's identifiable.

PRESIDENT: The Commission would like to ask the prosecution one question. Was this statement prepared by the witness or by some agent of the prosecution?

PROSECUTION: It was prepared by the witness, if I'm not mistaken. What we have is a summary of that statement, a translation of the summary of that statement. It's not a statement at all; it's a report.

PRESIDENT: Question to the defense. Is it intended to use this document for the purpose of impeachment?

DEFENSE: Yes, it is.

PRESIDENT: Since the document or notes in question are neither certified to nor sworn testimony, the Commission cannot see its value in an impeachment procedure, and it is the ruling of the Commission, subject to any objection by members thereof, that the motion be denied.

DEFENSE: May it please the court, may I ask that the original document be shown to the witness and ask him if he made that statement?

PRESIDENT: It appears to be a matter of stipulation between the two counsels to what extent a memorandum of that nature can be used. You may proceed with the questioning to determine what if anything was written in the memorandum that is contradictory to his present testimony.

DEFENSE: Well, if it please the court, I believe the witness had testified that he made no statements concerning various facts. I believe the report

which I referred to contradicts that statement. He did make a statement concerning those facts. He's already denied making the statement. The only way I can show that that's wrong is by showing him the statement.

LAW MEMBER: Does prosecution have anything in reply?

PROSECUTION: Well, I was of the opinion that the Commission had already made the ruling.

PRESIDENT: The contention by the defense is that the witness has made a statement, submitted it as a statement to the prosecution. Is there any answer to that?

PROSECUTION: Yes, I can say that the witness has never made any written statement to the prosecution.

PRESIDENT: What has he prepared and turned over to you?

PROSECUTION: He has not turned it over to me. I don't want to confuse the court. There is a certain file that was turned over to the CID, the CID to the CIS and then to the Judge Advocate of the Eighth Army, who turned the file over to us. Now as a matter of fact I don't know which statement counsel is referring to, but I do know it was not a statement at all. It's a report and it's not sworn to and it's not translated correctly. There are several errors which we discovered in translation already, but it's not translated completely.

DEFENSE: If it please the court, with your permission I'll identify the statement so that the prosecution will be sure that he knows which statement I refer to before he says that it's incorrectly translated, not sworn to, not certified to.

LAW MEMBER: The defense may not question the witness relative to this statement if such a statement is in existence.

DEFENSE: If it please the court, I'm about to enter a new phase of the cross examination.

PRESIDENT: The Commission is not quite sure as to the exact nature of this document which you keep referring to as a statement, whereas the prosecution refers to it as a note, memorandum or summary.

PROSECUTION: I don't want to be in the position of misrepresenting anything. I invite the counsel to say just what he is speaking of.

PRESIDENT: Will you please identify the document as you have it?

DEFENSE: The document was entitled, "File 2986, Translation 20 July '46. Subject: Matters Pertaining to the Police Casualties from the Formosan's Firing. Report by Tsuchida, Shibuya Station police chief." That's as far as my notes go on the report. If there are any other identification marks, I don't have them.

PROSECUTION: I will gladly turn that over to the defense for the purpose of cross examination. If the court please, defense said that he wanted to question the witness for misrepresenting several incidents or facts or

statements. Now I'd like the defense to state just what statements he is referring to.

DEFENSE: If it please the court, I believe I asked the witness whether he made any statements that--well, first I asked him whether he heard any rumors that the Matsuda Gumi were to attack the Formosans. Secondly I asked him whether he made any statement to that effect. Thirdly I asked him whether he made any preparations for such an attack. Fourth, whether he made any statement concerning preparations for such an attack.

PROSECUTION: An attack by the Matsuda Gumi?

DEFENSE: That's correct, Matsuda Gumi upon the Formosans. I believe that the prosecution has a statement in English which I identified previously which contradicted what the witness testified to. I don't know whether the Japanese was certified to, sworn to, I don't know whether the translation was a certified translation, but I merely asked for that English document for the purpose of impeaching the witness by showing he had made an inconsistent contradictory statement at a previous time.

LAW MEMBER: It is a recognized fact that any report official or otherwise can be in error and is always subject to change. Your questioning the witness relative to this report will serve no purpose insofar as impeachment is concerned. The President has ruled that you may not use this document for impeachment purposes. The Law Member has ruled that you may not question the witness regarding it.

PRESIDENT: At this time the Commission will adjourn to meet at 1:30.

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. George T. Hagan and Mr. Robert D. Scott were also present.

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

DEFENSE: If it please the court, I'd like to offer a word of explanation at this time. In view of the great amount of direct testimony of this witness which had been introduced based upon reports as well as direct observation of various incidents over a period of a long time, cross examination as to those incidents has been necessarily long and a little drawn out. At this time I would begin cross examination of the witness as to incidents occurring on the evening of July 19th.

- Q. On the evening of July 19th of this year, how many police officers did you have under your command in front of the Shibuya Police Station?
- A. In all there were 386 policemen, including myself.
- Q. How many of those policemen were armed with pistols or revolvers?
- A. From about 180 to 190 policemen.
- Q. Did the remaining policemen carry any weapons?
- A. The others had long night sticks.

- Q. Did the policeman who carried pistols or revolvers carry night sticks?
A. No.
- Q. Of the 366 policemen who were present, how many of those policemen were in uniform?
A. I cannot give you the exact number. I have to look that up, but I can give you the approximate figures.
- Q. What are the approximate figures, to the best of your knowledge?
A. From thirty to forty policemen were plain-clothes.
- Q. How were the plain-clothes policeman armed?
A. Some had pistols and others had night sticks.
- Q. Is it customary for plain-clothes policemen in your station to carry night sticks?
A. From the situation that night it was necessary for them to hold night sticks.
- Q. At other times is it customary for plain-clothes men in your station to carry night sticks?
A. Ordinarily they do not carry night sticks.
- Q. Of the uniformed policemen who carried pistols or revolvers, where did they carry those pistols or revolvers?
A. On their hips, as I have shown you.
- Q. By that you mean in a holster on their hip, is that correct?
A. That is correct.
- Q. Is that holster covered by the uniform jacket which the policemen wear?
A. There are two types, one the holster is carried outside the uniform, and one under the uniform.
- Q. Where did the plain-clothes officers carry their weapons?
A. There is no regulation concerning where plain-clothes men carry their pistols. However, I believe that they had it on their hips.
- Q. Is there anything to indicate to an outside that that person is a plain-clothes policeman?
A. Do you mean that night or ordinarily?
- Q. I mean that night.
A. Yes.
- Q. How could they be identified as police officers that night?
A. They had a brassard, arm band.
- Q. What did that arm band say?
A. There was nothing written on the arm band.
- Q. Was the arm band readily visible?
A. Yes.
- Q. At the time you posted these police officers in the area around the Shibuya Police Station, did you inquire as to the rounds of ammunition which each armed police officer had with him?
A. No.

- Q. Is the number of pistols or revolvers which are authorized for the Shibuya Police Station limited in any way by any regulation?
- A. Yes.
- Q. How many pistols or revolvers are permitted the Shibuya Police Station?
- A. Because of the situation that night the number of revolvers were increased. Pistols were sent from the Metropolitan Police Station. Ordinarily we do not have 180 to 190 pistols.
- Q. Ordinarily how many pistols do you have in the Shibuya Police Station?
- A. I cannot give you the exact figures unless I check up on the record. However, in general I believe from fifty to sixty.
- Q. Were the other pistols sent from the Metropolitan Police Board?
- A. Yes, and some were brought by policemen who were sent to assist us.
- Q. Were the pistols which were sent from the Metropolitan Police Station sent to you?
- A. Yes.
- Q. Did you supervise the distribution of those pistols?
- A. Yes.
- Q. Is there any limit on the number of rounds of ammunition which you may have at the police station?
- A. Yes.
- Q. How many rounds of ammunition are authorized for each pistol?
- A. The number of rounds is not regulated according to the number of pistols. It is regulated by the entire amount.
- Q. By the entire amount, you mean the entire amount of what?
- A. The number of rounds is not regulated according to the number of pistols but it is regulated according to the total amount of rounds that we have at the station.
- Q. Did you receive any additional rounds of ammunition from the Metropolitan Police Board at that time?
- A. Rounds were sent together with the pistols.
- Q. Approximately how many rounds were sent?
- A. I cannot recall.
- Q. Can you recall approximately how many rounds were sent with each weapon?
- A. I cannot recall.
- Q. Did you supervise the distribution of the rounds of ammunition that night?
- A. I did not take supervision of the distribution that night.
- Q. Do you know how the rounds were distributed?
- A. I do not know.
- Q. When you received the weapons and ammunition from the Metropolitan Police Board, did you receive any instructions as to their use or distribution?
- A. I have received the orders, but I myself did not comply with the orders. I would like to give the reason why. There are 200 or more policemen at

the Shibuya Station, and there are many duties that I have to perform, and one of the things that my subordinates did was to distribute these pistols, and I cannot give you the details how they did the distribution.

- Q. Do you recall whether you received any instructions from the Metropolitan Police Board as to the distribution of the weapons and ammunition?
- A. I did not receive any orders concerning the distribution of the pistols. It is up to the police chief.
- Q. As police chief did you give any orders as to the distribution of these pistols and ammunition?
- A. I have told my subordinates to distribute the pistols among the policemen, but besides that I did not give any special orders.
- Q. Do the police officers in your station have in their possession any blank cartridges?
- A. No.
- Q. When you posted policemen in the area around Shibuya Police Station, did you check whether the men were armed at all?
- A. I myself did not make any inspection; my subordinates did.
- Q. Did you receive any reports from your subordinates as to how the men were armed?
- A. There were no special reports.
- Q. Can you describe the types of pistols and revolvers which were distributed among the policemen that evening?
- A. Yes, I can.
- Q. What types of pistols or revolvers were used by Japanese police that night?
- A. Principally Browning and Model 14 which was handed over by the army.
- Q. By what army?
- A. From the Japanese army.
- Q. Are you familiar with a weapon known as the Nambu?
- A. Yes.
- Q. Is that type of weapon used by the Japanese police?
- A. The Model 14 is Nambu. As I mentioned before, the police used Browning and the Model 14 pistol.
- Q. Do you know what size round is fired from a 14 Nambu pistol?
- A. I believe 35 millimeter.
- Q. Are you familiar with an 8 millimeter round?
- A. I do not know.
- Q. Do you know whether there is a Japanese 8 millimeter pistol of the Nambu pattern?
- A. There is no such pistol at the police station.
- Q. Is there such a pistol?
- A. None of the police stations use such a pistol.

- Q. Is there such a pistol?
A. I do not know.
- Q. After the incident occurred in front of the Shibuya Police Station, did you make any report?
A. Yes.
- Q. Did you check the weapons and ammunition that had been used in the incident?
A. Yes.
- Q. What was the result of that check?
A. Is it the number of rounds or the pistol that was used?
- Q. How many pistols were used?
A. About 95 or 96 pistols.
- Q. How many rounds were fired by the Japanese police?
A. I remember 242 rounds.
- Q. How long did the firing last in front of the Shibuya Police Station?
A. About two minutes, and at the most three minutes.
- Q. When you posted your police officers in the area around Shibuya Police station that afternoon, were there any other persons in the area?
A. You mean other than the policemen?
- Q. Yes.
A. I believe there were no other persons.
- Q. To what time are you now referring?
A. I believe that no one outside the police was present before the incident, and even before that.
- Q. When was the last time you saw anybody other than Japanese police in the area around Shibuya Police Station that afternoon?
A. I did not see anybody, as I stayed in my office.
- Q. Did you leave your office at any time on the afternoon of July 19th?
A. No.
- Q. Did you make any inspection of the policemen who were posted in the area that afternoon?
A. My subordinates did the inspection. I did not make any inspection.
- Q. When was the first time you left your office on the afternoon or evening of July 19th?
A. About 2100 when I heard the whistle on the outside.
- Q. Is that the first time that you saw Japanese policemen in the area around Shibuya Police Station that afternoon or evening?
A. That was the first time I saw the policemen posted around the police station.
- Q. At that time did you see any other persons besides the Japanese police and the persons on the vehicles in the area?
A. No.

Q. Did you inspect the area to see whether there were any other persons there at that time?

A. I had no chance to make any inspection.

Q. As far as you know is it possible that there were other persons in the area at that time?

A. No.

Q. Why isn't it possible?

A. I actually did not see anybody.

Q. I ask you is it possible that there were other persons in the area whom you did not see?

A. The people in the neighborhood might have been spectators to the incident. However, I did not see them.

Q. Did you receive any reports that there were other persons in the area?

A. I have heard that some persons actually saw the incident. However, I actually did not see anybody.

Q. Did you hear or receive any reports as to what persons saw the incident?

A. I heard from my subordinates that the people in the neighborhood, some of the people in the neighborhood saw the incident.

Q. Did you receive any reports that the persons who saw the incident were armed?

A. These people live in the neighborhood and they do not possess any weapons.

Q. How do you know they do not possess any weapons?

A. They do not possess any weapons. We confiscated all the weapons.

Q. Did you receive any reports that there were persons in the neighborhood who were present at the time of the incident who carried swords?

A. No.

Q. Do you know whether any of the Japanese police at Shibuya Station owned any swords?

A. My subordinates do not have any swords.

Q. I direct your attention to the 16th day of July, three days before the incident in front of Shibuya Police Station. Do you know or did you receive any report that approximately fifteen men of the Matsuda Gumi broke into the Formosan area in Shibuya Ward shooting pistols and displaying Japanese swords?

A. Yes.

Q. Was anybody arrested at that time?

A. Nobody was arrested at my place.

Q. Was any investigation made?

A. No.

Q. That incident took place in your district, did it not?

A. Yes.

Q. At that time were you responsible for collecting pistols and Japanese swords in your area?

A. Yes.

- Q. Did you make any investigation of the pistols and swords which were displayed in your area on the 16th of July?
- A. I got the outline from the Formosan who was wounded, and I reported this to the Search Section of the Metropolitan Police.
- Q. As police chief of Shibuya Station, do you supervise or make any searches for weapons in your area?
- A. Yes.
- Q. On the 16th day of July when this incident occurred, you knew that pistols and swords were in the possession of Japanese, is that correct?
- A. Yes, after hearing the story.
- Q. In addition to informing the Search Section of the Metropolitan Police Board, did you take any other steps to investigate that possession?
- A. I have also reported this to the Metropolitan Police Guard Section, and also to the military police.
- Q. Did you hear of any other incidents in which Japanese displayed weapons and swords in Shibuya area prior to the 19th of July?
- A. I do not recall of any incidents.
- Q. Why didn't you take any other steps besides reporting to the Metropolitan Police and the military police about the Japanese pistols and swords in your area?
- A. I have taken measures besides reporting to the metropolitan police and the military police.
- Q. I will ask you again what other steps did you take?
- A. I told the police detective to investigate this case and find out who the criminal was.
- Q. What report did that detective make?
- A. I heard that those who did it were those who came to assist Matsuda Gumi.
- Q. What do you mean by "assist Matsuda Gumi?"
- A. By that I mean that those who came to assist Matsuda Gumi from the other market stalls.
- Q. Do you mean that the Matsuda Gumi had members or conducted activities in Shibuya District?
- A. No, they did not do any business in Shibuya. They have no connection.
- Q. On the 16th of July your report showed that persons came to assist the Matsuda Gumi in Shibuya, is that correct?
- PROSECUTION: If the court please, will counsel clarify just which report he is speaking of?
- DEFENSE: If it please the court, I am referring to the report the witness testified the detective made as to who came into the Shibuya area with the pistols and swords.
- Q. Did you testify that your detective made a report concerning the incident on the 16th day of July in which Japanese persons were found shooting pistols and displaying Japanese swords in Shibuya?
- A. Yes.

- Q. Did that report say that those acts were committed by persons who came to assist the Matsuda Gumi?
- A. I heard the report said that the members of Matsuda Gumi together with those who came to assist Matsuda Gumi created this riot.
- Q. At that time were three Japanese persons caught, three Japanese persons who had connection with that incident? Were they caught?
- A. They were not arrested at my place.
- Q. Did you receive a report that three Japanese persons were caught for that act?
- A. I did not hear that three persons were arrested, but I heard that one portion of the members was arrested.
- Q. Did you hear that any of the persons were caught by American soldiers?
- A. The soldiers caught one perpetrator and brought in one police and another who was mistaken for one of the members of Matsuda Gumi.
- Q. They were brought in where?
- A. I do not know.
- Q. What do you mean when you said that American soldiers had three persons who were connected with the affair?
- A. They were not brought to my place. They were brought to the unit.
- Q. To what unit?
- A. I do not know where they brought the three persons. They brought the three persons someplace else.
- Q. Did they ever bring the three persons to Shibuya Police Station?
- A. No.
- Q. Was one of those three persons a Japanese police officer?
- A. Yes.
- Q. Was he a policeman from Shibuya Police Station?
- A. Yes.
- Q. Was he in uniform at the time?
- A. He did not have his blouse on. However, he had the trousers from the uniform on.
- Q. Was he on official duty at the time?
- A. Yes.
- Q. I am referring to the time when approximately fifteen persons came into the Formosan area in Shibuya shooting pistols and displaying Japanese swords.
- A. Yes.
- Q. What weapon did he have at that time?
- A. What do you mean by "he"?
- Q. I am referring to the policeman.
- A. I believe that he did not have any weapon.

- Q. Why was he taken by the American soldiers at that time?
A. He was saved by the soldiers when he fell over after being hit by the Formosans. This is what I heard.

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

The Commission then took a recess until 1500, at which hour the personnel of the Commission, prosecution and defense, with the exception of Mr. Robert B. Scott excused by the president, and the accused, interpreters and the reporter resumed their seats.

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

DEFENSE: At this time, if it please the court, I would like to present a motion that at the close of this afternoon's session the court be adjourned until Monday morning. I'd like to remind the court that I have submitted a petition through the court to the convening authority that the Saturday morning session be eliminated. In support of that motion I would like to cite to the court that I am the only American counsel for the defense. Other counsel are Chinese and have considerable difficulty with the English proceedings. They have taken their notes during the trial in languages other than English, and we have had insufficient time to consult all the notes they've taken and made in this week's session. For that reason I request additional time tomorrow morning to confer with other counsel.

PRESIDENT: Subject to an objection by members of the Commission, the motion is granted.

- Q. Were you informed that a Japanese policeman of the Shibuya Police Station was involved in an incident on the 16th of July?
A. No, I did not hear.
- Q. Did you hear a report that persons broke into the Formosan area in Shibuya shooting pistols and displaying Japanese swords on the 16th of July?
A. Yes, I have heard.
- Q. Have you heard that a Japanese policeman was involved in that incident in any way? Did you testify before the recess this afternoon about a Japanese policeman from the Shibuya Police Station?

PROSECUTION: If the court please, I believe the form of that question is a little confusing to the witness.

PRESIDENT: Will you rephrase the question?

- Q. Did you testify earlier this afternoon concerning a Japanese policeman from the Shibuya Police Station who was connected with the incident on the 16th of July?
A. I mentioned the fact that one of our policemen ran to the scene of the fight between Matsuda Gumi and the Formosans, and he was beaten.
- Q. Did that fight occur in your ward?
A. Yes.
- Q. Was that policeman one of your subordinates?
A. Yes.

- Q. Was he in uniform at the time?
A. He had off his jacket, but he had the rest on.
- Q. Did you or your subordinates conduct an official investigation of that incident?
A. Yes.
- Q. What was the substance of that report?
A. On that day at about 3:30 p.m. about fifteen Japanese from Matsuda Gumi armed with pistols and clubs attacked the Formosan settlement on trucks. At that time almost all of the Japanese from Matsuda Gumi shot their pistols and brandished their swords and they all escaped except one. The man that was unable to escape was surrounded by Formosans and beaten up with clubs. At that time Policeman Kaneko Tomoo who was on duty at the police box in front of Shibuya Railroad Station, heard about this fight between the Japanese and the Formosans and rushed to the scene. Policeman Kaneko rushed to the scene and there he saw two Japanese being beaten up. One was this man from Matsuda Gumi, and the other was this bystander who was watching. Kaneko rushed to the scene and told them to stop. When Kaneko told them to stop, the Formosans asked him, "Who are you," because he did not have his jacket on, and Kaneko said, "I am from the Shibuya Police Department," and then the Formosans said, "What do we care about the police," and started to beat him, and there Kaneko received injuries which required thirty days to heal, and that time the MPs came to rescue them. That is the report which I received.
- Q. Did you make any further investigation of the incident?
A. That is all.
- Q. Did you make any attempt to learn the reason why the Formosans were attacked?
A. I did not investigate that far, but I can imagine why.
- Q. Why?
A. Previously the Formosans attacked Matsuda Gumi, so I believe Matsuda Gumi came in retaliation.
- Q. Was one Japanese other than the Japanese policeman injured at that time?
A. Yes.
- Q. Was he arrested at that time?
A. We did not arrest this man that was injured. The MPs took this man away. Our policeman was also taken away.
- Q. Did you confiscate the weapon that he had?
A. I do not know, but I believe the MPs did this.
- Q. Did you report this incident to the Metropolitan Police Board?
A. I reported this to the Metropolitan Police Board and the MPs.
- Q. Did you take any steps to warn the Matsuda Gumi about further attacks on the Formosans?
A. I warned them through Atago Police Station.
- Q. Did you receive any further reports that members of the Matsuda Gumi attacked Formosans at any other time?
A. No.

- Q. Did you report to the Metropolitan Police Board that Japanese in your neighborhood were in possession of pistols and swords?
- A. I could not make such reports because first I would have to investigate whether or not they have the weapons.
- Q. After the Policeman Kaneko was injured, did you know that members of the Matsuda Gumi had swords?
- A. After he was injured, I heard such stories.
- Q. At that time did you report to the Metropolitan Police that members of the Matsuda Gumi had swords in their possession?
- A. Yes, I did.
- Q. Approximately when was that?
- A. On that very day immediately after.
- Q. Earlier this afternoon you testified concerning rounds of ammunition which were used by the police. Do you recall such testimony?
- A. Yes, I remember.
- Q. Do you recall testifying concerning a round described as 35 millimeters?
- A. Yes, I remember.
- Q. By 35 millimeters just what do you mean?
- A. That is the diameter of the round.
- Q. Do you mean diameter or length of the round?
- A. I do not know for sure right now, but I will look this up and tell you later. I believe it is the diameter, though. I will show you my pistol right now. It has a bullet with 32 millimeter.
- Q. What is the length of a round which is 35 millimeters in diameter?
- A. I am not a specialist, so I do not know.
- Q. How long have you been a policeman?
- A. 24 years.
- Q. Approximately how long have you been handling weapons?
- A. I first started to use this when we received permission from SCAP on January of this year.
- Q. What type of weapons did the Japanese police use before that directive?
- A. Just a saber.
- Q. When was the first time you began handling a firearm?
- A. This was the very first time.
- Q. What time are you referring to?
- A. This year around April when one of our detectives was catching a robber he used a pistol.
- Q. When was the first time you used a pistol?
- A. This was the first time.
- Q. Are you referring to the time the detective caught the robber, or are you

referring to the evening of July 19th?

A. The night of the 19th.

Q. Did you fire any shots that night?

A. Yes.

Q. Was that the first time you had ever shot a firearm?

A. It was the first time I shot a pistol.

Q. How many shots did you fire?

A. As I remember, one shot.

Q. Had you ever had any practice firing a pistol before then?

A. About ten years ago I fired a pistol once. That was at a practice called by the Metropolitan Police Board.

Q. What was the purpose of that practice?

A. It was the first time pistols were used by the police force, and the police had to know how to handle this weapon.

PROSECUTION: If the court please, I don't see where this has any bearing on the case whatsoever. I object to it as being immaterial.

DEFENSE: If it please the court, earlier in his testimony he testified concerning a 35 millimeter round. I wondered whether that was correct and whether I had the correct understanding of what the witness meant, so I asked him further questions, and since then apparently he's been making statements which are ambiguous, at least to me.

LAW MEMBER: It is quite apparent to the Commission that he has caliber and millimeter confused. The objection is sustained.

Q. Was one of your policemen shot on the evening of July 19th?

A. Two of them. Altogether four were shot.

Q. Was any examination made of their wounds?

A. A doctor treated them.

Q. Did anyone remove any bullets from the bodies of those policemen?

A. A doctor removed the bullet from the body of Sergeant Raga.

Q. Was any examination made of that bullet?

A. Yes.

Q. Do you know what that report contained?

A. It is one of the records produced here.

Q. Do you have that record with you at this time?

A. I do not have that record.

Q. Where is that record?

A. I have submitted this to the Search Section of the Metropolitan Police Board.

Q. Was that report made to you as an official report?

A. Yes.

- Q. Is that report an official part of the records of the Shibuya Police Station?
A. Yes.

DEFENSE: At this time with the permission of the court I'd like to ask the witness to bring that official report with him in order that we may cross examine him further as to the official record.

PROSECUTION: If it please the court, I'd like to state at this time that the cross examination in the first place is improper. However, rather than object we'll let him have all the latitude he wishes, but the question in point is improper. However, if he wishes to go into that he can at the proper time make the chief his own witness and then have him produce these records. He certainly cannot on cross examination ask that the chief produce a record which wasn't even discussed in the examination in chief. However, I can inform counsel for the defense that the record will be introduced by the prosecution at the proper time, we certainly will, so he doesn't need to have any fear that it won't be before the court, but it is improper at this time, and the prosecution objects.

LAW MEMBER: Objection sustained.

- Q. When was the first time that you received a report that Formosans were gathering to attack the police station?

A. I first received it on the evening of the 18th.

- Q. Did you take any steps at that time with respect to that report?

A. Yes.

- Q. What steps did you take?

A. I received a support of thirty men from the Metropolitan Police Force during the day, and fifty men at night.

- Q. Did you take any other steps after you received that report?

A. I made the police guard the area.

- Q. Did you notify any other authorities about that report?

A. The notice came to me from the Metropolitan Police Board, so it was only my duty to tell my subordinates.

- Q. When was the next time you received a report that Formosans were to attack the police station?

A. That evening I received a report from my subordinate saying that the Yokohama Formosans will burn down our police station.

- Q. By that evening you mean the 18th of July?

A. Yes.

- Q. Did you take any additional steps at that time?

A. I reported it to the Metropolitan Police Board.

- Q. Did you think it was unnecessary to report it to anybody else?

A. Who do you mean by "anybody else"?

- Q. Did you think it was unnecessary to seek aid or assistance from anyone else?

A. That evening I received an additional fifty men as assistants, so I did not think it was necessary.

- Q. Approximately how many policemen did you have under your control on the evening of 18th of July?
- A. I believe a total of 120 to 130.
- Q. Did the reports you received indicate how many Formosans were gathering to attack the station?
- A. That evening there was no report, but I heard something the next day.
- Q. On the 18th of July did you hear a report that Formosans were coming from Yokohama?
- A. It was not a report saying that they will come on the 18th, but I heard this report on the 18th.
- Q. Did the report indicate when they would come to attack the station?
- A. It did not mention the day.
- Q. On the 18th of July did you receive a report that Formosans were coming from Osaka and Kobe area to attack the police station?
- A. I received that report from the Metropolitan Police Board.
- Q. Did that report indicate to you how many Formosans were coming?
- A. It did not mention the exact number, but it said a great many.
- Q. At that time did you have approximately 120 to 130 Japanese police guarding the Shibuya Police Station?
- A. Yes.
- Q. Did you expect that the Formosans would attack the station during the day or during the night?
- A. I did not know. They could have attacked either time.
- Q. Did you have more Japanese police guarding the station at night than during the day?
- A. Yes.
- Q. Did you think that the number of police you had guarding the station would be sufficient if the Formosans attacked the station?
- A. Do you mean the number of policemen on the night of the 18th?
- Q. Did you think that the 120 or 130 police who were guarding the station on the 18th of July were sufficient to protect the station if the Formosans attacked?
- A. The number of Formosans attacking will determine the number of police guarding the station, and I cannot say that 120 or 130 was the right amount.
- Q. At that time did you have any opinion as to whether the police station was adequately protected?
- A. The situation at that time was that the Formosans were not attacking at that moment.
- Q. I direct your attention to the 17th of July in the afternoon. At that time did approximately 300 Japanese police attempt to raid the Shibuya Black Market area?
- A. Yes, they made a raid. On the first raid we did not use 300 men. If it was on the 17th, then we used 300.

- Q. I am referring to the 17th. That is the time you used 300 Japanese police, is that correct?
- A. Yes, approximately that number.
- Q. Did those police have considerable difficulty with the Formosans?
- A. Yes.
- Q. Was that raid conducted during the day or during the night?
- A. During the day.
- Q. In your opinion now as police chief, do you think that the 120 or 130 police officers you had to protect the police station on the night of 18th of July was sufficient in case the Formosans attacked the station?
- A. As I mentioned before, the number of policemen is determined by the approximate number of attacking party, and it is not for me to say whether that was enough or not.
- Q. Were you responsible for the protection of the Shibuya Police Station?
- A. Yes.
- Q. I direct your attention to the evening of July 19th. Is there a person in the courtroom now whom you call Mr. Sai?
- A. Yes.
- Q. Is he the man whom you have previously identified among the defendants?
- A. Yes.
- DEFENSE: If it please the court, the person to whom we refer is the same person we have referred to before, No. 26 on the court's list.
- Q. Did you see Mr. Sai in front of the Shibuya Police Station or in the area around the Shibuya Police Station on the night of 19th July?
- A. I saw him in the office of the police chief.
- Q. Did you see him outside the police station at all that evening?
- A. No, I did not. I saw him in the office.
- Q. At what time did you see him that night?
- A. I do not remember the time. It was after this incident.
- Q. About how long after the shooting occurred did you see Mr. Sai in the police station?
- A. I do not remember that quite clearly.
- Q. Were you outside the police station when the shooting occurred?
- A. Yes.
- Q. How long did you stay outside the police station after the first shot was fired?
- A. As I mentioned before, from about two to three minutes.
- Q. Had all the shooting stopped when you went into the police station?
- A. I believe it stopped immediately after I entered the police station.
- Q. Before the shooting stopped, you were on the way into the police station, is that correct?
- A. Yes.

- Q. Were you in control of all the policemen who were in the area at that time?
A. Yes.
- Q. Did you think it was necessary to remain outside the station and take charge of your policemen?
A. There is no reason that I should be outside. I supervised the overall operation. My subordinate, the police inspector, took charge of the people outside.
- Q. Did you speak to Mr. Sai in the police station that night?
A. We did not have any real conversation because I had a lot of things to do that night.
- Q. Did you hear of any statements that Mr. Sai made when he came into the police station?
A. I do not remember.
- Q. Who was the first person other than the Japanese police who came into the police station after you went in?
A. I believe it was Sai.
- Q. Did Mr. Sai come into the police station voluntarily or was he forced into the police station?
A. I do not know.
- Q. Who else was with Mr. Sai when he came into the police station?
A. I believe it was all the occupants of the second jeep of the attack.
- Q. Did they come into the police station voluntarily or by force?
A. That I do not know.
- Q. Do you know what statements they made when they came into the police station?
A. I do not remember. There was a lot of other important work.
- Q. Did you recognize Mr. Sai when he came into the police station?
A. I did not see him when he came into the police station, but when he came into the police chief's room, then I saw him.
- Q. What did he say when he came into the Police Chief's room?
A. I do not remember.
- Q. Did Mr. Sai ask you why the shooting was going on outside the police station?
A. I do not remember any story like that. The incident that night was of such a great magnitude that I had no time to spend with Sai.
- Q. Did you make a report of the investigation at that time?
A. Yes.
- Q. Did you think it was unnecessary to speak to Mr. Sai at that time?
A. I did not make the investigation of Sai.
- Q. Did you think it was necessary to investigate or speak to Mr. Sai at that time?
A. It might have been necessary, but I did not have a chance.

Q. Did you recognize Mr. Sai at that time as one of the leaders of Formosans in your neighborhood?

A. I knew at that time that Sai was the leader.

Q. When you had previous difficulty with Formosans, was Mr. Sai the one whom you notified?

A. Yes.

Q. When Mr. Sai came into your room that night, why didn't you speak to him at that time?

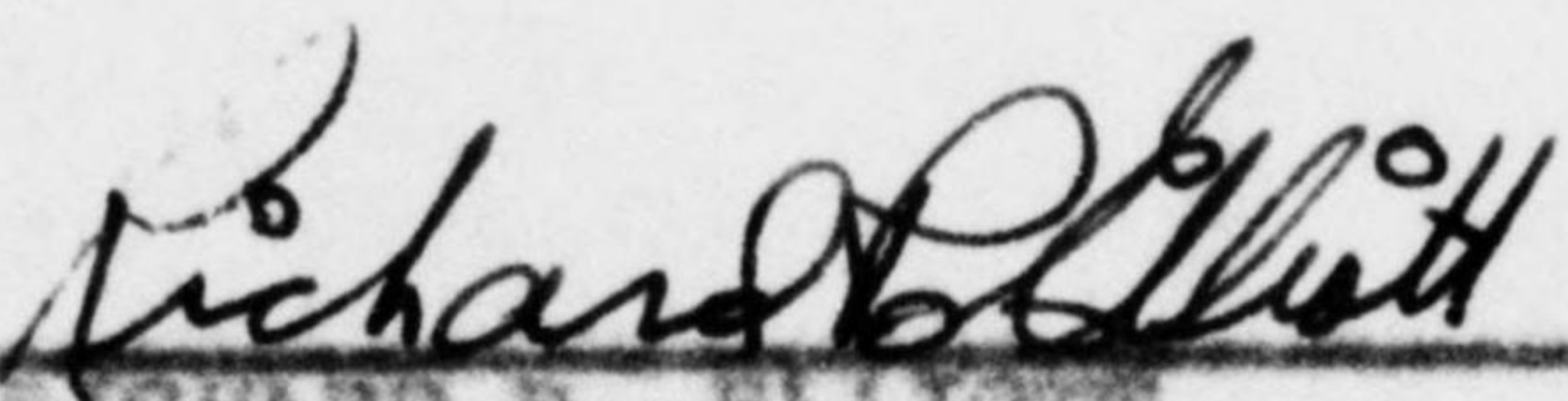
A. I spoke to him all right, but it did not amount to a conversation. At that time the MPs came and I still had to make a report to the Metropolitan Police Board.

Q. Did you think you could make a complete report to the Metropolitan Police Board without speaking to the man you recognized as one of the leaders of the Formosans?

A. Yes. The reason for that is because Sai never told me the truth and I could not take his word for anything.

PRESIDENT: The Commission will adjourn to meet at 0900 Monday.

The Commission then adjourned to meet at 0900 on 7 October 1946.


RICHARD R. ELLIOTT
Major, Chief Prosecutor

Metropolitan Police Station
Tokyo, Japan
7 October 1946

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

The accused, interpreters were also present.

PRESIDENT: The Commission is in session.

Curtis M. Sampson was then sworn as court reporter.

PRESIDENT: Let the record show that the official court reporter has been relieved by this reporter just sworn in.

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

Questioning by defense cont'd:

Q On the afternoon of 19 July of this year did you post armed Japanese police on both sides of the street in front of the Shibuya Police Station?

A Yes.

Q If a group of Formosans were passing along that street from the Chinese Mission in the direction of Shibuya Railroad Station would they be surrounded by armed Japanese police as they came down the street?

A Yes, from whatever direction they came.

Q Why was it necessary to have armed police on both sides of the street?

A I would like to clarify how they were dispersed. They were dispersed across the road rather than on both sides of the road.

Q By "across the road" what do you mean?

A One reason that I dispersed the men across the road was because I received a formal report that the Formosan group was going to attack the Shibuya Police Station and another reason was to stop the group before they reach in front of the Shibuya Police Station.

Q What do you mean by across the street?

A It would be very difficult to explain orally.

Q Did you have police stationed immediately in front of the police station?

A Yes.

Q Did you have armed police stationed on the opposite side of the street?

A Yes.

Q Did you realize that if a police on the opposite side of the street fired his pistol that a police on the side in front of the station might be shot?

A I did not think of that because police were stationed away from the police station and they could stop the passing vehicle before it reached the station.

Q How many floors are there in the police station? Is it a one, two, or three-story building?

A Two-story building.

Q Did you have armed police stationed on the second floor of the building?

A As I remember, those on the second floor did not have any weapons.

Q What was the purpose of stationing police on the second floor without weapons?

A As I recall the report, there was an insufficiency of weapons and those who did not have any weapons were stationed on the second floor.

Q Do you think those on the second floor could protect the police station without any weapons?

A They had clubs.

Q Do you think that clubs would be of any use in protecting the police station on the second floor?

PROSECUTION: If the court please, I object to this line of questioning as being purely argumentative.

DEFENSE: If it please the court, the witness has testified as to the way he has deployed his police in order to protect the police station from attack. I am trying to question the witness as to whether that was the real purpose in his deployment of the police. I would like to learn where he placed his men, how they were armed, and what was the real purpose of their position and armament at that time.

LAW MEMBER: Objection sustained.

Q Did you post any police along the street in the direction of Shibuya Railroad Station?

A What do you mean by in the direction of Shibuya Station?

Q Beginning with the Shibuya Police Station, how far to in the direction of Shibuya Railroad Station did you post police?

A They were stationed on the road about fifty meters away from the police station.

Q Beginning with the Shibuya Police Station how far to the left or to the direction of Ebisu Railroad Station did you post armed police?

A From fifty to one hundred meters away.

Q Early in the afternoon did you issue an order to your subordinates not to use their weapons unless the Perosians penetrated into the building?

A Yes.

Q If that was the order why was it necessary to post armed policemen to the extremes of the police station?

PROSECUTION: If the court please, I object to that. I believe the counsel is confusing the witness. That wasn't the only order. That wasn't the only order that he gave.

DEFENSE: If it please the court, he just testified that was one of the orders. I asked him if that was an order, why armed policemen were stationed to on the extremes. I did not try to tell the witness that was his only order.

LAW MEMBER: It is obvious to the Commission that it was a security measure. The objection is sustained.

Q At the time you came out of the police station and saw a jeep stop in front of the station did you see any Japanese police with their weapons already drawn?

A No.

Q Where was the jeep stopped at that time?

A Just in front of the spot where I indicated on the map.

Q Approximately how many meters from the front of the police station?

A Approximately fifty or sixty meters.

Q Will you step to the map and point out on the map where the jeep was stopped?

A Right in this spot.

Q Is there an identification mark on the map at that spot?

A This is where I stood.

Q What mark is there on the map at that spot?

A The X is the spot where I stood and the jeep stopped right at the place I made an X.

Q Is that the spot marked XC?

A XC is the spot where I was standing.

Q Was the jeep stopped immediately next to the spot marked XC on the map?

A Right over here.

Q Approximately what is the distance marked on the map from the position IC to the center of the police station?

A As I recall, about fifty or sixty meters.

Q Using the figures on the map is the distance approximately thirty meters?

A I did not make this map so I can not read this map.

PROSECUTION: If it please the court, I think counsel should be a little more accurate in reading the figures. We have no objection to misquoting the figures but I do think in fairness either he's made an error or less he has missed some of the figures because it is obvious that it is much farther than thirty meters from the police station.

A brief conference was then had by defense and prosecution as to the distance involved in connection with the objection made by the prosecution.

A (continuing) There might be a scale on the map but as far as I remember I was standing right in front of Okada's home.

DEFENSE: If it please the court, I believe we are agreed that it was approximately forty meters from where the jeep was to the center of the porch of the police station, the entrance to the police station.

Q At the time the jeep was stopped that evening had armed police been waiting outside for over three hours?

PRESIDENT: Please caution the witness to talk loud enough so the entire defense can hear.

A Approximately three hours.

Q Were those police who were armed with firearms experienced in the use of those firearms?

A Yes.

Q Were some of those police given firearms for the first time that afternoon?

PROSECUTION: If it please the court, I have the same objection I had a little while ago, that being purely argumentative.

DEFENSE: If it please the court, I am trying to cross examine this witness as to his police, what he did with them that afternoon, and how they were posted and how they were armed. He's testified to that. I believe it is within the bounds of legitimate cross examination to ask him these questions.

LAW MEMBER: That question you asked him can be misunderstood by the witness. It can be answered two ways. The objection

is overruled. I suggest you rephrase it.

- Q Did the police who were stationed in front of the police station expect that the Formosans would attack the police station?
- A I believe they were positive that the Formosans were coming.
- Q Did they know about the reports that Formosans were coming to attack the police station?
- A We received a report and we informed our subordinates.
- Q In your opinion as police chief in command of those subordinates, in view of the dislike of your subordinates for Formosans and in view of the difficulties they had had with Formosans, is it your opinion that they were anxious to use their weapons upon Formosans?
- A No.
- Q At the time you came out of the police station that night were your subordinates surrounding all the vehicles?
- A They stood on both sides of the road.
- Q Did you testify that at that time the feeling was tense?
- A Yes.
- Q Did you testify that you ordered your police to withdraw?
- A Yes.
- Q Did you think it was necessary to order them to withdraw?
- A Yes.
- Q Did you have police officers posted in police boxes along the roads leading to the police station?
- A Yes.
- Q Did any policeman in a police box warn you that Formosans were approaching?
- A No.
- Q Had you given orders that the police in the police boxes should warn you if Formosans passed?
- A Yes.
- Q Was it necessary for Formosans traveling from the Chinese Mission past the police station to pass any police box?
- A Just one.
- Q Did the policeman in that police box see the Formosans pass his box?
- A The police box is not very far from the station and in addition the back, the rear of the police box, is facing the road and, in my opinion, the police in the police box did not have time to notify the police station.

- Q If you expected Formosans to attack the police station why didn't you post policemen where they could notify the station that Formosans were on the way?
- A The facilities for communication was bad and, secondly, the police box was the only one through which they could use a phone.
- Q Did you testify that ordinarily there are three policemen stationed in a police box?
- A Yes.
- Q Did you testify that on the night of 19 July there was only one policeman in each box, except the box in front of the station?
- A Yes.
- Q Why did you reduce the number of policemen in each box?
- A Because the strength of the police station was insufficient I sacrificed the police box in order to increase the number in the station.
- Q Between the Chinese Mission and the Shibuya Police Station are there two main roads?
- A Yes.
- Q Is there a total of three police boxes on those two roads?
- A Yes.
- Q By reducing the number of policemen from three police to one police in each box did that mean you had six more policemen to protect the Shibuya Police Station?
- A Yes. However, one of these three is not under my jurisdiction.
- Q By reducing the number of police in the police boxes you had at the most six more police for the Shibuya Police Station, is not that correct?
- A In all, including the police box in front of the railroad station, there are eleven and by reducing the number from three to one, a total of twenty was sent to the station. Of these twenty, three were sent to the police box in front of the station so in all, seventeen, the number of police at the police station was increased by seventeen.
- Q The number of police in front of the police station who came from police boxes between the police station and the Chinese Mission was six, is that correct?
- A In all, four.
- Q Did you have a total of 386 police in front of the Shibuya Police Station that night?
- A The total was 386 but all of these were not in front of the station.
- Q You have 386 in the near vicinity of the Shibuya Police Station, is that correct?

A There were 386 in the police station and deployed outside.

Q Do you think that the 386 were sufficient but that 302 would not be sufficient?

PROSECUTION: If the court please, I again object to the line of questioning as being argumentative and I don't see what counsel is driving at.

DEFENSE: If it please the court, we are trying to show exactly why he had so many police stationed in front of the police station and in that area. He's testified that he was prepared for an attack by Formosans who were gathered in the area around the Chinese Mission or coming at least in that direction. He's testified that he had removed his policemen from police boxes on the route. He stated the reason was he needed more police in front of the police station. I am trying to find out whether that was the reason.

LAW MEMBER: Well, he did gain twenty policemen by bringing them in from the ten boxes. The objection is sustained.

Q On the afternoon of the 19th of July did you order all passing vehicles stopped?

A Yes.

Q Did you order that the occupants of all vehicles be forced to get out of the vehicles?

A No.

Q Did you order both Allied and Japanese vehicles stopped?

A Not the Allied vehicles.

Q Did you order jeeps to be stopped?

A No.

Q By what authority did you order Japanese vehicles stopped?

A The police chief has the authority.

Q When you came out of the station that night what kind of vehicle was stopped in front of the police station?

A As I recall, a jeep followed by a sedan and three trucks.

Q Did it appear to you or did you receive a report that your police had stopped a jeep?

A I have not received any reports.

Q But a jeep was stopped in front of the police station, is that correct?

A Yes.

Q And it was surrounded by Japanese police, is that correct?

A The police had stopped the jeep.

Q Did you post any sign to warn vehicles that they were expected to stop?

A No, I did not put up any signs.

Q What warning did approaching vehicles have that they were expected to stop?

PROSECUTION: If the court please, I object to this line of questioning as being entirely improper. I think I asked the court to take judicial notice of the fact as chief of police out there it is not only his right but his duty to do whatever he considers necessary in the right of peace and order.

DEFENSE: If it please the court, that's exactly what I am trying to find out, just how he executed or performed that duty. He's testified that it was his order to stop vehicles. I want to find out how he stopped vehicles, whether he gave the persons any warning or whether they were surrounded by police and forced to stop without any notice.

LAW MEMBER: No notice would be required. It is quite normal for a policeman to flag down a car.

DEFENSE: That's just what I want to find out, how they might flag the car.

LAW MEMBER: You may do so. Objection overruled.

Q What warning did the passing vehicle have that they were expected to stop?

PRESIDENT: Defense counsel, please state the reason for the present conference.

DEFENSE: If it please the court, I understand there is a difficulty in the interpretation.

PRESIDENT: The Commission would like to know what the difference in translation is.

DEFENSE: If it please the court, as I understand the difference, my question was intended as to warning given to the vehicle. I believe the translation implied a warning to the Japanese subordinates that there was a stopping point. Is that correct?

INTERPRETER: No, we mentioned the driver. There was a misunderstanding on his part.

PRESIDENT: The court reporter will read the question over again and you will again translate to the witness the question and receive the proper answer.

DEFENSE: I will withdraw that question and we may get over that difficulty.

Q What order did you issue as to how vehicles were to be stopped?

- A I did not give any special instructions as to how vehicles were to be stopped. I just told them to stop the vehicles and make a check.
- Q Do you know how the vehicles were stopped?
- A I heard that they stood in the middle of the road and stopped their vehicles with their hands stretched.
- Q Do you know how many police were standing out in the street stopping the vehicles?
- A I do not know the number but I believe that all the police that was standing out there was stopping vehicles.
- Q Approximately how many policemen?
- A From fifty to sixty policemen.
- Q Did you issue any order as to stopping vehicles if the vehicles refused to stop?
- A The check points were three in number and I did not think of taking any measures because I thought they would stop within the three.
- Q Did you testify that earlier in the afternoon or evening of the 19th of July a truck of Formosans went by without stopping?
- A Yes.
- Q Did you then think it was unnecessary to issue any order as to what should be done if vehicles did not stop?
- A I did not issue any orders.
- DEFENSE: If it please the court, the witness refused to answer the questions as they are being put. I asked him whether he thought it was necessary. He merely answered he didn't issue any orders.
- PROSECUTION: If the court please, that was the question.
- LAW MEMBER: Perhaps he didn't understand it. Rephrase the question if you think he didn't understand it and ask him again.
- Q After the truck of Formosans went by without stopping did you think it was unnecessary to issue an order as to what should be done if another truck did not stop?
- A No. We could not do anything.
- PRESIDENT: At this time the Commission will take a ten minute recess.

The Commission then took a recess until 1040 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused, the interpreters and the reporter resumed their seats.

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

Q If the purpose of the police in the area around the Shibuya Police Station was to protect the police station why didn't you post a check point at a point far to the extremes of the police station?

PROSECUTION: If the Commission please, I am afraid that question will confuse the witness.

DEFENSE: All right, I will withdraw that question.

Q If the purpose of the police was to protect the police station why were vehicles permitted to approach within approximately forty meters of the entrance to the police station?

A They were supposed to have stopped one hundred meters away from the police station but they broke through the cordon and came to stop at the third line.

Q As police chief did you have authority to stop Japanese vehicles from using that road?

A I can not say prohibit but I have the right to check the vehicles, but if it is absolutely necessary I could prohibit the use.

Q Why didn't you prohibit the use of that road so the Japanese vehicles could not break through and approach the police station?

A There is no need for us to prohibit the use of the road in order to protect the station.

Q When you came out of the station how many police were surrounding the jeep?

A I do not remember the number.

Q Approximately how many?

A There's no mistake that there was not less than ten.

Q Were those police surrounding the jeep?

A They were on both sides of the jeep because they broke through the cordon, they gave way, and stood on both sides of the jeep.

Q Did your subordinates know that they had no authority to stop a jeep?

A I believe they stopped them because the Formosans were with the jeep and the jeep came with the Formosans.

Q Was it an Allied jeep?

A At the time when they stopped the jeep they did not know whose jeep it was.

Q Did it look like an American army jeep?

- A You will have to ask that question of the men who stopped the jeep.
- Q Did you see the jeep?
A Yes.
- Q Did it look like an Allied jeep?
A From the occupants I knew that it was not an American jeep.
- Q Was it an Allied jeep?
A What do you mean by "Allied"?
- Q Was it a Japanese jeep?
A It was not a Japanese jeep. There is no jeep in Japan, there is no Japanese jeep.
- Q To whom did the jeep belong?
A I do not know whose jeep it was.
- Q Did you see any markings on the front of the jeep?
A I did not have time to look.
- Q Were you told that it was a jeep from the Chinese Mission?
A It seems like somebody mentioned it.
- Q Did you have any authority to stop jeeps belonging to the Chinese government?
A To me it was not a matter of authority. At that time if there was any attack on the police station it was only natural for me to stop anything.
- Q I ask you, do you have any authority to stop jeeps belonging to the Chinese government?
A I do not know whether I had the authority or not but it is a fact that I did stop it.
- Q Why was it necessary to put a Japanese policeman on that jeep?
A In order to insure safe passage of this vehicle. The persons on the truck were in a bad mood and I did not know what would happen if they were stopped again.
- Q Stopped by whom?
A There are policemen stationed along the line and in case the policeman stops then the policeman will probably stop them on the way and I did not want any trouble.
- Q Where were those other policemen?
A As I have mentioned before, on the opposite end of the road.
- Q Did you testify that these vehicles had already passed the check points before they were stopped in front of the station?
A I testified that they broke through the first cordon and stopped at the third cordon.

Q Was the third the last check point?

A Yes.

Q Why would police on the other side of the station stop these vehicles?

A This was because they had orders to stop all vehicles and there was a possibility that they might stop vehicles without knowing that I gave them orders to pass.

Q At that time the vehicles would already be beyond the police station, is that correct?

A I do not know what "at that time" means?

Q You referred to other police who might stop the vehicles, is that correct?

A I want to know what "at that time" means.

Q Did you refer to policemen who might stop the vehicles after you gave them permission to proceed?

A Even after I gave them permission to pass, unless the fact that permission was granted is known to the other policemen they would probably stop them again.

Q Where were these other policemen?

A As I mentioned before, on the opposite side of the road from where they were stopped.

Q Do you mean they were between the police station and Shibuya Railroad Station?

A Yes.

Q Those policemen would know that these vehicles had already passed the police station, is that correct?

A I believed that they knew.

Q They would know that these vehicles were not attacking the police station, is not that correct?

A There are some that might have known and there are some that might not have known and in order to prevent this mistake I put Miyauchi on the jeep.

Q Did you put any Japanese police on the other vehicles?

A No.

Q Why not?

A It was not necessary because they were all with the first vehicle.

Q Did you think that Japanese police might stop the other vehicles?

A If they not stop the first one then I believe they not stop the others.

Q How were you sure of that?

A I do not understand what you mean by that question?

- Q Do you recall an incident on the 16th of July when Matsuda Gumi attacked Formosans in your ward?
- A Yes, I remember.
- Q When you told the occupants of the jeep that the police were there to protect them did you mean protect them from a similar attack?
- A No, that is not true.
- Q From whom were you protecting the Formosans?
- A It is our duty to protect all the good people and that is what I meant in my previous statement.
- Q Did you have anybody in particular in mind when you said "protect them"?
- A No, I did not.
- Q Why was it necessary to have so many police out there to protect them?
- A These are the policemen that were collected together to defend against the Formosans' attack.
- Q When you told the occupants of the jeep that the police were there to protect them that was not true, is that correct?
- A It is only natural to protect anybody, protect anybody that passes through quietly.
- Q But the police were posted to protect the police station, is that correct?
- A Yes.
- Q But you told the occupants of the jeep that the police were posted to protect the Formosans, is that correct?
- A The policemen were there to protect the police station in case the Formosans attacked, but if they came peacefully then it was our duty to protect them going through. That was my true feeling.
- Q If they were going through peacefully was there any danger so that you had to protect them?
- A There was no danger.
- Q If there was no danger what do you mean by protection?
- A As I said a number of times before, it is only our duty, it is our duty to protect anybody that passed through quietly.
- Q Had you ever posted 300 people, policemen, before to protect Formosans?

PROSECUTION: If the Commission please, I object to this line of questioning as being argumentative and it appears that he is definitely trying to confuse the witness.

DEFENSE: If it please the court, I am now conducting the cross

examination of the witness. I am trying to find out what was the real purpose of the police out there out in front of the station and not what he says is the purpose. He made one statement to the occupants of the jeep as to the purpose of the police and now he tells us he has a different purpose in mind. I am trying to find out what the real purpose was. I believe the questions are proper, especially in view of the language difficulties. You can't always be sure that the English translation we have is the exact meaning of the Japanese that he uses.

LAW MEMBER: The objection is sustained.

Q At the time the vehicles were stopped before the police station were they all grouped together?

A The vehicles?

Q Yes.

A I remember them to be lined up.

Q How far apart was each vehicle?

A I do not remember. They were not too far apart but I can not tell you how many meters apart they were.

Q Can you tell us approximately how many meters apart the vehicles were?

A I did not go out to measure the distance so I do not remember.

Q Were there Japanese police surrounding each vehicle?

A I do not remember that point very well but I believe they were on both sides of the vehicle.

Q Do you remember approximately how many police there were around each vehicle?

A As I mentioned before, there were about fifty-five, fifty-six policemen around there and I do not remember the exact number.

Q Were all these police who were around there in uniform?

A When I saw them there was one portion that were plain-clothes men but the greater part were uniformed policemen.

Q Did you speak directly to the occupants of any vehicle other than the first jeep?

A No.

Q Did you see any other persons there besides the uniformed police and the plain-clothes police?

A There may have been somebody from that neighborhood but I do not recall, somebody that lives in that neighborhood.

Q At that time was it dark?

A As I mentioned before, stars were out but there was no moon.

Q Is it possible that the persons on the other vehicles who did not speak to you believed that they had been stopped by members of the Matsuda Gumi?

A I can not understand the question. Will you rephrase that?

Q Do you think that the occupants of the other vehicles could believe that they had been stopped by Matsuda Gumi members?

A Have we any relation with Matsuda Gumi?

Q Will you please answer the question I asked you?

A At that time there would be nobody from Matsuda Gumi there.

Q How do you know?

A I did not see anybody and we have no relation or connection with Matsuda Gumi.

Q How could the persons on the vehicles know that there were no members of Matsuda Gumi there?

PROSECUTION: If the court please, I object to that. The witness has no way of knowing what somebody else knew.

DEFENSE: If it please the court, I am asking whether it was possible for those persons to know who stopped them. He's testified that it was dark. There were lots of people around. I believe in his direct examination he testified there was considerable confusion, trucks were packed. I am trying to find out -- and he's also just reiterated the fact that he didn't speak directly to the other occupants. I am trying to find out whether those persons might be mistaken in believing that they were being stopped and attacked by Matsuda Gumi members again.

LAW MEMBER: It is obvious to the Commission that the occupants of these vehicles knew by whom they were stopped. The objection is sustained.

Q Did a group of thirty members, approximately thirty members, of the Self-Protection Against Crime Committee volunteer to assist the police?

PROSECUTION: If the Commission please, I object to that question on the ground of being too general. State the time and the place.

DEFENSE: If the court please, I will add the time and place.

Q I am referring to a time shortly before the incident on the night of July 10th. I am referring to Shibuya Police Station.

A They did not help.

Q Did they volunteer to help?

A I do not know that.

Q Did you ever receive a report that they volunteered to help?
A There were stories that they wanted to help but we refused.

Q How did you refuse?
A I told them that it was unnecessary.

Q You told whom that it was unnecessary?
A I told this to our chief clerk Nomura.

PROSECUTION: If the Commission please, there seems to be a little difference in the translation.

INTERPRETER: I would like to amend that to "Chief of Criminal Affairs."

Q Why was it necessary to tell Nomura those facts?

PROSECUTION: Object to that question. What facts?

DEFENSE: I am referring to a statement. He said he told Nomura that he refused the assistance of these volunteers. Previously he testified that he did not know anything about an offer of help; then he testified that the offer was refused. I asked him as to further questions and he said he told Nomura we refused their assistance. We are trying to find out now a little more about that to see whether he did or did not receive an offer of help. The way I am trying to do is to find out why he had to tell Nomura, the chief of criminal investigation.

LAW MEMBER: Find out if it is a fact before you refer to it.

The last two questions and answers were read by the reporter.

Q When you told Nomura it was unnecessary to have the assistance of these volunteers why was it necessary to tell Nomura?
A It is an association to which Nomura is connected and underneath the crime prevention section and criminal affairs section is this association.

Q Shortly after the incident on the 19th of July did you see Japanese civilians in and around the police station?

PROSECUTION: If it please the court, I object to anything that happened after the 19th of July.

DEFENSE: If it please the court, I am referring to immediately after the incident, immediately after the shooting how persons were taken into the police station. I am asking whether he saw persons around then for the purpose of learning whether they were in that area immediately before the shooting. Obviously if they were immediately there afterwards they must have been there immediately before.

PROSECUTION: Immediately after is still the 18th of July.

LAW MEMBER: Be more specific as to the time.

Q On the 18th of July immediately after the shooting occurred did you see any Japanese civilians in and around the police station?

A I did not see any nor have I received any reports to that effect.

Q When Formosans were brought into the police station immediately after the shooting were they accompanied by any Japanese civilians?

A I did not see this so I do not know.

Q While you were standing outside of the police station talking to the occupants of the jeep what were the other police doing at the other vehicles?

A It did not occur to me while I was talking.

Q Did you order those policemen to withdraw?

A Yes.

Q Why was it necessary for you to issue that order?

A The Formosans on the truck were very excited and in order to prevent anybody from being injured I told them to withdraw.

Q How close with the Japanese police to the vehicles?

A They were standing right by the vehicles but I do not know the exact distance.

Q Why were they standing right by the vehicles?

A I believe it was because they stopped these vehicles.

Q When you ordered those policemen to step back how did you issue that order?

A I told the policemen that were standing in front of me to withdraw by motioning with my arm.

PRESIDENT: At this time the Commission will recess until one-thirty this afternoon.

The Commission then took a recess until 1:30 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused, the interpreters and the reporter resumed their seats.

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

Q After you gave the arm signal for your men to withdraw did all the men stop back from the vehicles?

A I remember that they withdrew.

Q From where you were standing could you see all the persons around the vehicles?

A I could not see everybody when I was near the jeep. However when I withdrew from the jeep I could see everybody.

Q Did you hear that the Formosans were meeting on the afternoon of 19 July?

A I received such information.

Q Where was the meeting?

A The Showa Public School at Kyobashi.

Q How did you receive that information?

A There was a report from the Metropolitan Police Station.

Q Is the Showa Primary School in your district?

A No.

Q Did you send any subordinates to check whether the Formosans were meeting at that school?

A I did not. It was not necessary for me to send any subordinates.

Q Did you receive any other information as to that meeting?

A Before that I received a report that 1000 Formosans were gathering at some place unknown to attack Shibuya Police Station, Metropolitan Police Station and Matsuda Gumi.

Q Do you know whether any preparations were made to protect the Metropolitan Police Station from attack?

A I did not hear.

Q Did you hear where the Formosans were planning to attack the Matsuda Gumi?

A No. Since the organization is at Shinbashi I believe that they were going to attack at Shinbashi.

Q Did you hear that members of the Matsuda Gumi had posted machine guns and other weapons on the top of a building in the Shinbashi area that afternoon?

A I heard this afterwards.

Q Did you receive a report as to who spoke to the Formosans at the Showa Primary School that afternoon?

A Concerning this I would like to make an explanation. No Japanese was allowed in the Showa Primary School. If any should have entered they would have been that party.

DEFENSE: If it please the court, I move that that be stricken out. I don't see how that has any material relevance to this case. He's testified that it is not within his jurisdiction. I don't see how he can tell what would have happened

if somebody had gone down. It is all skin to futural.

PROSECUTION: If it please the court, I would like to read down verbatim the question he asked five minutes ago: "Did you send any one to check to see if the Formosans were meeting at that school?" -- referring to the Showa School. It seems to me that when counsel asks a question he is bound by the answer if it is responsive and he has asked previously if this man sent any one to check on the meeting and he is now explaining why he couldn't do so.

DEFENSE: May it please the court, the witness said he did not send any one. I asked him whether that school was in his jurisdiction and he said, "No." I don't see where his explanation now has anything to do with this case.

LAW MEMBER: The record will remain as it is.

Q In view of the attacks by the members of the Matsuda Gumi on Formosans and in view of the raids made by police upon Formosans in the Shibuya and Shinbashi area, do you think it was unreasonable for Formosans to meet that afternoon to decide what action should be taken?

A I think that would be unreasonable. The police are not connected with the trouble that the Matsuda Gumi had with the Formosans and the confiscation that the police carried out was an order from the Economic Section of the Metropolitan Police Board, and I believe you have the opinion that the Matsuda Gumi and the police are on the same level.

Q Did your reports tell you that Formosans were gathering from all over Tokyo and from other cities?

A The previous night Atago MP's reported that Formosans from the Osaka area were coming to Tokyo so I believe that Formosans from other cities were present.

Q Why did you suspect that they would attack your police station?

A I believe the only reason is that if we should enforce economic control over the business they would be unable to continue their daily existence, and I also heard that the Formosans who lived in my district were of the bad character.

Q Did you think they would attack your station because you discriminated against Formosans?

PROSECUTION: If the court please, I object to the phrasing of that question. It is not in evidence at all that there was any discrimination against the Formosans in his area. As a matter of fact, he testifies to the opposite.

DEFENSE: If it please the court, I am asking him whether that might have been one of the reasons, whether the discrimination was the reason for their attacking his station.

LAW MEMBER: However, in your question you have implied it was