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Q Then while you were waiting for the balance of the trucks to arrive, Mr. Ling could have left the Mission could he not?
A No, he could not have.

Q Yet this report of the massed police at Shibuya Police Station was received by Mr. Ling while he was with you, prior to the opening of the meeting. Why wouldn't he inform you of such a report, if you were constantly together?
A I didn't hear him tell me about that. I think it might have been after I left the Mission he received the report.

Q Did two trucks led by a jeep arrive at the Mission while you were waiting for the balance of the trucks?
A No, only my jeep followed by two trucks arrived in Chinese Mission.

Q Would one or several trucks carrying Formosans down the street, if following an American jeep, be protected against an attack by Matsuda Gumi?
A Yes, it is possible.

Q How would the attackers know that the jeep was escorting the trucks?
A It depends upon the distance between these vehicles.

Q At what distance is a truck protected by the jeep preceding it in going down any street?
A I have never studied this closely.

Q You haven't furnished me an answer either.
A I don't quite understand the question.

Q In what way were the jeeps adequate protection for the occupants of the trucks as previously stated by you?
A If the trucks are immediately following an American jeep, which means they are either part of an American or United Allied nationals.

Q Do you mean to imply that whenever we see a jeep going down the street followed closely -- no matter how closely -- by a truck that said truck is under convoy of said jeep?
A If a truck full of Chinese or Formosans immediately following another jeep which came in the jeep is convoying the truck, which means Allied nationals are going from one place to another.

Q At that rate, General Li, I am convoying foreign nationals and other nationals every day. Do you believe that to be the case, that every time a truck falls in behind me I am convoying said truck?
A At that time that's what we meant to do when we sent the jeep along. We didn't study any other angle on that question.

Q Wasn't the real purpose that in case the Formosans were stopped by some one the jeep would provide the spearhead and guarantee safe passage through such line?

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A When I sent the jeep escort what I meant is since the jeep of the Chinese Mission has the official emblem of China and immediately following it will be those trucks with Chinese, people will know they are Chinese or Allied nationals.

Q Then the purpose of a jeep with a Chinese emblem on it was to impress any one attempting to stop the convoy that they were Chinese nationals and not subject to being stopped, isn't that correct?

A The purpose of sending jeep along is not that, as you said. It is to send those Formosans home and anybody look at this large group of people coming would know they are Chinese, not that they are not subject to being stopped by anybody.

Q Why was it necessary to advertise the fact this large number of people aboard the trucks were Chinese?

A I didn't say I was advertising the fact that they are Chinese. To me if anybody stop or want to know who they are they can ask and find out that they are all Chinese.

Q That's right. That's the question I made a while ago. That was the real purpose of furnishing the escort, was it not?

A Yes.

Q When did you expect would stop this Formosan convoy of trucks?

A I would expect no one.

Q Would you expect a "no one" to stop the jeep? Then the jeeps failed to serve the purpose for which you just stated the jeeps were furnished. How do you explain that?

A At that time, at the time when they request escort of this jeep, I didn't think anything too deeply. Since they want the jeep for escort and we have the jeep I let them have the jeep for escort. I didn't think of any connection at that time.

Q I must inform you, General Li, that this Commission is charged with obtaining all the facts in the case upon which to reach a verdict. There are many things that are not clearly explained, nor have logical reasons for action taken been given to this Commission. These are the facts that impel me to insist upon getting answers to questions which appear to have been answered previously. Is that clear?

A I will tell what I have seen and what I know, everything possible, but what I don't know or what I didn't see I can not say.

Q Did the Formosans at the meeting at the Mission inform you of the confiscation of black market goods by Japanese police, assisted by MP's, on July 17th?

A No.

Q You have referred to a sign being removed by some one for which act the Formosans demanded an apology. Do you know

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who removed such sign?
A According to the report I received from President Chen this gateway archway was torn down by some Matsuda Gunl people.

Q From whom was the apology for such removal expected?
A President Chen said they expected an apology for those responsible of tearing down this sign. I didn't know who they were.

Q Did Mr. Chen also tell you about receiving a notice from the Police Department to remove such sign?
A No.

Q If a commercial sign carrying a replica of a national flag is removed by any one does this in itself constitute an insult to the nation whose flag appears on said sign?
A If it is a commercial sign and it's been taken down properly, with proper understanding, it should not be considered an insult to that nation.

Q What do you mean by "proper understanding"; that a ceremony must be performed?

INTERPRETER: Sir, there might be some question on translation on that.

PRESIDENT: Well, what do you want? I will ask the question this way.

Q What do you mean by "proper understanding" then?

INTERPRETER: Sir, on this translation I had before, regarding taking down the sign, what General Li said was: "In taking down the sign, when the sign is removed with reason, not unreasonably." That's what he said. Not with "proper understanding." That was my mistake in translation.

Q Then what do you mean by the sign removed "with reason"? What is meant by that?
A Such as changing a commercial sign, the old one to new one, or the damage removed after it's damaged, taken down after its being damaged.

Q Then if a sign is placed illegally and improperly anywhere it can not be removed except for renewal, is that it, renovation?
A When we were talking before we didn't say anything about "illegally or improperly placed." Of course, if they are illegally and improperly placed of course it can be torn down.

Q Is it not a fact that before an insult to the flag can be established the facts must indicate that the motive for eliminating such a sign was to remove such flag from public view?
A Yes.

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Q You have stated that one of the main reasons for the meeting at the Showa School was the insult to the Chinese by the removal of the archway, isn't that correct?
A That was one of the reasons reported to me from President Chen.

Q Then the meeting was a protest meeting intent on seeking redress from whatever people who removed that sign, isn't that correct?
A That's what they want the Chinese Mission to do, but that's what Chinese Mission told them, they have to appoint representative to find out whether the thing was true or not before they are going to do something.

Q But people gathered together for such purposes must be at least serious, if not in a belligerent mood, at such time would they not?
A No, I don't think the Formosan attitude at that time was very serious.

Q Yet they were serious enough about it to demand an apology, isn't that correct?
A They demand apology but at that time the Chinese Mission have not investigated the case, they don't know whether it's true or not. The Chinese Mission told them that they would do so.

Q What effect would investigation that was to come by the Chinese Mission have on the mood of the people that gathered for the purpose of airing a grievance?
A As I said at that time, as far as I can see, I didn't see any serious attitude taken by the Formosans.

Q Regardless of whether you were informed or not, the Formosans directly concerned knew that the people who removed the sign were Japanese police. Isn't it a fact then that this grievance must have been on the part of these people against the Japanese police?
A That I wouldn't know.

Q Were you informed as to why five hundred Formosans would be directly interested in the purposes of the meeting as stated by you, and enough so to come long distances from towns other than Tokyo?
A No, I was not informed.

Q Why was it necessary for you to address the Formosans after you had heard the complaints from the leaders of the association representing all overseas Chinese and you could assure them as to actions that the Chinese Mission could or would take?
A At that time after President Chen had explained this thing to me he also said between two hundred, about three hundred people are coming to appeal to the Chinese Mission, and then Mr. Ling and I decided better if we go to their place instead of a large group of people coming to Chinese Mission.

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If Chinese were not to appeal to the Chinese Mission we would not have to go there and talk to them.

Q Is it not reasonable to assume that you had to address the Formosans for reasons other than to assure them of a sympathetic consideration of their complaints?
A No, there were no other reasons.

Q If Mr. Ling had told the Formosans that the Chinese Mission would handle their complaints, what could you add to that in view of the fact that he is the Chief of the section who would handle such complaints?
A At that time it was like this. After Mr. Ling talked to them at the first meeting in Shuwa School and they began to go home they were all satisfied with the answer and then one of the Chinese came back from Shinbashi and reported that he has been insulted and then they decide to come to the Chinese Mission to appeal. Then Mr. Ling said that since I belong to the Chinese Mission -- I am adviser to Chinese Mission, one step higher authority in the Chinese Mission -- it would be better if I talked to them again.

Q Then the reason for going to the Chinese Mission was the fact that some Formosan had been insulted in the Shinbashi area, was it?
A The Chinese insulted around Shinbashi area went back to the Shuwa School where there were between two and three hundred remaining people there and they told the remaining people the reason and the incident and since Mr. Ling has already left for the Chinese Mission and they feel it's necessary to go to Chinese Mission to appeal to the Chinese Mission.

Q Now we are getting to the real reason for the Formosans going to the Chinese Mission. You have stated that the Formosans who were insulted at Shinbashi area went back to the Shuwa School and enlisted the aid of two or three hundred remaining Formosans and started for the Chinese Mission, isn't that correct?
A That's one of the reasons.

Q You have previously stated that the Shuwa School meeting broke up. They were satisfied with Mr. Ling's explanation, isn't that correct?
A Yes.

Q And that two or three hundred remaining at the Shuwa School did not go home as planned but listened to the complaint of some one who had been insulted in Shinbashi area and then elected to go to the Chinese Mission. If that is the case, what was the purpose of going to the Chinese Mission?
A I think the reason, the purpose or the reason, they came was right after they asked the Chinese Mission to give them help and another Chinese has been insulted again so they hope the Chinese Mission will handle the case right away for them.

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Q The two or three hundred remaining Formosans at the Showa School had no intent of going to the Mission until they received the complaint of mistreatment in the Shinbashi area, is that correct?
A Yes.

Q And you mean to state that they arrived at the Chinese Mission in a happy mood when they traveled there for such purposes?
A That's what I saw. What's what I saw when I met them on the road and when they saw me and they all cheerfully say that they want to appeal to Chinese Mission. That's what I saw.

Q When you went in search of the Formosans at the Showa School and were told that they were already on their way to the Chinese Mission and had left some time previously, why did you not drive right straight to the Mission so as to be there to greet them, at least?
A As the original purpose was to go to talk to the Formosans in the school instead of having them come over here, after we got there we learned they had left and we didn't meet them on the way over so we asked them which route they took to come to the Chinese Mission. That's why we followed them on the route.

Q When you did meet up with the trucks why did you not tell them to go back to Showa School since you didn't want them in the Chinese Mission in the first place?
A The time I met the two trucks and all the occupants of the truck they all express they want to go to appeal to the Chinese Mission and since there were only several ten's people there, not everybody there -- there's still some more -- and if I told them to go back to Showa, there would be some in the school and some in the Chinese Mission.

Q Since you were sure they were on their way to the Chinese Mission why did you have to hunt for truckloads of Formosans and send out jeeps to guide them?
A After most of the trucks arrived and there's only one left, and we asked if enough time has passed that should have arrived we were afraid that they might lost somewhere and couldn't find the Chinese Mission, we sent a jeep to look for them in the intersection.

Q It has been told here in court that the Formosans were complaining about the failure of the Japanese police to protect them against Matsuda Gumi. What do you know about that?
A I don't know.

Q You have in your testimony referred to the fact that at least one Japanese policeman was involved in an incident and used as a possible connection between the Japanese police and Matsuda Gumi, is that correct?
A No, I didn't say anything about Japanese policemen.

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Q You have referred to the incident which involved a Japanese policeman, did you not?
A No.

Q What were you told by the Formosans as to their relations with the Japanese police?
A No, nothing.

Q You testified that when you met the two trucks in the area of Shinbashi when you left the Showa Primary School in the late afternoon or evening of July 19th that the occupants on the truck were yelling to the effect that they wanted to go to the Chinese Mission. Did you observe at that time whether any occupant or occupants were having any disorderly or unruly or otherwise unlawful attitude or action done at that place or any other place that you know of?
A No, all I saw they said they want to go to Chinese Mission.

Q Do you have knowledge if any occupant on those two trucks or of any other truck that subsequently also came over to the Chinese Mission had earlier perpetrated any attack or other act of violence against anybody in the Shinbashi area that day?
A No, I heard nothing about that.

Q You testified to the effect that while you were with a group of the people in the Chinese Mission you told them to select representatives to take the matter up with the Consular Affairs Section, Mr. Ling, and to avoid the large gathering of a large number of people, in order to avoid misunderstanding. Well, at the time you made such a statement, particularly when you referred to avoiding a misunderstanding, did you have anything concrete in mind or sense any impending danger of something -- of some untoward incident would occur, that you would use, would make such a statement and such a phrase, with a view to avoiding such occurrence?

PRESIDENT: Since this is a very lengthy question, if there is no objection by the prosecution or the defense, the Commission member may ask the question himself in the Mandarin dialect in order to get the exact question over to the witness. Any objections?

PROSECUTION: No objections.

The Commission member then asked the last question in the Mandarin dialect.

A No, I have nothing in mind when I said that "Do not cause any misunderstanding." This phrase "Do not cause misunderstanding" is used very frequently in Chinese way of expression. It may mean different in English but in Chinese it's frequently used and, as I said before, we don't want large group of people there because large group of people would not accomplish anything whereas a small body of people can discuss the things and settle things more swiftly.

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Q While you were in the Chinese Mission with a group of Chinese, more specifically referred to as Formosans in this trial, and after you addressed them, did you observe any of them having a defiant or dissatisfied attitude towards your speech in spite of the fact that they made a show of hands?
A No.

Q What was the reason that you saw fit to attend to your personal private appointment after you addressed the group rather than to wait until everybody left and went home, as you have indicated?
A Because I saw they were all in a cheerful mood and at that time I didn't think the thing was important and I didn't see where any incident would have occurred and I was already late to my appointment and there was nothing left to be done there, that's why I went to my appointment.

Q Yet Mr. Ling saw fit to go down and enlist the aid of the Provost Marshal and ask for protection, isn't that correct?
A That was after I left. I don't know what happened after I left.

Q Then you admit the situation could have changed rapidly, is that right?
A What I mean is I wouldn't know what happened or what developed after I left.

PRESIDENT: Does the prosecution or defense feel any new matter has been brought up that wasn't on cross examination?

DEFENSE: No.

PROSECUTION: No.

PRESIDENT: If there is no further questioning, the witness is excused.

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

PRESIDENT: In view of the fact that Monday, November 11th, is declared a legal holiday the Commission will adjourn to meet at 0900 Tuesday, November 12th.

The Commission then adjourned at 1080 hours on 8 November 1946.

Richard R. Elliott
MR. RICHARD R. ELLIOTT
Chief Prosecutor

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Metropolitan Police Station
Tokyo, Japan
12 November 1946

The Commission met, pursuant to adjournment, at 0900, all the personnel of the Commission, prosecution and defense, who were present at the close of the previous session in this case being present.

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

DEFENSE: Defense calls as its next witness Low, Chee Kuin.

Low, Chee Kuin, a witness for the defense, was sworn and testified as follows:

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

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

PROSECUTION: State your name to the Commission.
A. Low, Chee Kuin.

DIRECT EXAMINATION

Questions by defense:

Q. Are you employed by the Chinese Mission?
A. Yes.

Q. In what capacity?
A. I am a driver.

Q. How long have you been so employed?
A. 11th April of this year.

Q. Were you at the Chinese Mission on the evening of July 19th, 1946?
A. Yes.

Q. Did you receive any special instructions that night as to driving your jeep?
A. I did not receive any special instructions.

Q. Did you drive the jeep that night at any time around 2000 for the Mission?
A. I was called about 2020.

Q. By whom?
A. Another driver told me to move the jeep which was parked in front of the Mission.

Q. Was there any meeting that night in the auditorium at the Mission at about this time?
A. Yes.

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Q. Were you instructed to drive your jeep from the Mission at about that time?
A. Yes.

Q. And from whom did you receive those instructions?
A. Another driver.

Q. And what were the instructions?
A. The driver told me that General Li gave the orders to escort the men to the point where they would return home.

Q. Did you receive any instructions directly from General Li that night?
A. No.

Q. How many trucks did you observe in the courtyard of the Mission that night with these men?
A. Six.

Q. And can you give any estimate of the number of people that you observed attending this meeting?
A. I cannot.

Q. At the time that you moved your jeep, what were these people doing?
A. They were already on the truck.

Q. Did you observe whether any of them were carrying any pistols or clubs?
A. No.

Q. Did you talk to any of these people on these trucks?
A. No.

Q. How did you determine which way you were to escort these trucks, in what direction?
A. At that time I asked the driver of the truck.

Q. And what did you ask him?
A. I asked him, "Where are you going?"

Q. What was his answer?
A. The Shibuya Railroad Station.

Q. And then what did you do?
A. There were four trucks, and I escorted the first two to the Shibuya Station. I told the second two trucks to wait because there will be another jeep that would return to the Mission, and that jeep will escort the other two trucks.

Q. Did any people who attended this meeting ride in the jeep with you?
A. Yes.

Q. How many?
A. Four.

Q. Do you know who they were?
A. I know two of them.

Q. What were their names?
A. One is Shu and another was Sha.

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PROSECUTION: If it please the Commission, may I ask the defense if the men just named by the witness are defendants in this case?

DEFENSE: No, they are not defendants in this case.

Q. What road did you take toward Shibuya Railroad Station?
A. The road that we always use.

Q. Is that the road which passes near Ebisu Station?
A. Yes.

Q. Why did you take that particular road?
A. I always use this road, and this is the best and the nearest road to the Shibuya Railroad Station, so I used that.

Q. Is there another road from the Chinese Mission to the Shibuya Railroad Station?
A. Yes.

Q. Is it as good a road as the one you took?
A. The road is very bad on the way.

Q. Did anyone instruct you to take the particular road you took?
A. No.

Q. You took that of your own choice?
A. Yes.

Q. When you left the Chinese Mission did anyone tell you that there were Japanese police assembled in goodly number in the area around Shibuya Police Station?
A. No.

Q. On the way from the Chinese Mission did you hear any of the occupants that were in the jeep with you say that they were planning to attack the Shibuya Police Station?
A. No.

Q. Did you observe whether any of these occupants in the jeep with you were carrying any pistols or weapons of any sort, or clubs?
A. No.

Q. Were they carrying anything?
A. They had nothing.

Q. How many vehicles were following you?
A. Directly behind me was a sedan and two trucks followed.

Q. Now as you approached the area near the Shibuya Police Station, did you see any Japanese police?
A. I did not.

Q. When did you first observe Japanese policemen in the area of the Shibuya Police Station?
A. You mean the time?

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Q. On the opposite wall we have plaintiff's Exhibit No. 1. Please step to the map. This is the map of the area around Shibuya Police Station. This arrow indicates the direction of Ebisu Railway Station. This building indicates Shibuya Police Station. Can you state with reference to this map in what direction you were approaching that night?
A. On the map I cannot point out the direction, but if I go there I can tell.

Q. Were you stopped by Japanese police that night?
A. Yes.

Q. Where were you stopped?
A. Way this side of the police station.

Q. You mean towards Ebisu?
A. Yes.

Q. But about how far from the police station were you stopped?
A. About 120 or 130 meters.

Q. Who stopped you?
A. The police.

Q. Did you see any of these policemen with lanterns?
A. I did not.

Q. How far ahead of the spot where you were stopped did you first observe Japanese policemen?
A. At the point about 15 to 20 meters before I stopped.

Q. And after you stopped did you hear anything unusual?
A. As I stopped I saw a policeman with a pistol in front of him, and they shouted the word "hassha".

INTERPRETER: That can be taken both ways, to shoot or to go ahead. The witness says the word is "to shoot".

PROSECUTION: If the Commission please, there is some question about the translation.

A. (Continued) The police on both sides of the road ordered stop. Then about four or five police with pistols in front of them started moving backwards and said, "shoot".

Q. Did you hear any whistles at that time?
A. And as I stopped I heard a report in front of me, and at that moment I heard a police whistle.

Q. By "report" do you mean a pistol report?
A. Yes.

Q. From what direction did that report come?
A. In front.

Q. Were any of these police carrying lanterns at this time?
A. I did not see.

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Q. Did you observe policemen on both sides of the street?
A. Yes.

Q. Were there a large number of policemen?
A. Yes.

Q. On what side of your jeep did these police approach that you referred to?
A. On both sides of the jeep.

Q. About how many policemen would you estimate were around your jeep?
A. About five or six surrounded the jeep.

Q. How many of them had their weapons drawn?
A. All the police that were in that vicinity had their pistols out and were pointing at us.

Q. What color uniform were the policemen wearing that night?
A. Black uniform.

Q. Could you hear whether these policemen were saying anything as they approached your jeep and stood there?
A. I did not hear anything in particular. I just heard them say shoot.

Q. How many of them said shoot?
A. About five or six.

Q. Did any of these policemen who approached your jeep at that time speak to anyone in your jeep?
A. Yes.

Q. To whom did he speak?
A. When the police said shoot, Shu who was on the jeep said, "Wait a minute," and he went down and spoke to the police.

Q. Do you mean when you say "went down" that he got out of the jeep?
A. Yes.

Q. And do you know the policeman to whom he spoke, what his official capacity was?
A. I do not know.

Q. Did you hear this conversation?
A. Yes.

Q. What was the nature of what was said?
A. Shu said that we were at the meeting at the Chinese Mission, "and now we are on our way home to the Shibuya Railroad Station. We are on our way home to the Shibuya Railroad Station, so please let us pass."

Q. Did he get back into the jeep?
A. Yes.

Q. Was there any further conversation with any police?
A. Yes.

Q. What was that?

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A. After his conversation he came back to the jeep and on the side opposite the driver I saw a lot of policemen approach, and one of them seemed like the police chief.

Q. Did the police chief say anything at this time?
A. When the police chief approached, the one who got off the jeep and spoke to the policeman told the police chief the same story that he had told the police formerly.

Q. Did the police chief make any reply to this?
A. After the chief heard the story he said, "I understand." Then he said, "I'll let one of my police escort you," and a policeman got on my jeep.

Q. What side did he get on?
A. On the right side, the opposite side of the driver.

Q. Well, then what did you do?
A. Then I shouted to the rear vehicle, "I'll start." Then I moved ahead.

Q. And after you started did you hear any shooting?
A. Yes.

Q. From where was the sound of that shooting?
A. The rear.

Q. Did you hear that shooting before or after you passed the police station?
A. After I passed the police station.

Q. At the place you were when you heard the shooting begin, were there police still on both sides of the street?
A. Yes.

Q. And when the shooting began did you hear a few shots or did you hear a burst of gunfire all of a sudden?
A. I heard a burst of shooting.

Q. When you heard this shooting, what did you do?
A. I thought that something serious has happened and I thought of reporting this to the MPs right away.

Q. Did the policeman riding on your jeep do anything when this shooting started?
A. Then the policeman riding on the jeep said, "Something has happened in the rear, so let me off."

Q. Did you let him off?
A. Yes.

Q. Then where did you go?
A. I proceeded toward the Shibuya Railroad Station.

Q. Did any of the occupants of your jeep say or do anything when this shooting began, or shortly thereafter?
A. They did not do anything.

Q. And when you approached the Shibuya Railway Station, did any other vehicle approach your jeep?

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A. As I passed near the station I glanced back often and I saw all the vehicles that I had escorted following me, so I proceeded on.

Q. Did any vehicle that was not among the vehicles you were escorting stop you or come along side you about this time?
A. Yes.

Q. Who was driving this vehicle?
A. A GI was driving this jeep.

Q. Did you ever speak to him?
A. He stopped me.

Q. Did he talk to you?
A. Yes.

Q. What did he say?
A. He talked too fast, so I did not understand.

Q. Did you ever have an opportunity to talk to him when you could understand him?
A. And I believe that at that time I thought that he had stopped me because he thought that I was in trouble. I thought that the jeep was in the same predicament as I was, and I told him to follow me, and we proceeded on.

Q. Did he follow you?
A. The jeep stopped on the right side of me, and at that time another truck stopped on the left side of me. Then I heard someone on the truck shout, "I've been hit on my leg." Then when I glanced on my left I saw blood on his leg.

Q. Was this one of the trucks that was following you earlier?
A. Yes.

Q. Where did you go then?
A. Then I turned right and proceeded on.

Q. What had happened to the jeep with the GI?
A. It followed me.

Q. Where did you go?
A. On the way he went ahead of me and proceeded on.

Q. And where did you go?
A. At that time I thought of going to a police station, but there wasn't any around there so I went to the Chinese Mission.

Q. About how far were you past the police station when you heard this burst of gunfire?
A. After I had passed a little at the point where there were many policemen on both sides of the road.

Q. About how long did this shooting continue, in your opinion?
A. About forty seconds.

Q. From what direction or directions did it seem to come, the sound?
A. To the rear of my jeep.

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Q. Did it sound as though it were coming from the side of the road or directly behind you or both sides of the road?
A. On both sides of the road.

Q. When you first stopped did you hear any shouting from these trucks?
A. I did not.

DEFENSE: No more questions.

CROSS EXAMINATION

Questions by prosecution:

Q. I believe you said that the route you selected past the Shibuya Police Station was a better road. Why did you say that?
A. Because I always use this road and it is the better and nearer road. It is also wider.

Q. As a matter of fact don't you know that the alternate road, while being three-tenths of a mile further is wider than the route you took?
A. No, you are mistaken.

Q. You are quite sure of that?
A. Yes.

Q. And don't you know that it has a U. S. designate, a U. S. route designation as being one of the main thoroughfares in the city of Tokyo?
A. That may be true, but in front of the Aoyama car barn, the road is pretty bad.

Q. The road is pretty bad in front of the Shibuya Police Station too, isn't it?
A. Yes, just a little.

Q. Pretty narrow there too, isn't it?
A. As I recall, about the same width.

Q. Same as what?
A. Both roads are about the same width.

Q. Were you leading this convoy?
A. Yes.

Q. Were you in charge of it?
A. Yes, I led them the way.

Q. Who started you from the Chinese Mission?
A. A driver named Chen.

Q. Who is Chen?
A. He is a driver.

Q. Did he also drive a jeep convoying trucks that evening?
A. Yes.

Q. Where did Chen get his orders?
A. From General Li.

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Q. What time was that?
A. About 2010.

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

The Commission then took a recess until 1010, 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. Will the reporter read back the last question and answer?

The reporter read back the last question and answer.

Q. General Li was not there at that time, was he?
A. Yes, he was there.

Q. What time did you come on duty that day?
A. I live at the Chinese Mission and I am always on duty.

Q. Where were you immediately prior to this time?
A. I was in the park in the rear of the Chinese Mission.

Q. Were you present during this meeting?
A. No.

Q. If you were at the Chinese Mission, can you tell us why shortly before when General Li was looking for jeeps and drivers he couldn't find you?
A. I do not know.

Q. Isn't it a fact at the time General Li was looking for you, you were out in your jeep trying to round up trucks of Formosans?
A. No, I was not out.

Q. Where was your jeep?
A. In the Chinese Mission.

Q. Where in the Chinese Mission?
A. The parking lot for the jeeps.

Q. Was it with Chen's jeep?
A. Chen's jeep was in front of the porch of the Chinese Mission.

Q. Your jeep was in the parking lot?
A. Yes.

Q. How many more jeeps were there?
A. Three jeeps, including Chen's.

Q. You still don't know why when General Li was looking for you and your jeep he couldn't find you or your jeep?

DEFENSE: If the court please, we object to the question on the ground that it assumes two facts which are not in evidence; that General Li was looking for him and that his jeep was not at the Mission. I think those are the two facts which are incorporated in the question, which are not in evidence.

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PROSECUTION: If the court please, it assumes nothing. General Li testified that when he was going to have these Formosans in these trucks escorted, he looked around and could only find one jeep and one driver.

LAW MEMBER: That's true.

DEFENSE: Then I have to withdraw my objection.

A. I believe that he couldn't find me because I was in the park.

Q. Did anyone summon you from the park?
A. Yes.

Q. Who was that?
A. A driver named Miao.

Q. It still doesn't account for why your jeep couldn't be located, does it?
A. It is my opinion that since there are only three jeeps, I believe that Chen asked Miao to look for me.

Q. Please answer the question, which called for a fact and not an opinion.

DEFENSE: I ask that the question be rephrased. I think the word "it" is rather confusing there. It might refer to a number of different things.

Q. That still doesn't account for why your jeep couldn't be located.

DEFENSE: The same objection, if the court please.

Q. I'll rephrase the question. The fact that you were in the park doesn't account for why your jeep couldn't be located, does it?

LAW MEMBER: That question might confuse the witness. Ask him why couldn't his jeep be found.

Q. If your jeep was in the motor park as you just testified to, why couldn't it be found when General Li was looking for jeeps to escort these Formosans?
A. I do not know.

Q. Are you assigned to that one particular jeep as a driver?
A. Yes.

Q. Nobody else drives it?
A. Sometimes the other driver may drive my jeep.

Q. If when you were in the back of the Mission in the park when General Li was looking for you and your jeep, and your jeep which was supposed to have been in the motor park could not be found at that time, the only reasonable assumption is that some other driver had it out of the Mission, isn't that correct?

DEFENSE: If it please the court, may I object to that question as being too involved to be made intelligible to the witness?

LAW MEMBER: Can the interpreter interpret that intelligently?

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PROSECUTION: If the court please, there's nothing involved about it. It's just a little long. I'll withdraw that.

Q. You stated that the route you took to Shibuya Station was the better of two routes, is that correct?
A. Yes.

Q. Can you tell us just where the other route is bad?
A. Yes, I can.

Q. Where?
A. In that area in front of the Aoyama car barn.

Q. Is that the only place?
A. And many other places.

Q. Give us a few examples.
A. From that portion of the road where you turn off from Zaimoku-cho there are many hills. The road is very bad where there are hills and downgrades.

Q. By the road being very bad, do you mean there are holes, the road is rough?
A. There are places where there are holes, and places where it's rough.

Q. Will you describe any particularly bad holes in the road?
A. In front of the Aoyama car barn, and the road going down the hill.

Q. I take it then that you are pretty familiar with this road?
A. Yes.

Q. On the night that you led this convoy to Shibuya via the other route, how long prior to that time had you traveled this other route, this alternate route which you didn't take?
A. I do not know when, but I have passed on this road.

Q. Can you tell the court why it is you are so familiar with this route, being able to tell in details where the rough spots in the road are, when you stated on oath a while ago that the road that you did take was the one you took all the time and took naturally?

DEFENSE: If the court please, defense objects to the question as being involved, probably will become very confusing to the witness, will not understand, will not be able to give an intelligible reply.

PROSECUTION: I agree with the defense that it probably will be confusing to the witness, but I also don't think the question is involved.

LAW MEMBER: Objection overruled.

A. I passed on this road about two or three times, so I can tell.

Q. You state you passed on the road two or three times. Yet you are able to tell in detail where the rough spots are and where the narrow and wide spaces in that road are, is that correct? Is that what you mean to convey to the court?
A. That is correct.

Q. What was your destination in this convoy?
A. Shibuya Railroad Station.

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Q. Will you tell us again how far from the station you were when you stopped by the police?
A. About 120 or 130 meters away from the police station.

Q. Then when you started to proceed again you had traveled over 120 or 130 meters before you heard the first shot, is that correct?
A. I do not know exactly, but I believe in general about that distance.

Q. Didn't you state that you were past the police station when you heard the first shots?
A. Yes.

Q. How far past the police station?
A. I do not know what the distance from the station to my jeep was when I first heard the shot, but it was about 180 meters after I had traveled from the spot I had stopped.

Q. Do you remember talking with a CIC agent regarding this incident?
A. I have not spoken with a CIC agent.

Q. Do you remember talking with any American soldier, officer or civilian employee regarding this incident?
A. Yes.

Q. Who was it?
A. I have spoken to the defense counsel at the Chinese Mission.

Q. But you do not remember talking to a special agent of the CIC or CID?
A. I have not talked with them.

Q. And you don't remember telling them that after proceeding 20 meters from the place where you were stopped by the Japanese police, you heard these shots?

DEFENSE: If the court please, object to the question. The witness says he has not talked to the CIC. How can he remember anything which he hasn't said?

PROSECUTION: I'm merely asking him to refresh his memory, if the court please.

DEFENSE: The witness said very plainly that he hadn't talked to the CIC.

LAW MEMBER: Objection sustained.

Q. Do you remember talking with Mr. Scott, the assistant prosecutor here, at the Chinese Mission?
A. Yes, I have.

Q. Was General Li present at that time?
A. I saw General Li speaking to Mr. Scott before Mr. Scott questioned me.

Q. As you approached these Japanese policemen, in what manner were you stopped?
A. I do not know how I was stopped, but when I approached the line of the policemen they shouted "stop".

Q. As a matter of fact, didn't you pass one group of policemen who tried to stop you?
A. When I saw the police, they were lined up on both sides of the road.

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Q. I hand you Prosecution's Exhibit No. 5 and ask you if you know what it is.
A. This is a lantern, Japanese lantern.

Q. Are you familiar with that type lantern?
A. Yes.

Q. Can you tell us what it is?
A. The word "Metropolitan Police Board" is written on the lantern.

Q. How many of these lanterns did you see that night?
A. I did not see any.

Q. What happened after you were stopped?
A. As I was stopped four or five policemen had their pistol near the chest pointed at us, and they shouted, "shoot, shoot," and stepped about two or three steps backwards.

Q. Doesn't the Japanese word "hassha" mean to proceed or depart, as well as shoot?
A. Yes.

Q. What makes you think that they were shouting shoot?
A. Their attitude when they shouted hassha.

Q. Was there any shooting at that time?
A. I heard.

Q. You heard shooting at that time?
A. Yes, I did.

Q. Well, didn't you just state a while ago that the first shots you heard were past the police station?
A. I testified that when I heard the word "shoot" I heard a report and a police whistle.

Q. Oh, so you heard a police whistle now?
A. Yes.

Q. Low, do you realize you are under oath?
A. Yes.

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

DEFENSE: I object to that question as threatening the witness. The witness did testify to what he said on direct examination.

LAW MEMBER: Objection sustained.

Q. So you heard one shot at this point, is that correct?

DEFENSE: If it please the court, I wish that the prosecuting attorney would explain clearly what point he is referring to.

PROSECUTION: Well, I don't think there is any question of what point this is. I'm speaking of the point where he first stopped.

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LAW MEMBER: The Commission would like to have that explained too.

PROSECUTION: Perhaps we could have the witness tell us better.

Q. What spot were you in when you heard this first shot?
A. At the spot where I was stopped.

Q. Will you step to the map and point it out?
A. I do not know if I do not go to the actual place.

Q. But it was about 120 to 130 meters before you arrived at the police station, is that correct?

PRESIDENT: What was the answer to that last question, please?

The reporter read back the last answer.

PRESIDENT: Does the witness mean to say he cannot use the map?

A. (Continued) It was dark that night and on the map I could not tell where. However, if I go to the actual ground I can point out.

PRESIDENT: The defense used the witness to point out places on the map. I don't see any reason why the witness shouldn't comply to the request of prosecution and point out on the map to the best of his ability the place where he was stopped. The Commission is desirous of knowing where he thinks he was, at least.

DEFENSE: If it please the court, the witness gave me the same answer when I did take him over there, that he has given to Mr. Elliott. He never indicated any places on the map. He said precisely what he said just now; that if he went to the spot, he could indicate. Mr. President, the witness is not familiar with this map, and obviously it is confusing to him.

PRESIDENT: That's the first question I asked. Is the witness stating that he is unable to use the map? Then I get a long harangue, prolonged answers, beating around the bush. If he said, "Yes, I am not familiar with the map," that would have been the end of it. Okay, proceed.

Q. If you went out to the spot you said you could indicate on the road, is that correct?
A. Yes, in general.

Q. What land marks would you use to aid you to locate this spot, if you were on the location?
A. At the spot where I stopped it was dark. However, I could see the red light at about the point where the police station was.

PRESIDENT: I believe the witness testified to distance from the station approximately 130 meters, isn't that correct?

PROSECUTION: Yes, sir.

PRESIDENT: I would like for the prosecution and the defense both to determine on the map from the scale the distances shown thereon approximately where 130 meters is from the police station.

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PROSECUTION: It should be further clarified, from what part of the police station.

PRESIDENT: He spoke of the red light.

PROSECUTION: If the court please, it is approximately at the point marked NX on the map.

Q. How many shots did you hear fired at this time?
A. One.

Q. Who fired it, do you know?
A. I do not know.

Q. Do you know from what direction it came?
A. Quite a ways in front of my jeep.

Q. Did you see the flash?
A. No.

Q. Were you stopped at this time?
A. Yes.

Q. Did you tell Mr. Scott and myself at the Chinese Mission that you stopped because you heard someone fire in the air which you thought was a signal to stop?
A. I believe I did not make such a statement.

Q. How many policemen did you state were at the point where you stopped?
A. I do not know how many, but there were many police on both sides of the road.

Q. What happened immediately after you stopped?
A. When I heard the orders "stop" I stopped, and as soon as I stopped about four or five policemen surrounded the jeep and said, "shoot".

Q. You actually don't know whether they said shoot or proceed, do you?
A. I could tell by their attitude.

Q. You mean you assume that they were shouting shoot?
A. Yes, by their attitude.

Q. Then that is an assumption or merely a deduction on your part?
A. When I stopped they had a pistol up to their chest and they shouted the word "hassha" so by their attitude I assumed that they said shoot.

Q. You assume they said shoot, is that correct?
A. Yes.

Q. How where were these policemen who were shouting "hassha"?
A. On both sides of the jeep.

Q. And when they shouted hassha, you state that you heard this report of a gun, is that correct?
A. Yes.

Q. Do you know whom they were shouting hassha to?
A. Yes.

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Q. Who to?
A. Toward our jeep.

Q. Ask the witness to explain that.
A. The police had surrounded our jeep and they shouted toward us, "hassha."

Q. Do you think that they meant for you to shoot?
A. Yes.

Q. You think they meant for you to shoot?
A. No. They just shouted shoot at us.

Q. And then you heard this shot?
A. Yes.

Q. Well, how do you explain the fact that while there were policemen surrounding your jeep shouting hassha, with drawn pistols, yet at that moment when you heard this shot it came, as you describe, from way in front of your jeep, so far in front that you couldn't see who fired the shot?

DEFENSE: The question is objected to, if the court please. We can't see why the witness has to explain why the shot came from a great distance, in the circumstances. Clearly it is not within his power to explain. It's merely confusing, I suggest.

PROSECUTION: I meant by that for the witness to reconcile the fact. He states that the police surrounded the jeep with drawn pistols shouting "hassha" or "shoot" and at that time he heard a pistol shot, but it was so far in front of him he doesn't even know who fired it, couldn't see him.

LAW MEMBER: You may ask the witness if he connects what the police said with the shot he heard. Objection is sustained.

Q. Can you estimate how far in front of you this shot came from?
A. I think somewheres near the police station.

Q. Was it a pistol shot?
A. Yes.

Q. How do you know it wasn't a rifle shot?
A. Because they all had pistols.

Q. Can you distinguish a pistol shot from a rifle shot or a shotgun shot?
A. No, I cannot.

Q. As a matter of fact, can you distinguish a shot at a great distance from a vehicle backfiring?
A. Yes, I can, in general.

Q. Can you state whether it was 500 meters or 1,000 meters in front of you?
A. I believe it was about 150 meters in front of me.

Q. Why do you believe that?
A. Because I heard this at a distance.

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Q. Were you in the army during the war?
A. No.

Q. Are you familiar with firearms?
A. Yes.

Q. What firearms are you familiar with?
A. Rifles and pistols.

Q. How did you become familiar with them?
A. I have only seen these.

Q. Have you ever had any military training?
A. No.

Q. All right, what happened after you heard this shot?
A. I just thought that someone fired in front of me.

Q. I say, what happened after you heard this shot?
A. Soon after I heard the shot, I heard the police whistle.

Q. All this took place after you were stopped, is that correct?
A. Yes.

Q. Are you sure you didn't hear the police whistle before you stopped?
A. No, you are mistaken.

Q. What happened then?
A. Then Shu, who was on the jeep with me, went down and spoke to the policeman.

Q. Who is Shu?
A. One of the occupants of the jeep.

Q. Do you know his full name?
A. I only know his name.

Q. Do you know his position?
A. I do not know his position, but he always comes to the Chinese Mission.

Q. When he got out of the jeep, what did he do?
A. He talked to the police.

Q. Where was he when he talked to the police?
A. In front of me.

Q. You stated a while ago that you were in charge of this convoy. That being the case, why didn't you talk with the police instead of Shu?

DEFENSE: If the court please, our recollection is that the witness stated that he did not state that he was in charge of the convoy. He merely stated he was the driver.

PROSECUTION: If the court please, on cross examination one of the first questions I asked him was whether he was in charge of the convoy and he said yes, he was in charge of the convoy and he was leading the convoy.

DEFENSE: Our recollection is at variance with that of the prosecution, if

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the court please. We think that the witness testified only that the jeep was leading the convoy, and I think it's perfectly obvious that this witness was not in charge of the convoy in the sense which is implied by the prosecution.

LAW MEMBER: It appears that the record will have to be examined.

Q. Who was in charge of and had control of that convoy at the time it left the Chinese Mission for the whole trip?
A. I was.

Q. You had charge of the convoy and you had control over it?
A. Yes.

Q. You were the person in authority?
A. I was not the man of authority but I led them to the point where they were to return home.

Q. Who was the man in authority?
A. There wasn't anybody in charge. I was told to see them home, so I was taking them home.

Q. And you received no orders from anyone in that jeep, is that correct?
A. I did not.

Q. Then to the other persons there in the convoy you were the person in authority, is that correct?

DEFENSE: Objected to, if the court please, as being apt to confuse the witness again. I think the witness has already answered the question two or three times to the best of his ability. I think any further questioning along this line will probably confuse him.

LAW MEMBER: Objection is overruled.

A. I do not have the authority over the occupants of the vehicle. However, I was told by General Li to lead them to the place where they were to go home, and they told me it was the Shibuya Railroad Station, so I was leading them there.

Q. You say General Li told you?
A. He did not tell me directly.

Q. Was Mr. Chen in that jeep?
A. Do you mean my jeep?

Q. Yes.
A. No.

Q. Where was this Mr. Chu, what position in the jeep?
A. Behind me.

Q. Who was riding in the front seat with you?
A. I do not know this person, but he was a Formosan.

Q. How do you know he was a Formosan?
A. Because I could not make him understand.

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Q. Then you were the personal representative of the Chinese Government protecting that convoy, is that correct?

DEFENSE: If the court please, the question is objected to on the ground this witness has testified that he was merely a jeep driver. Of course it might be possible to that extent he might be a representative of the Chinese Government, but certainly in no other sense, and the question is apt to be misleading to the witness.

PROSECUTION: If the court please, it's in the record that they sent those jeeps along so the convoy would be under the protection of the Chinese Government, the Chinese Mission. It appears that this witness was leading the convoy in his jeep and that there were no other personnel from the Chinese Mission—

LAW MEMBER: The witness may not know that his mission was that of protection. Therefore the objection is sustained.

Q. Do you know why your jeep went along with this convoy?
A. I do not.

Q. You don't know whether it was to show the trucks where the railroad station was?
A. I do not know whether that was the purpose, but since General Li had given orders to see them to the station, I did.

Q. How close was the policeman to the jeep that Mr. Chu pushed out of the way when he got out of the jeep?

DEFENSE: If the court please, the question is objected to. This witness has not testified that Mr. Chu pushed the policeman out of the way.

PROSECUTION: If the court please, I didn't say he did. I'm just asking him, and it is in evidence in this case that the person who got out of the jeep pushed the policeman Miyauchi as he got out of the jeep.

DEFENSE: If the court please, if the counsel wishes to put that proposition to the witness, he should first infore him that it has been so testified to here.

PROSECUTION: If the court please, this is cross examination and I am permitted to ask leading questions.

LAW MEMBER: Objection is overruled. However, what is the point of this? Make sure the witness understands.

PROSECUTION: I'll rephrase that question.

Q. At the place where you first stopped and you were surrounded by policemen with drawn pistols and Mr. Chu crawled out of the back seat, how close was the policeman to him that he pushed?
A. He just got down from the jeep and talked to him.

Q. Talked to who?
A. Talked with the police.

Q. (To interpreter) Did he say talked to him or talked to them?

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INTERPRETER: He didn't say. He just said "the police." There is no number in Japanese.

Q. How many police did he talk with?
A. One.

Q. How far from the jeep was he when he had this conversation?
A. About one meter away.

Q. Of course the Formosans riding on the trucks were quite indignant at being stopped by the police, weren't they?
A. I do not know.

Q. You seem to know the attitude of the police. Can you give us any reason why you wouldn't know the attitude of your passengers?
A. Because I was frightened and I did not see behind.

Q. Why were you frightened?
A. Because they were pointing the pistol in my direction.

Q. How many pistols did you see?
A. I saw about four or five police with pistols who surrounded the jeep, and about thirty on both sides of the road.

Q. And the policemen all had on blue uniforms, is that correct?
A. Yes.

Q. None of them had on white uniforms?
A. I did not see any.

Q. You are quite sure of that?
A. Yes.

Q. You are positive?
A. Yes.

Q. How long have you been in Japan?
A. I was born in Yokohama.

Q. And you were in Tokyo all this summer, is that correct?
A. Yes.

Q. And you saw policemen off and on all summer?
A. Yes.

Q. But you didn't see any summer uniforms?

DEFENSE: If the court please, does he mean during the entire summer or at this particular time that he is referring to, the night of July the 19th?

PROSECUTION: Well, it's quite evident that I meant all during the summer. I've asked him if he saw any summer uniforms this summer.

PRESIDENT: Is the prosecution rephrasing that question? What seems to be the holdup?

PROSECUTION: I'm waiting for the answer, if the court please.

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A. Yes, I have seen.

Q. What color are the summer uniforms?
A. White.

Q. Yet on the night of July the 19th practically in the middle part of the summer you saw no summer uniforms?
A. I did not see any white uniform at that time.

Q. How many policemen would you estimate were in the area altogether?
A. You mean in all?

Q. Yes, in all.
A. About two or three hundred.

Q. Out of two or three hundred policemen on the 19th of July you didn't see any summer uniforms?

DEFENSE: If the court please, the witness didn't say that he saw two or three hundred policemen that night. He was asked by the prosecuting attorney how many policemen he would estimate were there. At the time I thought the question was a little confusing.

PROSECUTION: If the court please, I asked the witness if he could estimate the number of policemen there. He said two or three hundred. I said out of two or three hundred policemen there, by his own estimation, I asked him if he didn't see any white uniforms.

LAW MEMBER: Rephrase the question to inform him.

PROSECUTION: Will you read the original question back, please?

The reporter read back the last question.

PROSECUTION: Strike that question.

Q. On the 19th of July at Shibuya area, the area of the Shibuya Police Station you testified that there were an estimated two or three hundred policemen, is that correct?
A. That is correct.

Q. And of these two or three hundred policemen in the area of the Shibuya Station on the night of 19th of July around 9:00 o'clock in the evening you saw none of them wearing white uniforms, is that correct?

DEFENSE: If the court please, the question is objected to on the ground that it's already been answered two or three times, and is purely argumentative.

LAW MEMBER: Objection is overruled.

A. Yes.

Q. At the place where you were first stopped by these police and were surrounded by policemen with drawn guns and Mr. Chu got out of the car, he stepped one meter away from the jeep and started a conversation or engaged in conversation with the police, how many police were engaged in that conversation with Mr. Chu?

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DEFENSE: The question is objected to as confusing, if the court pleases. If the prosecution would simply ask the witness how many policemen he spoke to or Mr. Chu spoke to, he'd get his answer, but the question combines with it and is a prelude to a number of factual statements which it is very probable the witness himself has not testified to.

LAW MEMBER: Objection is overruled.

A. One person.

Q. Did you hear the conversation?
A. Yes.

Q. How long did that conversation last?
A. About one minute.

Q. Who started the conversation?
A. Mr. Chu.

Q. What did he say?
A. Mr. Chu said there was a meeting at the Chinese Mission and it has ended, "and we are on our way home, so let us through."

Q. Do you know who this person was he was engaged in conversation with?
A. I do not know who, but he was a policeman.

Q. What did the policeman say?
A. Then as he was saying this a person who seemed to be the police chief came on the other side of the jeep, so he got back on the jeep.

Q. What happened then?
A. Then Mr. Shu told the same thing as he had told the police to the one who seemed to be the police chief.

Q. What did the one who seemed to be the police chief say?
A. I heard the police chief say that, "I understand your story, and I will send a policeman with you and see you through."

Q. Were either one of the policemen belligerent or act belligerently?
A. No, their attitude was not belligerent. However, they had their pistol pointing at us.

Q. Did these two particular policemen that Mr. Chu engaged in conversation have drawn pistols?
A. The policeman had his pistol out.

Q. Which policeman?
A. The first policeman that Mr. Shu spoke to.

Q. He got on the jeep, is that correct?
A. He did not.

Q. Who was it that got on the jeep?
A. The one who seemed like the police chief ordered one of the policemen to get on the jeep, and so he got on.

Q. Did he get inside the jeep?
A. Outside the jeep.

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Q. On the front or the side, the rear, or what?
A. He held the windshield frame and was facing toward the front.

Q. Was he on the right side or the left side?
A. On the right side as you ride the jeep.

Q. And did he hold the windshield frame in his right hand?
A. I did not see.

Q. But he was holding on to the windshield with one hand, is that correct?
A. I did not see this clearly.

Q. What did you mean when you said he was hanging on to the windshield?
A. I did not see this clearly, but I saw him get on the side of the jeep.

Q. You mean you didn't know what you were talking about when you said he was hanging on to the windshield?
A. I just saw him when he got on.

Q. Well, how did he get on, where was he?
A. In the ordinary manner that one gets on a jeep. He held the jeep and got on.

Q. Is it the ordinary manner for a person to get on a jeep to hang on the side?
A. Yes, it is natural to put a foot on the plate on the side of the jeep and get on the jeep.

Q. What did you mean a while ago when you testified that he was hanging to the windshield frame?
A. Since he had no place to hold, he held the windshield frame when he got on the jeep.

Q. How do you know he held the windshield frame?
A. Because he rode in the jeep in the ordinary manner.

Q. Was he inside the jeep or outside the jeep?
A. As I recall I think he had one foot in the jeep.

PRESIDENT: At this time the Commission will adjourn, to meet at 1315.

The Commission then took a recess until 1320, 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. I don't believe you have yet stated whether the policeman who got on your jeep was on the inside or the outside. Can you tell me whether he was on the inside or on the outside?
A. He was hanging on the outside.

Q. How was he hanging?
A. He was hanging on the outside as one ordinarily hangs on the jeep.

Q. Did this policeman have a pistol?
A. He had.

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Q. Was it drawn?
A. Yes.

Q. Will you describe to the court how one normally hangs on the side of a jeep?
A. I believe ordinarily one has his both hands on the windshield frame with one foot outside on a step of the jeep and one inside the jeep.

Q. And that's the way this policeman was hanging on the jeep that evening?
A. Yes, I believe so.

Q. How many hands did this policeman have?
A. He had two hands.

Q. He had a drawn pistol. In which hand did he have his drawn pistol?
A. When I saw him he had his pistol out. However, when he got on the jeep I believe that he had already put it in his holster.

Q. What makes you believe that?
A. Because when one hangs on the jeep it would be dangerous to use just one hand.

Q. Then you don't know whether this policeman had a drawn pistol or not, do you?
A. I saw the pistol drawn before he got on the jeep. However, after he got on the jeep I do not know whether he had his pistol drawn or not.

Q. Did you observe him when he got on the jeep?
A. I saw the policeman just as he got on the jeep, just as he hung on the jeep.

Q. Where was his pistol then?
A. I did not see.

Q. As a matter of fact, you didn't see his pistol at all, did you?
A. Before he got on the jeep I saw him pointing the pistol in my direction, but when he got on the jeep I do not know whether he had his pistol drawn or not.

Q. If he had the pistol pointing in your direction, you naturally were scared, weren't you?
A. Yes.

Q. And being scared you naturally would keep your eyes on him, wouldn't you?
A. Because the policemen had surrounded the jeep at that time, I was not looking only at him. I was looking on both sides of the jeep.

Q. Approximately how many policemen were surrounding the jeep?
A. Four or five policemen.

Q. Did you observe this policeman put his pistol back in his holster before he got on the jeep?
A. I did not.

Q. And you saw him when he got on the jeep?
A. Yes.

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Q. Where were you looking just before he got on the jeep?
A. Toward the police chief.

Q. Which side of the vehicle was the police chief on?
A. On the right side.

Q. That is the same side that this policeman was on, is that correct?
A. Yes.

Q. Was this policeman standing next to the chief?
A. Yes.

Q. How long had you been watching the chief?
A. About one or two minutes.

Q. Well, when did you see this particular policeman with the pistol?
A. When I was stopped.

Q. You mean when you were first stopped?
A. Yes.

Q. Don't you know that that policeman wasn't out there when you were first stopped?
A. You mean the policeman that got on the jeep?

Q. Yes.
A. At first I did not notice him, but when the police chief told him to get on the jeep, that's when I first noticed him.

Q. Did he have a pistol in his hand at that time?
A. Yes.

Q. Did he get on the jeep when the police chief told him to?
A. Yes.

Q. Were you observing him at this time?
A. When the police chief had finished what he had to say, I looked toward the police who was standing on my side of the jeep. Then I glanced back toward the police who got on the jeep, so I did not see everything clearly.

Q. What fraction of a second was that?
A. It was only about one or two seconds.

Q. Now let's get this straight. You stated that you were observing the policeman who was standing next to the chief when the chief told him to get on the jeep, and that at that time this policeman had a drawn pistol and that he immediately got on the jeep. Now what did he do with the pistol? In which hand was he holding the pistol as he got on the jeep?

DEFENSE: If the court please, permit the defense to object to that question. It contains more than one question. Premises leading up to the question contain many different statements that may or may not be an accurate citation of the evidence. For that reason I think the question should be simplified so that the witness will not be tricked into giving an erroneous answer.

PROSECUTION: If the court please, the statements leading up to that question are statements given by this witness on the stand. I'm trying to clarify a point.

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LAW MEMBER: If the interpreter can translate that, the objection is overruled.

A. Before he got on the jeep he had the pistol in his right hand, but when he got on the jeep I did not see in which hand he had the pistol.

Q. But he was hanging on to the jeep with both hands?
A. Yes, I believe so.

Q. How long were you stopped there at that point altogether?
A. From the time I stopped to the time I started it was about four or five minutes.

Q. From the time you heard this first shot fired in front of you while you were stopped at this initial point until the time you heard the next burst of shots, how much time, how many minutes had elapsed?
A. From six to seven minutes had elapsed.

Q. You stated on direct examination that you didn't hear many shots but that you heard a single burst at first. How many shots were in this burst?
A. I do not know how many shots I heard, but I heard many.

Q. Were you ever interrogated by members of the Chinese Mission regarding this incident?
A. Yes.

Q. And did you tell them that an occupant of the jeep when stopped by the police said, "This is a dispersed group on its way home, escorted by the jeep?"
A. Yes, I did.

Q. State what you mean by the statement "a dispersed group."
A. I do not know the meaning of this.

Q. I'm speaking of the time at the point the jeep was initially stopped. In regards to that did you state that after the jeep had proceeded about twenty meters a volley of shots was heard from behind?
A. No, I did not make such a statement.

Q. If such a statement was made, was it true?
A. I never made such a statement.

Q. I understand, but if such a statement were made by somebody else, was it true?
A. I did not make such a statement, so I do not know.

PROSECUTION: I think the witness is evading the issues. Will the court direct him to answer the question.

PRESIDENT: I think the question can be framed in such a way to ask him are those facts correct or are they not, regardless of what has been said about it or not.

Q. If in an official report by the Chinese Mission made to the Allied military authority to the effect that after stopping at the initial point and starting again—

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PRESIDENT: I might personally direct the prosecution on that. You have an "if" and including statements presumably obtained by you in some form of report. When you requested a while ago the chair to direct the witness to answer the question, my recommendation and suggestion was that you phrase the question including the facts as you believe you have them, and ask him are those facts correct or not, without reference to any report or statements you may have in your possession and not available to the witness or to the Commission.

Q. How far had the jeep proceeded when the first volley of shots was fired?
A. From the point that I first stopped to the point that I heard the first volley of shots is about 180 meters.

Q. Therefore a report containing the statement that the convoy had proceeded twenty meters before the first volley of shots was fired would be incorrect, would it not?

DEFENSE: If the court please, there's no evidence in the case that such a report has been made. It seems to me that if the prosecution wishes to introduce any evidence to that effect, they can do so without incorporating it in the questions made to this witness.

LAW MEMBER: Objection is sustained. Clarify what you mean by convoy, the head of the column, the rear of the column, and omit the term "report".

PROSECUTION: If the court please, it is our position that it is quite proper to ask him if a report contained thus and so, is it or is it not correct. It's a question which the witness is capable of answering.

LAW MEMBER: The witness knows nothing of any report.

PROSECUTION: That's true, I agree with you, sir, but he may or may not know it, but he certainly knows if a report or any report containing such and such a statement, whether it's true or false. After all, he was the driver of this jeep.

LAW MEMBER: Can't you ask the same question without referring to the report?

PROSECUTION: If the court please, what I'm laying a foundation for, we have a report which we intend to introduce on rebuttal that the Chinese Mission furnished the CIC Detachment. It is an official report. The reason it was not introduced in the direct testimony was for the reason that facts have come up which are conflicting. The report contains facts which on the face of it are uncontradictory. However, since defense has taken the stand we have found out that there are a number of contradictory statements in the report and the testimony.

DEFENSE: If the court pleases, if the prosecution intends to introduce a statement made by a third party which contradicts testimony of this witness, it seems to me he might presume that the court will see that that report does contradict the evidence of this witness and will give it such credence as it may be entitled to receive.

PRESIDENT: The remarks made by the prosecution will be more explanatory rather than an objection or a motion, is that correct?

PROSECUTION: That's correct, sir.

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PRESIDENT: In turn I believe it is the opinion of this Commission, subject to objections, that the last question of the prosecution is improper in that this witness testified as to the distance he proceeded from the point where he had stopped to where he heard the first volley. The next question implied that the convoy if reported to having proceeded twenty yards from the volley--What constitutes the convoy, the last truck, the entire column, and how many vehicles were in this column? I think the prosecution is not following the proper procedure in asking questions, particularly of the order as contained in the SCAP Directive.

Q. If an official report of the Chinese Mission to the Allied military authorities contains a statement that the jeep had proceeded about twenty meters before a volley of shots was heard, would that be correct?

DEFENSE: Now if the court pleases, the most that this witness could say is that if such a report was made, that that report is at variance with his own testimony. To ask him to state whether it is correct or not I think lies just a little bit beyond the province of his opinion. The facts speak for themselves.

LAW MEMBER: Objection is overruled.

A. I believe that that is incorrect.

Q. What official of the Mission interrogated you?
A. Mr. Li.

Q. What is his full name?
A. I do not know.

Q. What is his position?
A. Secretary.

Q. Did you tell him the same detailed facts that you have just stated on the witness stand?
A. Yes.

Q. I believe you stated a while ago that from the time you proceeded from the initial point until the time you heard this first volley of shots was six or seven minutes, is that correct?
A. I said six or seven minutes elapsed between the time I heard the first shot and the volley of shots.

Q. And what happened when you heard this volley of shots?
A. You mean to my jeep?

Q. Yes, what did you do after you heard these shots?
A. At that time I thought that our trucks were being fired upon.

Q. Well, what did you do?
A. At that time I thought that something serious had happened, so I wanted to report this to the MPs, so I stepped on the accelerator.

Q. Didn't the policeman, the one who was hanging on to your vehicle with both hands, tell you to stop at this point?
A. He said that, "There is something strange going on in the rear, so stop the jeep," and I did. I stopped the jeep.

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Q. What did he do then?
A. He went down from the jeep.

Q. Did he still have his pistol in his hand at this time?
A. I did not see.

Q. How soon did you leave after he got off the jeep?
A. Immediately after he got down.

Q. Where did you go then?
A. I wanted to report this to the MP station right away, but since there was none located at Shibuya, I turned right at the Shibuya Railroad Station.

Q. Where did you go?
A. As I was about to turn to the right at the Shibuya Railroad Station, a soldier in a jeep—he was not an MP—came along on the right side and stopped me.

Q. How did he stop you?
A. He did this with his hand and stopped.

Q. Was it an officer or an enlisted man?
A. He was an enlisted man.

Q. What grade?
A. He had no insignia on.

Q. What kind of head gear did he have on?
A. An overseas cap.

Q. What color was his jeep?
A. The ordinary jeep color.

Q. What did he say when he stopped you?
A. He said something, but it was too fast and I could not understand him.

Q. Where did you go then?
A. As the jeep came from the rear of me and I thought that he had passed that area and was shot and was in trouble, I thought that he was going in the same direction as I was, so I told him to follow me.

Q. Please answer the question.
A. As I did not know where to go, I went back to the Chinese Mission.

Q. What route did you take?
A. I turned right at the railroad station and went straight to the Chinese Mission.

Q. Is that a direct route to the Chinese Mission from the railroad station?
A. There is a turn on the way to the Mission.

Q. How long did it take you to get back to the Mission?
A. About twenty minutes.

Q. Did the trucks follow you to the Mission?
A. Yes.

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Q. Who was on the trucks when you got back to the Mission?
A. The ones who I was escorting.

Q. I said who were on the trucks when they returned to the Mission?
A. All the persons whom I escorted.

Q. As a matter of fact, wasn't it only the persons who were wounded were on the trucks when the trucks returned to the Mission?
A. Both the wounded and those who were not wounded were on the trucks.

Q. When they arrived at the Mission what did the personnel on the trucks do?
A. They did not do anything in particular, but conversed among themselves.

Q. How long did the persons who were not wounded stick around?
A. I do not know.

Q. Did they congregate?
A. I believe they did.

Q. What do you mean by you believe they did? Do you know?
A. When we reached there they were taking care of the wounded persons, so I believe that they had assembled.

Q. How many people were in the truck?
A. About twenty or thirty.

Q. When you were called out to get in your jeep to take these trucks to Shibuya, how soon after you drove your jeep up did you leave the Chinese Mission?
A. You mean after I received the orders?

Q. Yes.
A. About four or five minutes.

Q. Were the Formosans already on the truck at this time?
A. There were some who were on the truck and some just getting on the truck.

Q. How many jeeps were there?
A. Three.

Q. Was General Li's jeep back?
A. It had not returned.

Q. Were you the first jeep to leave?
A. The last jeep.

Q. Oh, you were the last jeep to leave?
A. Yes.

Q. Where was the jeep going that left before you did, just next before you did?
A. It went toward the Shinagawa direction with two trucks.

Q. How soon did you follow that?
A. About two minutes.

Q. The one that left before the Shinagawa jeep left, where was that going?
A. A driver named Miao drove General Li back to his home.

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Q. The jeep that was escorting the trucks to Shinagawa, was that the first convoy to leave the Chinese Mission that night?
A. Yes, that is correct.

Q. Then there were only two convoys that evening, is that correct?
A. There were three convoys.

Q. You stated that the Shinagawa group left first and that you were the last group to leave. Just when and where did this other group leave and what was its destination?
A. The third group left after me and I heard that they were heading toward Nakano.

Q. What did you mean when you said you were the last group to leave?

DEFENSE: Object to that question. I don't believe he said he was the last group to leave. He said he was the last jeep to leave.

LAW MEMBER: That's true.

Q. What did you mean when you said you were the last jeep to leave?
A. As I mentioned before, there were three jeeps in all. The first jeep took General Li home, and the second jeep driven by Chen took two trucks to the Shinagawa direction. As there were six trucks in all, Chen told me to take two trucks to the destination. That left two other trucks, and before Chen left he told me to take two trucks to their destination and that the first jeep that took General Li home will return and take the other two to their destination, so of the jeeps that left the mission at that time, I was the last one.

Q. How many trucks did you say you had in your convoy?
A. Two.

Q. And you were bound for Shibuya, is that correct?
A. Yes, I proceeded toward Shibuya. A sedan also followed me.

Q. In the convoy altogether was a jeep, a sedan and two trucks, is that correct?
A. That is correct.

Q. And Shibuya Railroad Station was your destination, is that correct?
A. Yes.

Q. And the statement in an official Chinese Mission report that your convoy consisted of one sedan and four trucks headed for Nakano would be incorrect, wouldn't it?

DEFENSE: It is objected to, if the court please. I think the court has already ruled on that question, and these reports that are referred to that haven't been made a part of the evidence are not to be incorporated in the questions that are being asked this witness. We object to that manner of introducing evidence in the case.

LAW MEMBER: Objection is overruled.

A. The record is incorrect.

Q. When you drove your jeep from the motor pool at the Chinese Mission

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preparatory to conveying these trucks, when you drove it up to the place where these trucks were parked, did you get out of your vehicle?
A. No, I did not get down.

Q. You stated that a number of the Formosans were already on the trucks when you drove up, is that correct?
A. Yes, I did.

Q. How many of the Formosans were already in the trucks?
A. I saw about twenty or thirty Formosans on the truck.

Q. On each truck?
A. Yes.

Q. Then if these people were armed with firearms and clubs, you wouldn't have seen them, would you?
A. I did not see.

Q. I believe you stated that the reason you took the route that you did take was because the road was wider, is that correct?
A. That is correct, and also that I always pass on this road and I am accustomed to it.

Q. Approximately how wide is the road that you took?
A. I do not know. There are two street car tracks in the center of the road and a large truck can pass on the road between the tracks and the sidewalk.

Q. Well, approximately how wide is the other road?
A. I believe about the same width.

Q. Don't you know that the alternate route, the one you didn't take, is just as wide as the other road is at any point up to the Roppongi intersection, and from there on to the Shibuya Railroad Station it's a third again as wide as the other road is, the road that you took?
A. I do not know this exactly.

PROSECUTION: That's all.

PRESIDENT: Any redirect?

DEFENSE: No redirect, sir.

EXAMINATION BY THE COMMISSION

Questions by members:

Q. Do you speak Mandarin dialect?
A. A little.

Q. Do you speak any Chinese dialect well?
A. Canton dialect.

Q. Is that the same dialect used by the Formosans?
A. It's altogether different.

Q. What was your status during the war?
A. I was a Chinese.

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Q. Were you interned?
A. No.

Q. Why not?
A. I do not know. I was not interned, but I was a Chinese national.

Q. Were Chinese nationals allowed at liberty throughout the war?
A. It was not freely.

Q. Any restrictions placed upon you?
A. Yes.

Q. Who was this truck driver that told you that the trucks were going to Shibuya Railroad Station?
A. It was a driver of a truck. I believe he was a Japanese.

Q. How many trucks were to follow each jeep?
A. Two.

Q. Who made that arrangement?
A. We drivers of the jeep decided this.

Q. So the drivers of the jeep decided where the trucks were going, did they?
A. No.

Q. Well, who did decide this?
A. Since Chen took the trucks that were headed for the Shinagawa direction and he told me, "You take care of the rest," so I decided that I'd take the trucks in the Shibuya direction.

Q. Were you to take all four remaining trucks with you, is that it?
A. No.

Q. How many trucks were you to take with you?
A. Two trucks.

Q. How did you determine what two trucks should follow you?
A. Since there were four trucks parked in front of the Mission and Miao who was to return after taking General Li home was to take care of two trucks, I took the first two that had lined up.

Q. Then it made no difference to the occupants who took them and where they were taken, did it?
A. When I came out I asked them where they were going, and the first truck said Shibuya, so I led them toward that direction.

Q. That isn't the reason you gave me in the answer to the last question. You stated that since there were four trucks there you decided to take the first two trucks, isn't that correct?
A. Yes, I testified.

Q. How did you know that the occupants of both of these trucks wanted to go to Shibuya Station?
A. I did not know this, but when I asked the driver of the truck he said that they were going to Shibuya, so I escorted them toward that direction.

Q. Did you find out where the other two trucks were going?
A. I did.

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Q. How did you find out?
A. When I asked the other drivers where they were going and told them that Miao would be back, they said that they were headed for Nakano, so I took the first two which were going to Shibuya as that was nearer than Nakano.

Q. Were the jeeps furnished as a protection for the Formosans against an attack by anyone?
A. I do not know anything concerning this.

Q. Then as far as you knew, you were merely guiding these trucks to their destination, is that correct?
A. Yes.

Q. Does the route to Nakano also take you past the Shibuya Police and Railroad Station?
A. It is nearer to pass the Shibuya area.

Q. Answer the question, please.
A. Yes, the road which passes through Shibuya is nearer.

Q. If you were merely guiding these trucks to their destination, why didn't you start with all four trucks and drop two off at the Shibuya Railroad Station and proceed to Nakano with the other two?
A. As I wanted to return home early, I took the Shibuya group and was proceeding toward our destination.

Q. Did the sedan that followed you also need guiding to the Shibuya Railroad Station?
A. Yes.

Q. Did the occupants of that sedan tell you why they didn't go to their homes in this sedan rather than go to the railroad station?
A. No, they did not tell me anything.

Q. You were told to guide these trucks to their destination. I still want to know why you had the sedan follow you at truck speed when he could have proceeded at a much faster rate?
A. As I just began moving the sedan came beside me and asked me where I was going. When I said Shibuya, then the driver of the sedan told me to take him to that place, so I told him to follow me.

Q. Where was this sedan from that he needed guiding from the Chinese Mission to the Shibuya Railroad Station?
A. The sedan belonged to an individual.

Q. I assumed as much. Answer the question, please.
A. I do not know where the sedan came from. It was already at the Chinese Mission.

PRESIDENT: At this ti e the Commission will take a fifteen minute recess.

The Commission then took a recess until 1515, 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.

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Q. You have stated you received no directives from any Formosan as to what to do, is that correct?
A. Yes.

Q. You stated that you received no instructions directly or indirectly from General Li as to what to do except to guide the vehicles to their destination, is that correct?
A. Yes.

Q. And you have stated that you told the drivers what to do, is that correct?
A. I did not.

Q. Who told the drivers what to do?
A. I do not know.

Q. Did each driver decide for himself what he was to do?
A. I do not know.

Q. You have stated that, "We made the decision to have two trucks follow each jeep," is that correct?
A. No.

Q. Does "we" include the three drivers, is that correct?
A. Yes.

Q. Who gave the three drivers the authority to make such a decision?
A. General Li.

Q. Isn't it a fact that you were told to escort or guide the trucks to their destination?
A. Yes.

Q. Then you did have to ask the Formosans where they were going, did you not?
A. Yes.

Q. Then they told you what to do, did they not?
A. They did not.

Q. You have stated they told you where they wanted to go, isn't that correct?
A. No, they did not.

Q. If they didn't tell you where they wanted to go, did you decide for them where they should go?
A. Yes, I did.

Q. And you decided then that two trucks should go to each of three different destinations, is that so?
A. No, I did not. I only guided two trucks.

Q. You have stated you made the decision where these trucks were to go, isn't that correct?
A. Yes.

Q. Then you decided that two of these trucks should go to Shibuya Station for the occupants to go home, is that correct?
A. Yes.

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Q. How did you know that the occupants of those two trucks all wanted to go to Shibuya Railroad Station?
A. I do not know. The driver told me that they were going toward the Shibuya Railroad Station.

Q. Toward Shibuya Railroad Station, but what was their destination?
A. The destination was the Shibuya Railroad Station.

Q. How do you account for the fact that the entire assembly could be divided into three equal parts as to destinations?
A. That I do not know.

Q. That's exactly a point the Commission cannot understand either. You were on the spot. The Commission is anxious to know how you arrived at the fact that one jeep should take each of two trucks.
A. We three drivers of the jeep decided that each jeep should escort two of the trucks. We had no reason for deciding this.

Q. Did you have any reason for knowing where these trucks wanted to go, to each place?
A. Because I asked them.

Q. Then you did hold conversation with the Formosans on this point, did you?
A. No, I did not.

Q. The testimony has shown that drivers of these trucks were Japanese employees of the truck company. How do you account for their knowing the destination of the occupants of the truck?
A. I do not know.

Q. How many trucks were following you at the time you arrived at Shibuya Police Station on the night of 19th July?
A. One sedan and two trucks.

Q. How do you know there wasn't a third truck following you?
A. Because of the four trucks that were parked there, I told the last two to wait for Miao to return, so I know that the third truck did not follow me.

Q. How do you account for the fact that three trucks were halted behind the sedan and your jeep in front of the Shibuya Police Station?
A. I believe that I escorted two trucks, and when I was stopped the third truck approached and stopped behind me.

Q. When you arrived at the Shibuya Railroad Station, were the trucks and the sedan close behind you?
A. Yes.

Q. And you continued without a stop toward the Chinese Mission, is that correct?
A. Yes.

Q. How fast were you driving?
A. Twenty miles.

Q. Do you know whether any truck stopped at the Shibuya Railroad Station or the department store in back of the Shibuya Railroad Station to discharge passengers?
A. I do not know.

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Q. You have stated that the trucks all followed you to the Chinese Mission. How could any trucks stop and discharge passengers and still be with you?
A. I do not know whether the truck stopped to let some passengers down. On my way I glanced toward the back and I saw the sedan and the trucks that had been following me, so I proceeded toward the Chinese Mission.

Q. How many trucks were following you at this time?
A. Two trucks.

Q. After you arrived at the Chinese Mission, how many Formosans all told were there with you?
A. I do not know how many, but there were many.

Q. What became of these Formosans at that time?
A. After we stopped they were carrying the wounded persons into the Chinese Mission.

Q. Did you form another truck convoy to take the Formosans home that were not wounded?
A. No, I did not escort them.

Q. Well, was it no longer necessary to guide or escort these Formosans home?
A. I did not guide them after that.

Q. Did the Formosans continue on their way in the trucks that they were originally in, or not?
A. I do not know.

Q. Where were you at this time?
A. After I returned there were some wounded persons, so I immediately went to the hospital.

Q. Went to the hospital for what purpose?
A. Since there were a lot of wounded, I went to call the doctor.

Q. You drove to the hospital to get a doctor, is that correct?
A. Yes.

Q. You stated you thought this American GI driving another jeep was also in trouble, is that correct?
A. Yes.

Q. What kind of trouble were you in?
A. I was not in any kind of trouble.

Q. You have just stated that you thought this American GI was in trouble, also in trouble.
A. Because he came from the direction where the shooting was and stopped beside me, so I thought he was in trouble.

Q. I want to know what kind of trouble you both were in.
A. Being shot at.

Q. You don't know whether the driver of this jeep had done any shooting, do you?
A. I did not know.

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Q. You have stated you told this American GI driver to follow you. Why should any American soldier in a jeep follow you at any time?
A. At that time I was frightened and I thought he was also on his way to report this to the MP's.

Q. You have stated you did not understand this American GI, is that correct?
A. Yes.

Q. You told him to follow you because you thought he was in trouble, is that correct?
A. Yes.

Q. And you thought this trouble was having been shot at, is that correct?
A. Yes.

Q. Then what protection could you give this American GI in an American jeep?
A. Because I thought that this GI did not know the road and I thought of guiding him even a part of the way.

Q. Where were you going to guide him?
A. Because I thought that he was going toward an MP station, and I wanted to go there, so I thought of guiding him there.

Q. You have stated you did not understand him. Yet you thought this American GI wanted to go to an MP station. Why did you think such a thing?
A. Because when he stopped me the way he spoke seemed as if he were in trouble.

Q. And you were able to solve his troubles, were you, without even understanding him?
A. Yes.

Q. And just how did you solve his troubles?
A. I thought that he did not know the way and I thought of guiding him.

Q. Did you go to an MP station?
A. No.

Q. Was he with you when you arrived at the Chinese Mission?
A. No.

Q. Where did he leave you?
A. After turning right at the Shibuya Railroad Station there is a hill, and soon after I got over the hill he went ahead.

Q. Then he didn't need your guidance very far, did he?
A. Yes.

Q. Yes to what?
A. Yes, he did not need my guidance.

Q. But you just stated you thought he needed guiding and now you state that he probably didn't. Which is correct?
A. He probably did not need my guidance.

Q. It's not clear to me what made you believe that this American GI ever needed either protection or guidance from you. Will you please state how you arrived at such conclusions?

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A. Because he came from the direction of the shooting and stopped me and he spoke in a very excited manner, so I thought that he was in trouble and I thought of guiding him a part of the way.

Q. Driving him a part of the way to where?
A. I thought of going to the MP station, so I thought of going to the station together with him.

Q. Did you know where the nearest MP station is located?
A. I thought that it was at this building at the Metropolitan Police Board.

Q. Why didn't you go there?
A. Because I passed near the Chinese Mission I thought I would report this to the Mission first and then come to the MP station.

Q. When you were stopped in front of the Shibuya Police Station, what were the occupants of the trucks doing at this time?
A. I do not know.

Q. Was there any loud shouting at about this time by anyone?
A. I did not hear.

Q. Why couldn't you hear if there was any loud shouting?
A. Because the police had surrounded the jeep and were making a lot of noise.

Q. The police were making a lot of noise?
A. Because they were shouting, the policemen were shouting "shoot" in a loud voice.

Q. You mean all the policemen you could see in that neighborhood were shouting?
A. I heard four or five shouting.

Q. If you thought this word meant to shoot, that is, use their firearms, do you know why the Japanese policemen did not comply with such shouted orders?
A. I do not know.

Q. Well, since the policemen did not shoot or use their firearms, why is it you state you believe the shouting meant the use of firearms?
A. Because they were pointing the pistol in my direction.

Q. Then the word could not have meant to use the firearms, that is, to shoot the firearms, could it?
A. I came to the conclusion because of their attitude.

Q. You came to the conclusion that the order was to fire their guns because of their attitude, is that what you're trying to state?
A. Yes, that is correct.

Q. If that's what the order meant, then why didn't a disciplined body, men like the Japanese police, use their firearms at that time?
A. I do not know.

Q. Yet you would have the Commission believe that the order was given to the Japanese police to fire their pistols, is that correct?
A. Yes.

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Q. Can you explain why you weren't shot at this time then?
A. No, I cannot.

Q. Do you contend then that the Japanese police present with their pistols in their hands pointing at you deliberately disobeyed an order if that order meant to use that firearm, to actually fire?
A. Yes, I believe so.

Q. Isn't it a fact that at the time this word was used the policeman in front of the jeep stepped to one side?
A. I did not see those in front of me, but I saw those on the right and left of me.

Q. They stepped aside to allow the vehicle to pass on, isn't that correct?
A. No, they were pointing the pistol and stepped about two or three steps backwards.

Q. Yet didn't fire?
A. Yes.

Q. And a policeman did get on the jeep to insure passage through other police lines, did he not?
A. Yes.

Q. Was this policeman also in a blue uniform?
A. Yes.

Q. If you thought the order meant to use firearms against either you or the occupants of the truck, why would a policeman get on the jeep?
A. I believe it was because we complained to the police chief and asked him to allow us to pass, so I believe he was sent to guide us through.

Q. Then the order could not have meant to shoot, that is, the use of firearms, is that correct?
A. It was before the police chief came, so I believe that it was an order to shoot.

Q. What word did the chief of police use in ordering the convoy to proceed?
A. When Mr. Shu asked the police chief to let us pass because of the reasons that I have mentioned before, the police chief said, "I understand your story. I'll let a policeman ride with you and guide you through."

Q. What words did he use when he ordered the convoy to proceed?
A. He did not use any word. When the policeman got on the jeep I thought that we were allowed to pass, so I called to the vehicles in the rear, "Let's go."

Q. After considering all the conditions and the events that took place up to this time, I still want to know why you insist that the order meant to use the firearms.
A. Because when we were first stopped they were pointing the pistols at us and the attitude was as if they were about to shoot us, so I came to that conclusion.

Q. I have heard that before, but after considering the conditions that prevailed--and it appears to the Commission it is absolutely illogical that a disciplined body of policemen would fail to shoot if ordered to do so--

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you still insist that the order meant to shoot, use the firearms. I want to know why you insist on that.

A. I really don't know what they meant at that time, but from their attitude I concluded that the order was meant to shoot.

Q. When you heard the police whistle when you came near the Shibuya Police Station, was your jeep already brought to a halt?

A. Yes, it had stopped.

Q. And that was before you heard the first pistol shot too?

A. After I heard the shot.

Q. You stopped the jeep after you heard the first shot or you stopped the jeep before you heard the first shot or the first report?

A. Before I heard the shot, the report.

Q. Did you see at that time who blew the police whistle? Was the man one among those who surrounded your jeep?

A. It was way in front of my jeep.

Q. So you didn't see who actually blew the whistle?

A. Yes, I did not see who blew the whistle.

Q. Had you been asked by the police to stop the jeep when you brought it to a halt?

A. Yes.

Q. Did you make any attempt to resft or defy such order to stop?

A. No, I did not.

Q. When you stopped your jeep did the vehicles following you also stop?

A. Yes.

Q. When you stopped and you saw four or five policemen surrounded you and shouted shoot, shoot, was the man who appeared to you to be the chief of police there?

A. No, he was not.

Q. Had you seen any policemen in the road previous to your stopping your jeep?

A. No.

Q. Did the police whistle sound that you heard come from behind your jeep?

A. In front of my jeep.

PRESIDENT: Does the defense or prosecution believe any new matter has been brought up that warrants cross examination?

DEFENSE: No, sir.

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

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

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

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The Commission then at 1615 on 12 November 1946, adjourned to meet at 0930 on 13 November 1946.

Richard B. Elliott

MR. RICHARD B. ELLIOTT
Chief Prosecutor

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Metropolitan Police Station
Tokyo, Japan
13 November 1946

The Commission met, pursuant to adjournment, at 0900, all the personnel of the Commission, prosecution and defense, who were present at the close of the previous session in this case, being present.

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

DEFENSE: Defense presents as its next witness Reuel Bennett.

Mr. Reuel Bennett, a witness for the defense, was sworn and testified as follows:

PROSECUTION: State your name to the Commission.
A. Reuel Bennett.

DIRECT EXAMINATION

Questions by defense:

Q. What is your present occupation, Mr. Bennett?
A. I am chief engineer for the Public Relations Office, Radio Section.

Q. Civilian employee of the War Department?
A. That's right.

Q. How long have you been a civilian employee of the War Department?
A. Just about a month now.

Q. Prior to that time what was your occupation?
A. Same job in the army.

Q. And what rank?
A. Technician fourth grade.

Q. On the evening of 19 July 1946 at approximately 2100 where were you?
A. In the vicinity of Shibuya Station in a jeep.

Q. And were you parked in the jeep?
A. That's right, I was parked.

Q. And where was the jeep parked?
A. Approximately a block and a half from the station. I don't know the direction, that is, north, south, east or west.

Q. On the opposite side of the room, Mr. Bennett, is Plaintiff's Exhibit No. 1 which is a map of the area. I'll ask you to step to the map there and perhaps you can show us where the jeep was parked. This is the street in front of the police station. This is the police station. This arrow points in the direction of Ebisu Railway Station. Can you indicate where your jeep was parked?
A. This is the street--There's the bridge?

Q. Hackerman Bridge?
A. It was right about here.

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Q. Will you indicate on which side of the street you were parked?
A. This side, the same side of the street as the police station.

Q. And which direction was the jeep facing?
A. Away from the police station.

Q. Away from the police station in the direction of Ebisu Railway Station?
A. That's right.

Q. You may resume your seat. About how far would you estimate your jeep was from the police station?
A. About 100 yards, 100, 150.

Q. Were you on the Ebisu Station side of the alley past the police station?
A. That's right.

Q. Did you notice any particular activity in that neighborhood that evening?
A. When I drove out there I had to come by the police station, and when I came by the police station I had a little trouble avoiding hitting Japanese policemen standing in the street.

Q. How do you mean, "standing in the street?" Were they standing across it?
A. They were not necessarily across it, but they were along the sides in such great number that it forced me to go down the middle of the street down the car tracks.

Q. Where did you first observe these police?
A. About 100 feet the other side of Shibuya, that is, the other side of the police station towards Shibuya Station.

Q. And can you estimate about how far they extended past the police station in the other direction?
A. Approximately the same distance.

Q. Can you give an estimate of the number of policemen you did observe?
A. That would be impossible, but it was over 300.

Q. And what did you do next after you observed these police?
A. I went on to the place I was headed.

Q. By that what do you mean?
A. The place where I was going, which was where the jeep was parked.

Q. And how long did you stay in that parked position?
A. A little over an hour.

Q. What did you observe in that time with reference to this peculiar situation of the police?
A. Well, the police didn't come down to where the jeep was parked. However, I did see a great many policemen on down around the corner milling around.

Q. And at approximately 2100 hours did you notice any group of vehicles pass by?
A. I did. They came from Ebisu Station headed towards Shibuya Station. It was a group of trucks.

Q. How many trucks?
A. I believe it was five.

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Q. Did you observe anything other than trucks, any other vehicles other than trucks with these trucks?
A. Not with the trucks, but approximately five minutes before the trucks went by a white jeep went by.

Q. And after these vehicles passed or while they were passing, was there anything unusual happened that attracted your attention?
A. Nothing that would particularly attract my attention to the trucks except that they were extremely crowded with people.

Q. Did you remain parked in this position after these trucks went by?
A. I did, until I heard the first shots.

Q. What first shots?
A. Well, when the trucks got in front of the police station there was a group of shots fired. I started my jeep, turned around to follow the trucks to see what was happening.

Q. How far had these trucks gone by you when you heard these shots?
A. The last truck was just reaching the corner by the bridge.

Q. And how many shots did you hear?
A. That would be difficult to say, but approximately 75.

Q. Did you see these shots?
A. I did not.

Q. But you heard them?
A. Yes.

Q. Then what did you do?
A. Pulled up in back of the last truck.

Q. And that would require, of course, your turning around?
A. That's right.

Q. Now had you noticed whether these trucks had stopped?
A. The first truck had evidentally stopped. The last truck was just pulling up to a stop.

PROSECUTION: I object to what evidentally happened. This witness either knows or does not know.

LAW MEMBER: Objection sustained.

Q. Did you hear any noise that indicated the stopping of these trucks before you turned around?
A. No, nothing other than the shots which aroused my curiosity.

Q. After you turned around, what did you proceed to do?
A. There was a Japanese man in the jeep with me when I pulled up in back of the last truck. I told him to get out and go back to his house.

Q. What did he do?
A. Which he did.

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Q. Mr. Bennett, would you indicate starting from the position in which you were parked what you did?
A. My jeep was parked approximately where this XS is. It was headed towards Ebisu Station, made a U turn in the middle of the street, came back down. Here was the bridge. Approximately in this position was the last truck. I pulled up in back of it, told the Japanese man with me to get out. He went back to his house. I waited here until the first truck started up again.

DEFENSE: Will the record indicate that the witness indicated the small X near the letter A as the approximate point at which his jeep was parked.

Q. And how long did you remain? You stopped about there?
A. Just about here.

DEFENSE: Will the record indicate that the witness states his jeep stopped at a point just past Nackerman Bridge towards Shimbashi on the river side of the street.

Q. You stopped there you say behind the last truck?
A. That's right.

Q. And you stopped immediately behind it or to either side of it?
A. Well, that's difficult. The center of my jeep would be immediately behind the right side of the truck.

Q. You may resume your seat. From the position you had here did you have a good view of the police station, the police station side of the road?
A. Fairly good, yes.

Q. Did you have a good vision of the other vehicles that were stopped ahead?
A. By leaning over in front of the other seat in the jeep I could see down the side of the trucks.

Q. Were your headlights on?
A. They were.

Q. Were the lights of the other vehicles on?
A. They were.

Q. What sort of visibility did you have that night?
A. The center of the street was extremely well lighted from the lights of the trucks and my own jeep. It made the front of the police station very visible from where I was.

Q. And while you were parked in this position what did you observe?
A. The Japanese police had worked down to the corner, that is, there was a great many policemen on the street and they were down to the corner by the bridge on both sides of the street. There was more policemen on the side of the street that the railroad is on than there was on the side of the street that the houses were on.

Q. You referred a moment ago to hearing shots in the approximate number of 25. How long did that shooting continue, do you have any idea?
A. It was just a brief instant.

Q. And after you had turned around and followed these trucks, was there any shooting going on while you were riding down the street?

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A. There was no shooting while the trucks were stopped, but as soon as the first truck started the shooting commenced again.

Q. Well, how long were the trucks stopped?
A. I don't know exactly. I can merely say that I was stopped about five minutes, not quite five minutes.

Q. And during that five minutes did you observe police talking to anyone on these trucks?
A. No.

Q. Did you observe any shots from the trucks during this period?
A. I did not.

Q. And at the end of these five minutes you estimate, what did you do?
A. The first truck started up. The shooting commenced immediately and I realised I was in a pretty bad position, so I decided to get out of there. It would have been rather difficult to turn around and go back because there were Japanese policemen in back of me. The safest place for me was down the middle of the street, and that's right where I went.

Q. Did that require you going by these trucks and towards Shibuya?
A. It did, that's right.

Q. How many trucks did you estimate at this time there were? Did you have a chance to count them as you went by?
A. I went by five trucks.

Q. And what did you observe with reference to the shooting at this time as you went by?
A. Well, the Japanese police were deployed in a typical Japanese army fashion on both sides of the road firing into the trucks.

Q. Did you observe any shots from the trucks fired in return?
A. I was very close to the trucks, but the side walls on the trucks prevented me from seeing too much of anything in the trucks.

Q. Can you describe how the shooting began?
A. Well, it apparently started from a single gun.

PROSECUTION: I object to what apparently happened. As I said before, this witness either knows or does not know what happened.

LAW MEMBER: Objection sustained.

Q. You stated that you started up about the time that the first truck started to move, is that correct?
A. That's right.

Q. And that the shooting started?
A. The shooting started before I started to move.

Q. Where did it start from?
A. The police station.

Q. Did you observe the actual person who started the shooting?
A. I did not observe it, no.

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Q. How can you say it started from the police station then?
A. By the location of the origination of the sound.

Q. And how many shots do you estimate were fired as you were going by?
A. I would not even attempt to hazard a guess.

Q. A great many or a few?
A. A great many.

Q. And how close were the police to the trucks, the police who were firing?
A. I went down the car track on the right hand side of the street as I was moving down the street toward Shibuya Station. The trucks were between me and the left hand side of the street. The Japanese police were about six feet off of the street into the grass.

Q. How many of the policemen could you estimate were armed?
A. Every policeman that I saw during the time I was going by the trucks had a pistol out.

Q. How close were the police to the trucks?
A. As I said before, the trucks were between me and the left hand side of the street, and the Japanese police were just off of the road about six feet.

Q. Did you see any of the occupants of the trucks pointing pistols or any weapons?
A. I did not.

Q. Did you hear any of the occupants shouting at the police?

PROSECUTION: If the Commission please, I'd like to object to that line of questioning where you have an English speaking witness, an American. I think we apply the ordinary rules of questioning.

Q. What was the behavior of the occupants of the trucks as far as you could observe?
A. They were huddled as near to the cab of the truck as they could get, and as low as they could get.

Q. Did you see any police with lanterns?
A. I did not.

Q. And after you started moving you state you went by this line of trucks. What happened next?
A. Well, nothing in particular happened until I passed the lead truck. There was still shooting going on all the time I was passing the trucks. They were moving very slowly. When I went by the lead truck I saw one man go off the side with a very bloody back. He went into the bushes. I then proceeded up to the corner.

Q. By "the corner" do you mean Shibuya Railway Station?
A. That's right.

Q. And what happened there?
A. I saw another jeep. I pulled up beside of it. It appeared to be full of Japanese so I asked them if they were Japanese, and the driver was so dumbfounded he couldn't reply.

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Q. Did you talk any further to them?
A. I told him he had better get the hell out of there.

Q. Did he talk to you any?
A. He said that's just where he was going.

Q. What language did he say that in?
A. Japanese.

Q. Did you understand it?
A. I did.

Q. And what did you proceed to do then?
A. I turned down the street headed towards Tokyo, that is, I made a right hand turn and proceeded up the hill to Tokyo.

Q. This typical jeep you mentioned, did you notice any identifying insignia on it?
A. No, I did not.

Q. Did it follow you?
A. It did.

Q. Where did you last observe it?
A. I don't know the name of the crossing, but as you take the road out from Tokyo it's where you turn off to go to St. Luke's Apartments. That was the last place I observed it.

Q. With reference to the behavior of the occupants of the trucks as you were standing behind them and going by them, did you observe whether or not they were spitting or shouting, waving clubs?

PROSECUTION: If the Commission please, I'd like to make the same objection I made before.

DEFENSE: I've left him an alternative there.

LAW MEMBER: After all, this is not an oriental witness.

Q. Were they making any noise?

PROSECUTION: If the Commission please, he's asked him once what the conduct of the occupants of the trucks was.

DEFENSE: I'll strike that question.

Q. Did you observe whether or not there were any civilians in the crowd of police?
A. There were a great many of the local inhabitants out for the particular affair. It was rather public knowledge that something was going to happen because all of the inhabitants had turned out.

PROSECUTION: If the Commission please, I object to what the witness terms as public knowledge or local inhabitants, unless he has some basis for making those statements.

LAW MEMBER: Objection sustained.

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Q. Were there people among this crowd dressed in civilian clothes?
A. There were.

Q. Were these people armed?
A. They were not.

DEFENSE: No further questions.

CROSS EXAMINATION

Questions by prosecution:

Q. You testified you were formerly in the army?
A. That's right.

Q. What outfit were you with?
A. Public Relations Office.

Q. How long did you serve?
A. In the army or with the Public?

Q. In the army.
A. Two years.

Q. Did you make a report to any of the occupation authorities relative to the incident you have just testified about?
A. My commanding officer at Public Relations Office knows about it.

Q. Did you make a report to the Provost Marshal?
A. I did not.

Q. Did you make a report to the CIC?
A. I did not.

Q. Did you make a report to CID?
A. I did not.

Q. Did you make a report to CIS?
A. I did not.

Q. Did you make a report to your commanding officer?
A. I did.

Q. When?
A. About twelve minutes after I arrived in Radio Tokyo immediately following the shooting.

Q. What was your commanding officer's name?
A. Captain Lindquist.

Q. Did you report to him the details which you have just testified about?
A. I did.

Q. You testified that the time you first observed shooting it was directly in front of the police station, is that correct?
A. Do you mean the first shots I saw?

Q. The first shots you heard.
A. The first shots I heard stopping the trucks came from the immediate vicinity in front of the police station.

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Q. And where were the trucks at that time?
A. The first truck was in front of the police station.

Q. How many jeeps did you see there?
A. I saw one other jeep besides the jeep that I mentioned, that is, besides the jeep I met at Shibuya crossing.

Q. Where did you see that jeep?
A. That was the jeep that went by in front of the group of trucks.

Q. You are talking about the group of trucks that were parked in front of the station?
A. When the trucks that went by with the people in them, about five minutes before that group of trucks came by me there was a white jeep that went by.

Q. Is that the only other jeep you observed?
A. I cannot say whether it was the same jeep or a different jeep, but while I was parked there was a white jeep crossed the bridge in back of me.

Q. In other words, during the entire incident you observed only two jeeps, correct?
A. I observed a white jeep twice. I do not know if it was the same jeep or a different jeep. I observed one OD colored jeep.

Q. Are you referring to the jeep that followed you to Tokyo?
A. The OD colored jeep was the one that followed me to Tokyo.

Q. Then aside from the OD colored jeep the only other jeep you saw was a white jeep, is that correct?
A. That's right.

Q. How many trucks did you see?
A. Five.

Q. Five trucks?
A. I passed five trucks.

Q. You passed five trucks from the point which you have indicated on the chart and the police station, is that correct?
A. That's right.

Q. Did you pass any jeeps during that period?
A. I did not.

Q. Where were you at the time that you first heard this shooting?
A. I was parked in the jeep, as I indicated.

Q. What business were you on in that area this particular evening?
A. I was visiting a Japanese friend of mine who lives in a house in that immediate vicinity.

Q. Did you enter his house?
A. Prior to the shooting, no.

Q. Was he in the jeep with you?
A. He was in the jeep with me.

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Q. Are you familiar with the rules of the occupational authorities about having Japanese nationals in American vehicles?
A. This man was a Japanese national registered jeep driver for GHQ Motor Pool.

Q. What's his name?
A. Takimoto.

Q. Is that his full name?
A. I don't know his full name. All I know is Takimoto.

Q. How do you spell it?
A. T-a-k-i-m-o-t-o. That's the way I would spell it.

Q. Had the trucks passed you before you heard this firing?
A. The trucks passed me while I was parked. The first truck was approximately in front of the police station when the first shots were fired.

Q. That was a burst of about 25 rounds?
A. That's right.

Q. Was that the time that you turned your vehicle around?
A. That's right.

Q. And you and the Japanese national drove back in the direction of the firing?
A. That's right.

Q. Why did you, after hearing those shots, decide to drive back down there?
A. Because I was very curious and wanted to know what was going on.

Q. You had already known that there were quite a number--you so testified there were quite a number of Japanese policemen deployed in that area?
A. That's right.

Q. Back in the direction where you were going?
A. That's right.

Q. Did that arouse your curiosity in any manner when you came through there?
A. It did.

Q. Yet you were willing to drive back just to satisfy your curiosity, is that correct?
A. I was.

Q. Did you know at that time that the Japanese policemen were armed?
A. I did. That was apparent when I went by the first time.

Q. And how could you determine that?
A. Because I observed two of them on the porch of the police station cleaning their pistols.

Q. Two of them. Then you are assuming, having seen two of them, that all of them were armed?
A. I read the newspapers. Several days before the newspaper had stated the Japanese police had been granted permission to be armed.

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Q. I wish you would explain to the Commission what you mean by "The Japanese police were deployed in typical Japanese army deployment."
A. I was with the 37th Infantry Division on Luzon. If you knew anything about ambushes you'll know what I mean by deployment. They were scattered in such a manner that if shots were fired into them it would be rather difficult to hit more than one man with one bullet. They were also rather well concealed.

Q. Rather well concealed?
A. That's right.

Q. What concealment was offered in that particular area?
A. High grass.

Q. How about the police station side. Is there high grass there too?
A. There is not.

Q. Do you know where the vegetable garden is located?
A. There are a great many vegetable gardens in that area.

Q. Directly in front of the police station.
A. I take it you mean by the building on the left hand side facing the building across the street from the police station.

Q. Yes, that's correct. Do you know where that's located?
A. Yes.

Q. Was there high grass there?
A. Not at the time, not in the vegetable patch, but by the vegetable patch.

Q. As a matter of fact, doesn't that vegetable patch run flush with the street?
A. For a short distance.

Q. Along the area of the entire vegetable garden?
A. I don't understand what you mean "along the area of the entire vegetable garden."

Q. Along the front part, street side.
A. That's right, there's no grass in front of the vegetable garden, but the vegetable garden has a very short frontage.

Q. How many times have you been down in this area?
A. That would be difficult to say, but at least fifty.

Q. Prior to the 19th of July?
A. That's right.

PROSECUTION: No further questions.

PRESIDENT: Any redirect?

DEFENSE: No redirect.

PRESIDENT: Questions by the Commission?

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EXAMINATION BY THE COMMISSION

Questions by members:

Q. You have stated you pulled up behind the last truck and you have also stated you later passed five trucks. We can then assume you were parked or stopped behind the fifth truck and you were located where at this time you pulled up behind it?
A. As I indicated on the map, it was just by the bridge on the police station side of the bridge.

Q. Was that the first time that any of these trucks had stopped on this road?
A. To my knowledge, yes.

Q. In other words, this convoy of trucks had already passed through the large gathering of police located in front of the Shibuya Police Station, had they?
A. They had not. The first truck was in front of the police station. The last truck was near the bridge.

Q. Which bridge are you speaking of?
A. The bridge that I indicated on the map.

Q. It so happens that the bridge is past the police station in the direction in which the trucks are going, Machiman Bridge.
A. No, sir.

Q. Can you please proceed to the map and locate the five trucks you have in mind?
A. Here is the bridge.

Q. Where was the last truck?
A. Approximately here, and I was approximately here.

Q. Where would the other four trucks be?
A. In front of the last truck.

Q. How far up the road, approximately where were they?
A. They were scattered in such a position that the first truck was in front of the police station and the rest--

Q. If you look at the map closely you will find the police station is in back of the bridge which you have been speaking of.
A. Well, I've got the wrong bridge on the map.

Q. I think you are completely turned around. Will you please get yourself oriented on the map so that the Commission will know exactly what your story is. Take time and read the names found on the map.
A. I'm sorry, I do not know the names of these bridges.

Q. Do you know the name of the house where you were stopped in front of?
A. It's one of the group that's on a slight path back, and I would not know the name of the house. The bridge that I am referring to is a three lane bridge. It's cement road. It's an overpass approximately thirty feet high passing over the railroad. If you follow that road it's the only

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road in that immediate area that leads through to another street on the other side that is paved. Now I do not know which bridge that is represented on this map, but this is the wide bridge on the map and I take that to be the three lane bridge.

Q. So it is a fairly wide bridge and does lead through. The Commission can't understand your testimony if that last truck was there and the first truck was up towards the police station. At that point the convoy must have passed the police station.
A. Well, if that map indicates a three lane bridge, then that map is incorrect because that three lane bridge is about a minute and a half walk from the police station in the direction of Kbisu Station.

Q. Then you are not speaking of the same bridge. That bridge there on the map is located correctly because the entire Commission has been on the scene.
A. Well, then you know the bridge that I have reference to.

Q. I do not know the bridge you are talking about, and I want you to identify the bridge you are talking about.
A. It is the only bridge in the area which has a cement road on the bridge.

Q. I still am not satisfied talking about any bridge that has a cement covering or anything else. Where is it with reference to the police station, in how many minutes or how many yards and what direction?
A. It's about a minute and a half walking away from the police station towards Kbisu Station.

Q. That means how many yards or meters?
A. It would be about 150 feet, 200 hundred feet.

Q. 150 feet. In other words you'd progress 150 feet in a minute and a half?
A. You would if you walked fast.

Q. 120 steps per minute would give you considerably more. I think you better start computing. Where is this bridge? Can the counsel help him out? Do you know what bridge he is referring to?
A. If this is the bridge, then where is the road that runs up from the hill across from the police station? I don't see it indicated. I would definitely maintain that that is wrong because I know that area. That bridge comes down and the shape of the corner is such that it forms a slight triangle, but not as exaggerated as that map shows. If this is the bridge then there should be a road right here.

Q. The Commission, having visited the scene, is fairly well satisfied with the correctness of the map. It must be that you are referring to a bridge not showing on the map then further back towards Kbisu.
A. No, it's not that far away. I would say it was this bridge although I know it to be wider than that map apparently indicates, because I know the bridge.

Q. I think the Commission also knows where that bridge is, and it's not a three lane bridge, not the type bridge you have been describing.
A. By three lane I mean that it's possible for three cars to go across it abreast.

Q. I think it's up to the counsel to assist the witness because as statements

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made by the witness they are absolutely impracticable and impossible to believe. We cannot reconcile the facts as stated by the witness with reference to the location of the trucks or his jeep.

Questions by defense:

Q. Do you recall any particular shop you were parked in front of?
A. There was a laundry shop by my jeep, laundry and dry cleaning, with the sign in English in front of it.

Q. Do you recall being parked near a post office?
A. I do not. By this bridge there is a photographic shop.

PRESIDENT: The witness has stated he is thoroughly familiar with the area. Are you pointing out the post office to him?

Q. What was it you said just now?
A. There's a photographic shop on the corner.

Q. Immediately opposite this bridge is a spot indicated as a photo studio.
A. That's right, there are two photo studios in the area; at least there was at that time.

Q. Were you parked anywhere near that photo studio?
A. I was parked beyond the photo studio toward Ebisu Station.

Q. How far beyond?
A. The one I have reference to I was about thirty feet beyond it. There is also a flower shop in the same area as the photographic shop.

Q. Could this be the bridge then that you have in mind?
A. It could.

Q. Assuming that that was the bridge where were you parked in reference to it if that was the bridge where you were parked.

PROSECUTION: If the Commission please, prosecution objects to assuming this is the bridge. If he states that he knows the location--

LAW MEMBER: The President has asked counsel to assist the witness.

Q. Assuming then that that were the bridge, where would you say you were parked in reference to it?
A. Approximately here.

DEFENSE: The witness has indicated a point to the police station side of the mark MX on the map.

Q. You don't recall a post office?
A. There is one in the area but they're off limits and I never pay any attention to them.

Q. If that were the point at which you were parked, when you turned your jeep around and proceeded down the street, where then would be the position at which you stopped the next time?
A. Assuming this to be the bridge and when I turned around it would then be in this area.

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Q. You would have stopped in this area?
A. That's right.

DEFENSE: The witness has indicated a point towards Shibuya just past Hachiman Bridge towards Shibuya.

Questions by members continued:

Q. Will the witness describe the type and kind of bridge he is referring to?
A. It is a cement bridge, that is the road on it is cement, been slightly chopped in places, has sidewalk available on both sides, has cement railings on each side of the bridge. The railing is approximately a yard high, very broad at the top. You proceed on an uphill grade coming from this street. You proceed on an uphill grade till you get to the bridge. You then are on a normal bridge.

Q. How did you learn what the public knowledge in this area was?
A. By asking the Japanese national that was with me.

Q. Does the GSQ driver with you live in that area?
A. He lived in the house that I had originally intended to go to.

Q. Was he returning home from his day's work?
A. He had already returned home. I had gone out to see him.

Q. Just what did he tell you?
A. I asked him why the Japanese police were out there and he said because there was going to be an ambush. He said that, as he termed it, the Formosans had planned to attack or ambush the police station.

Q. The Formosans were going to ambush the police station?
A. That's right, attack the police station.

Q. Did you ever hear of ambushing a police station, to your military knowledge?
A. I have.

Q. To ambush a building?
A. You do.

Q. Thank you. Was your jeep fired on at any time?
A. I cannot say that it was fired at, but there were two holes found in the cover of the jeep the next morning. They were not there the day when I received the jeep from the pool.

Q. You have stated when you caught up with the jeep ahead of the trucks you talked to the driver of this jeep. Did he give you any instructions at this time what to do?
A. He did not.

Q. Did you tell him what to do?
A. I made the remark that he should get the hell out of there.

Q. And then you proceeded this jeep, did you?
A. I immediately proceeded to leave, and he followed me.

Q. Then if the driver of that vehicle would have testified that you followed him, would he be in error then?
A. It would be a difference of opinion, but I was in the lead.

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Q. A difference of opinion? It must be a difference in fact whether he preceded or followed a certain vehicle.
A. There was a jeep in back of me as I proceeded up the hill. I would take it to be his jeep because I left first and headlights followed me around the corner. His was the only other vehicle in the area that I could observe.

Q. You were not following any other jeep at all, were you?
A. I was not.

Q. Then anyone stating that you fell in behind him would be in error, would he?
A. As far as I am concerned he would be.

Q. You have stated these Japanese police were well concealed?
A. In certain instances, yes.

Q. Well, how many were concealed and how many were not, generally speaking?
A. The policemen that were on the side of the street opposite the police station were in the grass and reasonably well concealed when I went by the police station the first time. The policemen that were on the side of the street of the police station had no concealment available.

Q. How can you see anyone who's concealed?
A. Because they were standing up. They hadn't gotten down into position when I went by.

Q. Do you know what concealment means?
A. It means that you are hidden. They were in a position so that all they had to do would kneel down and they would be concealed.

Q. Well, then they weren't concealed?
A. Not when I went by, no.

Q. Originally you stated that the Japanese police were well concealed.
A. By that I mean they had a position of good concealment available merely by kneeling down.

Q. You didn't testify to that. You stated the Japanese police were well concealed. How was it dark at this time?
A. It was after sunset, yes.

Q. How were you able to determine that there were 300 or more Japanese police?
A. A great many of them had worn their white uniforms and they were very prevalent.

Q. Did you count them?
A. I didn't count them. I would haphazard a guess, easily being 300.

Q. What was the nature of your work on the 19th of July, during that period?
A. You mean as I was employed?

Q. Yes.
A. The same as it is now.

Q. What is that?
A. I am an engineer, a radio engineer for the Public Relations Office, Radio Section.

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Q. How is it you became so familiar with this Shibuya area?
A. Because I have a great many Japanese friends in that area.

Q. How long have you lived in Japan?
A. I arrived in Japan shortly after the occupation started.

Q. How did you become so familiar with the Japanese language?
A. Because I have a great many Japanese working with me at Radio Tokyo who do not speak English. They only speak Japanese.

Q. What's the Japanese word for ambush?
A. That I don't know.

Q. You stated this Japanese driver of the jeep said that the police were going to ambush the Formosans.
A He speaks English. In fact, all of my friends in the Shibuya area speak at least enough English to tell me a thing like that. This particular man that I was with was also registered as an interpreter for International Tele Communications of Japan, ITC.

PROSECUTION: If the Commission please, we believe the Law Member made a mistake there. He quoted the witness as saying the police were going to ambush the Formosans. I believe the witness stated the Formosans were going to ambush the police.

LAW MEMBER: That's correct. I stand corrected.

PRESIDENT: I believe the answer was the Japanese police were going to ambush the Formosans whom they had heard were going to attack and ambush the police station, I believe is the correct answer he gave, so the question by the Commission as made to the witness is correct in that he stated both the police and the Formosans were to ambush. I questioned the witness as to how you can ambush a station and I received the information that such a thing can be done.

Q. When you turned your jeep around and came up behind the last truck, how many shots had been fired by anyone?
A. Approximately 25.

Q. Was this a continuous rattle of 25 shots or were they spaced in any way, shape or manner?
A. They were spaced but they were in very rapid succession. In other words, it was not an automatic weapon. It was not an automatic weapon in the terms of a machine gun.

Q. From the position you have indicated on the map as the location of the jeep to where you pulled up behind the truck, you would have been almost at the line indicated T on the map, isn't that correct, almost up to the line marked T?
A. Approximately ,yes.

Q. At that time you claim approximately 25 shots had been fired?
A. That's right.

Q. The vehicles were all standing still, the trucks were all at a standstill at this time?
A. The last truck was just stopping as I stopped in back of it.

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Q. All the other trucks in front, were they all stopped, the whole convoy stopped?
A. The convoy was stopped. The last truck stopped just as I got in back of it.

Q. There has been considerable evidence that except for one shot testified to by one witness, there was no firing until the convoy was well on the way and several vehicles had passed the Shibuya Police Station before any firing was done. There's also been considerable testimony that the first shots fired hit a sergeant who fell at a point marked KA on the map, which would have placed you within just a matter of yards of the place where this sergeant fell wounded. How do you reconcile the fact that you have told us nothing about Sergeant Naga being shot?
A. Because I do not know anything about it.

Q. Then you have heard a group of shots fired with relation to this convoy and its actions that no other witness has told the Commission about. There is a volley of 25 shots fired prior to the moving of this convoy.
A. There was a volley of approximately 25 shots fired to stop the trucks.

Q. That caused the trucks to stop?
A. That's right.

Q. Do you have knowledge of the behavior of the occupants on the trucks when you saw the trucks pass you? Did you notice when the trucks stopped?
A. When the trucks stopped?

Q. Yes. The occupants I refer to are the occupants on such trucks. Did you notice anything?
A. The occupants of the last truck, that is the truck I stopped in back of, were very low in the truck, that is, they attempted to keep below the sideboards of the truck.

Q. Did you see anything else, observe anything else besides them lying very low?
A. In the trucks?

Q. Yes.
A. No.

Q. And you didn't hear anything?
A. I heard only the commotion from the local inhabitants all getting out of the way.

Q. Commotion from whom?
A. There were a great many people on the sidewalks at the time the trucks went by. They were getting out of the way.

Q. Did you notice any commotion on the trucks?
A. I did not.

Q. I must ask a question, what sidewalk?
A. Well, it's not a sidewalk but it's the side of the street the houses are on.

Q. At the edge of the road?
A. That's right.

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Q. Well, please don't call it sidewalk. Stick to facts. The Commission is very anxious to get the facts.
A. In the term that it's a sidewalk, you use it to walk on. It's the only place that you can walk.

Q. There is no sidewalk, is there?
A. There is no sidewalk, but it's the only place for pedestrians to walk.

Q. At the time you observed these occupants of the truck in a low position crowding forward, had shots been fired previous to this?
A. The original shots that were fired to stop the truck are all that I know about.

Q. Previous to the firing of any shots have you heard any shouting or any noise from the trucks?
A. I did not.

PRESIDENT: Does the defense believe any new matter has been brought up warranting further examination?

DEFENSE: Yes.

PRESIDENT: It may do so at this time.

DEFENSE: Mr. President; it is my intention to question the witness with reference to the presence of a bridge that does not appear on this map.

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

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

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

REDIRECT EXAMINATION

Questions by defense:

Q. Mr. Bennett, are you familiar with any of the mercantile establishments in this area?
A. Yes, I am. There was at the time two photographic shops in the area, flower shop and a shoe shop out there that I know of personally.

Q. Did you ever do any business with any of them?
A. Yes, I have. I've had business with the shoe shop there.

Q. Had shoes repaired there?
A. That's right.

Q. Can you step to the map again? Will you examine the map and point out the shoe shop you are referring?
A. It's very near the radio shop, approximately here.

DEFENSE: The establishment indicated is 18 Nakadori, as indicated is the establishment of Sasaburo Otsuka, shoe maker.

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Q. Did you say you had a pair of shoes repaired there?
A. That's right.

Q. Do you recall generally where you parked July 19th with reference to this shoe shop?
A. It was beyond the shoe shop.

Q. Beyond which way?
A. Towards Ebisu.

Q. Do you know if there is any bridge shortly beyond the area of this map that does not appear on this map?
A. Yes, there is. There's also a police box that doesn't appear on this map.

Q. Could you indicate generally about where they would be?
A. They would be off of the map, more nearly over this way. I don't know how far.

Q. Where were you parked this night with reference to the police box you are referring to?
A. I was towards Shibuya Station from the police box.

Q. Towards Shibuya Station?
A. That's right.

Q. Is the police box you are speaking of in the direction of Ebisu beyond the bridge you were speaking of that does not appear on this map?
A. It is.

Q. Were you parked on the Shibuya side of that bridge or the Ebisu side?
A. I was parked on the Ebisu side of the bridge that I have reference to.

Q. And beyond the shoe store you referred to?
A. That's right. I was parked immediately in front of a small laundry and dry cleaning shop, which does not appear on this map. I do not know why.

Q. Is it possible for you to indicate about how far off the area of this map that dry cleaning establishment might be?
A. That would be impossible to say because I feel this map is very much out of kilter.

Q. Can you out of your knowledge give the relative location of the dry cleaning shop with reference to this bridge which does not appear on the map?
A. There are two bridges beyond this.

Q. I'm speaking of the first one. Is this dry cleaning establishment directly opposite that bridge or the Shibuya or Ebisu side?
A. It's on the Shibuya side.

Q. On the Shibuya side?
A. That's right.

Q. And you were parked in front of this dry cleaning establishment?
A. That's right.

Q. Which is on the Shibuya side of this bridge which is shortly off the area of this map, correct?
A. Are you referring to the big bridge or the little bridge?

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Q. Well, which is the first one? Which is the one between the police box and the shoe making shop?
A. The big bridge is between the police box and the shoe making shop.

Q. That is the bridge I am referring to. Now you say you were parked in front of a dry cleaning and laundry shop?
A. That's right.

Q. And that dry cleaning and laundry shop is on the Shibuya side of this bridge that we are referring to?
A. No, it's on the Ebisu side.

Q. Ebisu side, and you were parked in front of that?
A. That's right. There is another bridge beyond that.

Q. This other bridge on beyond there, is that on the Ebisu side of the police box?
A. Yes.

Q. And you were on the Shibuya side of that second bridge?
A. That's right. What do you mean by second bridge?

Q. We'll use the blackboard. Mr. Bennett, will you indicate by use of this chalk and blackboard your position with reference to Shibuya Police Station?
A. This point, Shibuya Station.

Q. Railway Station?
A. That's right. Shibuya Police Station, here's the laundry shop that I was parked in front of, and approximately here is the police box. There's a stone cutter's yard very near that.

Q. Where are these additional bridges that you refer to as not being on the map?
A. There is one approximately here. It's a very small one.

Q. And where is the other one?
A. Well, here's the big one that I have reference to.

Q. That's the big one you are referring to that does not appear on the map?
A. That's right.

Q. Hackerman Bridge that does appear on the map, can you indicate that on your drawing?
A. Well, I don't know of any bridge as large as that one indicated being across from the police station. There is, however, a bridge approximately in this position which crosses, although it is not nearly as large as this bridge here.

Q. Would you indicate where you were parked on there? How far would you estimate that was from this large bridge you refer to in the direction of Ebisu?
A. About 200 feet.

Q. About 200 feet. How far would you estimate you were parked from this police box which you referred to?
A. Approximately the same distance. Then the slight bend in the road here. I couldn't tell it by straight distance.

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Q. Then, Mr. Bennett, the point at which you were parked is not indicated on this map?
A. That's right. I might add that there is a series of buildings along in here all in this area. This last building here there's a small foot path that leads up to a school approximately here. You look out the front of that school, you look straight into the police box.

Q. Take the stand. When you turned your jeep around and headed in the direction of Shibuya, can you now indicate in view of your drawing the approximate location at which you stopped behind these trucks?
A. The last truck was right about here. This would be the position approximately of the last truck, and I was right here.

Q. How far would you estimate that was from the police station?
A. Not quite 150 feet.

PRESIDENT: Will the defense indicate where 150 feet from the police station would be on that map? The MF is 1/50, one foot representing fifty feet. That would be three feet on the map. That brings us back to his original statement as to the location of the last truck, does it not?

Q. Is that correct?
A. Yes.

PRESIDENT: And places his jeep within a few feet of where Sergeant Naga was wounded as the first few shots were fired, is that correct?

Q. Would you step to the map and indicate on here by appropriate sign where you were parked? Would you indicate by making the letter X at the point which you stopped behind this last truck?
A. Taking this to be the position of the last, truck, I was parked here.

Q. Mark that A.

PRESIDENT: Where was the position of your jeep?
A. Immediately in back of the last truck.

DEFENSE: The witness has indicated with the green letter AX his position. No further questions.

PRESIDENT: Any examination by the prosecution on any new matters brought up?

PROSECUTION: Just one or two questions, if the court please.

RECROSS EXAMINATION

Questions by prosecution:

Q. You state you have many friends in that area, is that correct?
A. That's right.

Q. Can you state who those friends are and where they live?
A. I have one friend who lives in the laundry shop which I was parked in front of which is not indicated on that map.

Q. What's his name?
A. Ox; Ox is his nickname. I do not know his full name.

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DEFENSE: I object to these questions. This is not dealing with new matter brought up.

PROSECUTION: If the court please, on the court's examination the witness stated that he had many friends, many Japanese friends and he was very familiar with this area because he had very many Japanese friends.

DEFENSE: That isn't cross examination.

LAW MEMBER: Objection overruled.

Q. Is Ox a man or a woman?
A. A man.

Q. Who else?
A. Immediately in back of the laundry shop lives a seamstress.

Q. What's her name?
A. Kikuchi.

Q. Who else?
A. Across the bridge I have reference to in the direction of Nakameguro Station I have another friend who is a Japanese radio operator.

Q. What's his name?
A. I call him Mike. I can give you his Japanese amateur call letter, but I cannot give you his last name.

Q. What is his call letter?
A. J2KM

Q. Who else do you know in this area?
A. Also in that area I have a Japanese friend who is an English teacher at the school I indicated.

Q. What's his or her name?
A. Her name I do not know. I've only met her two or three times, but I see her every once in a while in Radio Tokyo.

Q. Who else do you know in this area?
A. In the area of the factory on the same street as Shibuya Station running away from Tokyo I have another friend who was born in Britain and who is a Japanese citizen. He does not live in the immediate area of the police station. He lives beyond Shibuya Station on out.

Q. Do you have any other friends in the area of the police station or place where this incident took place?
A. Only those that I have indicated.

Q. You have stated, Mr. Bennett, that this map is out of kilter. Could you describe the Machiman Bachi Bridge directly across from the Shibuya Police Station?
A. Well, as I know it it is approximately twenty feet wide.

Q. Twenty feet wide?
A. I have never been on that bridge and I've never looked at it good in the daytime, but I know that it is not nearly as big as that map indicates. That map would indicate that it's the width of the police station, but I don't feel that it is.

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Q. I believe if you will look closely it doesn't indicate it's the width of the police station. However, do you know the representative fraction of this map?
A. You mean the scale?

Q. Yes.
A. I believe the Colonel said it was one to fifty.

Q. But you still state it's out of kilter?
A. I feel that it is.

Q. Does this bridge have any sidewalks on it?
A. I don't know. I've never been on it.

Q. Is the approach a paved road, do you know?
A. I believe that it is partially paved. As I said before, I've never been on it.

Q. Is the platform of the bridge paved?
A. I do not know. I have never been on the bridge.

Q. Does the bridge have any railings on it?
A. I would guess that it has, but I must repeat I have never been on the bridge and do not know the bridge.

Q. I believe you stated that you reported this to your commanding officer immediately after you got back?
A. That's right.

Q. You stated your commanding officer's name was Lindquist?
A. That's right.

Q. Captain Lindquist?
A. That's correct.

Q. What are his initials? What is his first name and middle initial?
A. I don't know. He's gone back to the States now. I think it is L. G.

Q. Oh, he's gone back to the States. Did you report this incident to anyone else?
A. When I reported it to Captain Lindquist, Frank White, a correspondent who was there, immediately filed the story which was published in all of the papers.

Q. You mean Frank White of the Associated Press?
A. That's right.

Q. You reported that to him?
A. He was present when I told Captain Lindquist.

Q. Do you know whether Captain Lindquist reported this matter to the military police?
A. I do not.

Q. Didn't you consider it important enough to report to the military police yourself?
A. I did not.

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Q. When did Captain Lindquist go back to the States?
A. He went back to the States about a month after that happened, not quite.

Q. About August the 19th?
A. Well, I don't know the exact date.

PROSECUTION: That's all.

PRESIDENT: Any questions by the Commission?

EXAMINATION BY THE COMMISSION

Questions by members:

Q. At any time during the evening of the 19th of July were you able to determine approximately how many people were on these five trucks?
A. No, I was not, but the trucks were fairly well loaded, or I should say appeared to be fairly well loaded. In other words, there was a great many people on them.

Q. You couldn't estimate how many people were on these five trucks?
A. When I first saw them going by me while I was parked there were no lights on the trucks, that is, that would light up the occupants of the trucks, so I did not see it then. When the lights were on the trucks in the manner that I could see them, they were fairly well down in the truck and it was rather difficult to approximate.

Q. Did the trucks have the lights turned off when they approached?
A. They had lights on, but they were rather dim.

Q. You previously stated that the street at least was fairly well lit up by the lights of those vehicles. Was there a change in the candle power of the lights of the trucks at the later time, or what?
A. There must have been because there was more light when the trucks were stopped than there was when they were moving. That is, when the trucks were stopped and I was stopped in back of them there was more light on the street then when the trucks went down the street and I was parked, that is, when I first saw the trucks.

Q. You believe the trucks were traveling them with dimout lights?
A. I don't know, but the lights were dimmer than when they were parked.

Q. At what point did you pass that last truck that you pulled up behind?
A. The last truck had not gotten started yet when I passed it.

Q. Where did you pass the next truck?
A. It was just barely moving. It was where it had stopped.

Q. And the third truck?
A. Was moving. It had possibly moved five or ten feet forward.

Q. You passed a fourth truck at what point?
A. Almost directly in front of the police station.

Q. The fourth truck. Then there was but one truck for you to pass after you left the police station?
A. That's right, and it was well on the other side of the police station.

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Q. You passed it where?
A. Pretty much the other side of the police station, that is, towards Shibuya.

Q. You mean also past it?
A. No, past. It had passed the police station.

Q. How far?
A. Twenty-five or thirty feet at least, possibly more. I was rolling rather rapidly at the time and it would be difficult to judge exactly how many feet beyond the police station it was.

Q. At what point did you speak to the driver of this other jeep?
A. As you know the streets, the street that we were on, that is, the street that goes in front of the police station, comes to it at Shibuya Station. It was immediately at the base of that.

Q. You are not speaking of a base of it. You are speaking of the very point of intersection, aren't you?
A. That is correct.

Q. How far back were the trucks at this time when you and the other jeep were seated up to the right?
A. They were very much in back of us. The first truck was having considerable trouble in getting rolling very fast. The other trucks were still in back of it.

Q. As you proceeded up this road, having made the turn to the right, did you see the trucks following you?
A. I did not see the trucks again until I was on the straightaway after having made the first right turn.

Q. How far behind you were they at that time, the trucks?
A. Well, I was to the point where the road bends and the second truck was just coming around the corner then.

Q. At this time did you see a sedan?
A. I did. The sedan was slightly in front of me.

Q. Sedan slightly in front of you?
A. Yes. I passed the sedan, that is, I passed the sedan on the straightaway before I saw the first truck come around the bend.

Q. So then the sedan was ahead of this jeep that you spoke to at the intersection.
A. That is right.

Q. You passed the sedan followed by this other jeep, followed in turn by those several trucks, is that correct?
A. The trucks were too far behind to pass anybody. They were moving too slowly to have passed anybody.

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Q. Nothing is said about passing any one. You were at the head of a column followed by this jeep. Where was the sedan at that time?
A. No, no. The sedan had already gone by before I had spoken to the individual in the other jeep. The sedan wasn't moving very rapidly. I passed the sedan on the straightaway.

Q. I believe you told me a little earlier that as you proceeded up this road followed by this jeep you knew it was the same jeep that you had spoken to for the reason there were no other vehicles in evidence?
A. I stated also, sir, that it was after I had made the first right turn headed into Tokyo, not considering the turn where I stopped and talked to that individual. On the other hand, in order to get from Shibuya Station to Tokyo there are two right turns involved. One right turn is involved where I was stopped and talked to that jeep. Another right turn is involved considerably on down. I did not pass that sedan until after I had made that right turn.

Q. The first or second right-hand turn?
A. The second, counting the right-hand turn at Shibuya Station.

Q. Had you seen this sedan previously to passing it?
A. I had not.

Q. Now as you were passing these five trucks, which in turn were passing the police station, were the Japanese police firing at the trucks?
A. They were.

Q. Why did you brave that gun fire instead of turning around and proceeding in the opposite direction?
A. Because there were also at that time Japanese police in back of me.

Q. Were they firing?
A. They were, and I was in a safer position with my jeep going down the side of those trucks than I would have been in had I made a U turn because then I would have laid the side of my jeep wide open to the fire of the follows in back of me.

Q. I think the map shows quite a bit of previous testimony as to the location of the Japanese police force. The X you have marked on the map indicating where you stopped behind the truck is on the Ebisu side of the Japanese force except for five Japanese policemen located at XB.
A. Where is XB?

Q. That is up by the yellow arrow. Except for five men at that point you were on the Ebisu side of all the lines shown thereon as to location of the Japanese police. Either the police are not located correctly on the map, your mark is not ---
A. There were policemen down to the corner at which I have reference to, the corner having the big bridge on it. In

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fact there were even a few policemen on the other side of that corner.

Q. Now this Chinese Mission jeep that you caught up with near the Shibuya Railway Station, did you speak to the driver?
A. I did.

Q. In Japanese?
A. I spoke to him in English at first.

Q. Did he speak to you?
A. He did not.

Q. Did he understand you?
A. I do not know.

Q. Your last answer indicated you don't know whether the driver understood you or not, is that correct?
A. I don't know whether he understood my English or not because he made no reply.

Q. Did you talk to him in Japanese then?
A. I asked him if he was Japanese.

Q. What else did you say?
A. He still made no reply and I then said in English, "Well, get the hell out of here," proceeded to leave.

Q. And he replied to that?
A. He nodded his head.

Q. You previously testified to the fact you told him to get the hell out of there and that his reply was, "That is just exactly what I intend to do."
A That is what I take by a nod of the head.

PRESIDENT: Any further questions by the Commission? (None) No further questions. The witness is excused.

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

DEFENSE: The defense calls as its next witness, Miao Hsi-Chuen.

PRESIDENT: The Commission will take a five minute recess.

The Commission then took a recess until 1106 hours, at which hour the personnel of the Commission, the prosecution and defense, the interpreters and the accused, and the reporter resumed their seats.

PRESIDENT: The Commission is in session. Proceed with the hearing.

Miao Hsi-Chuen, a witness for the defense, was sworn and testified as follows:

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DIRECT EXAMINATION

Questions by defense:
Answers through interpreter:

Q. State your name to the Commission.
A. Miao Mei-Chuen.

Q. Are you employed by the Chinese Mission?
A. Yes.

Q. What is the nature of your job?
A. A driver.

Q. When did you first begin working for the Chinese Mission?
A. End of June.

Q. Were you employed by the Chinese Mission on the 19th of July 1946?
A. Yes.

Q. Were you at the Chinese Mission on the evening of July 19, 1946?
A. Yes.

Q. Did you hear a number of persons come to the Chinese Mission that night, a large gathering?
A. I do not know when they came.

Q. Did you know of a meeting that occurred in the auditorium of the Chinese Mission that night?
A. I do not know.

Q. Were you called out that night at any time to drive your jeep for the Mission?
A. Yes.

Q. By whom?
A. Driver named Chen.

Q. And where were you when Chen called you for this purpose?
A. In my room.

Q. And where did you go when he told you that you were wanted?
A. I went out of my room.

Q. Did you go out to your jeep?
A. I went to call another driver and on my way back I went to my jeep.

Q. Did you see any large gathering of people coming out of any of the buildings of the Mission at this time?
A. When I went there they were on the vehicles.

Q. What vehicles?
A. Trucks.

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Q. How many trucks did you see?
A. Six.

Q. Were all the people you refer to on the trucks at that time?
A. Almost every one.

Q. And what instructions did you receive at this time?
A. There were three drivers and we decided that each of us guide two of the trucks back. There were six trucks in all.

Q. Did you see General Li at this time?
A. No.

Q. Who gave you these instructions?
A. Chen told us that General Li had given the orders to guide the trucks.

Q. To guide them where?
A. At that time they did not tell me the destination.

Q. Well, did you leave the Mission in your jeep shortly thereafter?
A. Yes.

Q. Who was in your jeep at that time?
A. General Li.

Q. And where did you go with General Li?
A. To his quarters.

Q. And did you leave him at his quarters?
A. Yes.

Q. And from General Li's quarters where did you go?
A. When I got there General Li told me to return immediately to the Mission and guide the others home.

Q. Did General Li give you any further instructions than this as to guiding the others?
A. No, nothing in particular.

Q. And where did you go then after you left General Li?
A. Back to the Mission.

Q. When you arrived at the Mission how many trucks were there?
A. Two trucks.

Q. Do you know what happened to the other four trucks?
A. At that time I did not know.

Q. Were the other two jeeps also gone?
A. Yes.

Q. Did you talk to any of the people on these two trucks?
A. I shouted in a loud voice, "Where are you going?"

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Q. What did they answer?
A. There were some who said "Naiano" and others that said "Shibuya".

Q. Either at this time or earlier when you had seen all six trucks together did you observe any weapons, clubs, or pistols held by these people on these trucks?
A. No.

Q. Did you hear any shouting by the men in the trucks?
A. No.

Q. Did any of these men get in your jeep?
A. Four got on my jeep.

Q. Did you then leave the Mission?
A. Yes.

Q. And where were you heading for?
A. Toward the Shibuya Railroad Station.

Q. Do you know how many minutes you left the Mission after the other four trucks had gone?

PROSECUTION: Object to that, unless he knows it of his own knowledge.

DEFENSE: Strike that question.

Q. Did any of these men in these trucks inform you how long the other trucks had been gone?

PROSECUTION: Same objection, if the court please.

LAW MEMBER: Objection is overruled.

A. I did not ask.

Q. Did you take the road towards Shibuya Railway Station that goes by Ebisu?
A. Yes.

Q. Did any one order you to take that road?
A. No.

Q. Why did you take that road?
A. Because I always use this road.

Q. Do you know of another road from the Chinese Mission to Shibuya Railway Station?
A. Yes.

Q. Which of those two roads would you say is the better road?
A. The shorter one is the better road.

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Q. By the "shorter one" which one do you mean?
A. The road that goes through Ebisu.

Q. In what respect is it a better road?
A. I always pass this road and I am accustomed to it.

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

The Commission then adjourned at 1120 hours on 13 November 1946.

Richard B. Elliott

MR. RICHARD R. ELLIOTT
Chief Prosecutor

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Metropolitan Police Station
Tokyo, Japan
14 November 1946

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

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

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

Questions by defense continued:

Q. When you approached the Shibuya Police Station on the night of July 19th, did you see any policemen?
A. Yes.

Q. Where were these policemen that you saw?
A. On both sides of the road.

Q. Approximately how far before you reached the police station did you see the first policeman?
A. At that time I could not tell; I saw these policemen about twenty or thirty meters ahead of my car with my lights shining on them.

Q. As you approached the police station at that time, did you see any vehicles ahead of you?
A. No.

Q. How many vehicles were following you?
A. Two.

Q. Were your headlights on?
A. Yes.

Q. As you drove between the police that you say were on both sides of the road, were you driving slow or fast?
A. As we passed between these policemen, shouting started, so I think that I stepped on the accelerator, but the vehicle did not move as I expected it to move.

Q. Did you see any of these police carrying lanterns?
A. No.

Q. This shooting you referred to, was that the first shooting you heard that night?
A. Yes, the shooting that I heard was when I passed between the policemen.

Q. About how far were you from the police station at that time?
A. About one-hundred meters.

Q. Did you see these shots fired?
A. When I saw a flash ahead of me, I put down my face.

Q. This flash that you saw ahead of you, was that the first shot that you heard?
A. Shooting started at once, so I do not know.

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Q. Did you observe whether many of these policemen were armed?
A. Yes.

Q. Did you observe whether many of them had their arms out drawn?
A. Yes.

Q. Did you observe any policemen with clubs?
A. I did not notice.

Q. How long did this shooting continue?
A. The motor stopped, and shooting continued from one to two minutes.

Q. Why did your motor stop?
A. When a shot struck the windshield one of the occupants in the rear seat said, "I am shot." I had my head down and my legs were paralyzed. The jeep proceeded for a short ways and stopped, and then I went to an open field and hid in there.

Q. Were you past the police station when this shot hit your jeep?
A. At that time I did not know.

Q. Where did you stop the jeep and get out?
A. As soon as I stopped -- near the place I stopped there was an open field, and I do not know where that was.

Q. Was it past the police station?
A. Yes.

Q. From what direction did these shots seem to come?
A. When the bullets struck the windshield, I put my head down, so I did not notice anything further.

Q. Did a bullet strike your windshield?
A. Yes.

Q. When you stopped, did you notice whether the two trucks following you went by or not, passed you or not?
A. I did not notice.

Q. After you got out of the jeep and went into the field, did you hear any loud crash or collision?
A. I did not hear.

Q. When you were hiding in this field, did you see any policemen?
A. I was excited, so I did not notice.

Q. Did you hear whether any firing was still going on -- shooting still going on?
A. Yes, firing continued when I was hiding.

Q. Did the four persons who were in the jeep with you get out of the jeep when you did?
A. Yes.

Q. Did they go into this field with you?
A. Yes.

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Q. Did you say a moment ago that one of them was hit?
A. Yes.

Q. After the shooting stopped, what did you and the other four persons with you do?
A. I jumped out of my hiding place and went to the jeep.

Q. Did the four persons with you do the same?
A. Yes, they followed me.

Q. Did you get in the jeep?
A. No.

Q. Did any police approach you at this time?
A. About five or six policemen approached me.

Q. Did they have pistols in their hands?
A. Yes.

Q. What side of the jeep did they approach you on?
A. The front and the left side.

Q. By the left side do you mean the side toward the river?
A. Yes, the river side.

Q. Did any of the occupants of the jeep say anything to these police?
A. Yes.

Q. What was said to these police?
A. The person who was sitting on my side asked, "What is the idea of shooting at a Chinese Mission jeep?"

Q. Did any of the police answer him?
A. He answered, "We do not know, ask the police chief".

Q. Did you ask the police chief?
A. Yes, afterwards.

Q. Did you go to the police station for that purpose?
A. One of the policemen guided us, and we all went to the police station.

Q. Were you put under arrest then?
A. No, I believe not an arrest.

Q. Did you go into the office of the police chief?
A. Yes.

Q. Who did you see there?
A. The police chief.

Q. And what was said there?
A. Cho and myself and another person asked what was the idea of shooting a Chinese Mission jeep.

Q. Was Cho one of your passengers?
A. Yes.

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Q. Did the chief make any answer to this question?
A. He answered, "The third truck of the convoy that went ahead of you started the shooting."

Q. Did he say anything further?
A. Then he said, "The fact that you were shot can't be helped."

Q. Did you say anything further yourself to the chief?
A. Yes.

Q. What.
A. "There shouldn't be such a foolish thing. I will report this to the Chinese Mission."

Q. Did you go back to the Chinese Mission immediately?
A. No.

Q. Why not?
A. I went to use the telephone, but they would not let me use it.

Q. Well, did you continue to wait?
A. Then the police chief said that he was phoning the MPs, "So wait here until the MPs come."

Q. Well, did the MPs come?
A. After I entered the police chief's office, about twenty minutes later the MPs came.

Q. How many of them came?
A. Three MPs entered the office.

Q. When you first entered the police station were you searched by the Japanese police?
A. Yes.

Q. Did the police find anything in that search?
A. No.

Q. Were the other men with you searched, the other men from the jeep searched?
A. Yes.

Q. Was anything discovered in those searches?
A. Because they did not find anything, someone said, "So you don't have anything, well follow this person and see the police chief."

Q. There were no weapons discovered by the police in the search of the occupants of your jeep, is that correct?
A. That is correct.

Q. How long were you at the police station?
A. After I entered the police station up to the time that the MPs investigated us it took about one hour.

Q. At the completion of that, where did you go?
A. I went either to the CIC or CID.

Q. Were you questioned at whichever place you did go?
A. Yes.

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Q. How long were you at that place?
A. Over two hours.

Q. Did you then return to the Chinese Mission?
A. Yes.

DEFENSE: No further questions.

CROSS EXAMINATION

Questions by prosecution:

Q. I believe you said you were summoned out of your quarters to drive General Li to his quarters early in the evening, is that correct?
A. You mean immediately?

Q. Strike that.
Did you or did you not state that you drove General Li to his quarters in the evening on July the 19th?
A. Yes, I stated this.

Q. You stated that you were summoned from your quarters, from your room; is that correct?
A. Yes, Chen summoned me.

Q. What time of evening was this?
A. A little after eight.

Q. At that time how long had you been in your room?
A. I stayed in my quarters after supper.

Q. What time did you have your supper?
A. At six.

Q. When was the last time prior to this that you left the Mission?
A. I returned to the Mission about 5:30, and went to supper immediately.

Q. From where did you return?
A. I went toward the Ginza, but I do not know exactly.

Q. Did you have a passenger with you?
A. Yes.

Q. Who was the passenger?
A. I do not recall.

Q. Why don't you recall, you seem to recall everything else that happened this evening?
A. I carry many passengers during the day,it is not only this person.

Q. And you said you went toward the Ginza, is that correct?
A. Yes.

Q. Do you know where towards the Ginza?
A. I remember I passed through Ginza, but I do not recall where I went.

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Q. From the Chinese Mission Shimbashi Station is towards the Ginza, is it not?
A. Yes.

Q. Did you go to Shimbashi?
A. No, I did not.

Q. How did you know you didn't, you don't know where you went, do you?
A. As I recall I went somewheres beyond the PX on Ginza, not towards the Shimbashi Station.

Q. Isn't Shimbashi Station between the Chinese Mission and the Ginza?
A. By "between" do you mean it's necessary to pass there?

Q. I mean "between". You either know or you don't know. Please answer the question.
A. However, I do not know what you mean by "between".

Q. How long have you been driving for the Chinese Mission?
A. About five months.

Q. You know Tokyo pretty well, don't you?
A. I do not know Tokyo very well, but in general I know Tokyo.

Q. How long have you been in Tokyo?
A. I've been in Tokyo since I came to the Chinese Mission. It's about five months.

Q. Where were you before that?
A. In Yokohama.

Q. How long were you in Yokohama?
A. About five or six years.

Q. How old are you?
A. Twenty-two.

Q. What branch of the Japanese army were you in during the war?
A. I was not in the Japanese army.

Q. You never had any military training?
A. I did not receive any training.

Q. What time did you return to the Chinese Mission from General Li's quarters?
A. About 8:40 or a little later.

Q. You are sure it was 8:40?
A. I said "about 8:40". I did not say exactly at 8:40.

Q. Are you General Li's regularly assigned driver?
A. No.

Q. Did you earlier in the evening take General Li and Mr. Ling Ting Ping to the Showa School?
A. I did not drive General Li except the time I took him to his quarters.

Q. Who is General Li's regularly assigned driver?
A. A Japanese.

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Q. What's his name?
A. I believe his name is IWAMA.

Q. Then why did General Li send for you to drive him instead of his regular driver?
A. It seemed as if he was not there.

Q. Did General Li's driver drive him to the Showa School earlier in the evening?
A. I do not know.

Q. You say it was 8:40, approximately 8:40 or a little later when you returned to the mission and there were two trucks there.
A. Yes.

Q. And what did the people in the trucks say to you when you returned?
A. I asked them first.

Q. What did you ask them?
A. I shouted loudly, "Where are you going?"

Q. Didn't you know where they were going?
A. I did not know.

Q. How did you know they were going anywhere?
A. When I drove General Li to his quarters he told me to return immediately to the mission and guide them home.

Q. But you didn't know where they were going?
A. I did not know before I asked.

Q. What did they say?
A. They answered, "Toward Nakano and Shibuya."

Q. If they were going towards Nakano and Shibuya why didn't they go with the other convoy that went to Nakano and Shibuya?
A. When three of us, that is, Jeep drivers, get together we decided we would escort two trucks each, so they waited for me.

Q. You three jeep drivers got together, is that right?
A. Yes.

Q. And didn't you also decide where you were going?
A. No, I went back to my jeep and was about to ask when General Li got on my jeep.

Q. Did you notice anything in the trucks when you returned to the mission?
A. People were riding.

Q. Were the people in the trucks when you returned?
A. You mean all?

Q. Yes.
A. Those that were to ride my jeep were down, however I believe the rest of them were on the truck.

Q. Did you get a good look at both truck bodies?
A. Yes.

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Q. In which truck was the drum of gasoline?
A. I did not notice.

Q. Well then, you didn't get a good look at both truck bodies?
A. I just saw the truck, I did not notice the inside of the body.

Q. How many people were going to Nakano and how many were going to Shibuya?
A. When I asked them in a loud voice, I believe about two or three answered to each direction.

Q. Didn't you think it was rather foolish inasmuch as one convoy and one Chinese Mission jeep had already escorted several trucks to Shibuya for them to wait for you to go to Shibuya too?
A. As I left the mission first, I did not know where the other vehicles went.

Q. They had left when you returned to the Mission, is that correct?
A. There were only two trucks left. The others had gone.

Q. What four people got in your jeep at the mission?
A. I believe these four persons together with those on the truck.

Q. Who were they?
A. I did not ask their names. I learned this afterwards. One of the passenger's name was Cho, and there was another who was kept at the police station.

Q. Why do you remember Cho's name and don't remember the rest?
A. I met him afterwards about two or three times and was introduced to him.

Q. Who seemed to be in charge?
A. There wasn't anybody who took charge.

Q. Are you sure of that?
A. Yes.

Q. Well, who was the spokesman when you arrived at the police station?
A. Cho and myself complained of the shooting.

Q. You were the only ones?
A. There was another person who was complaining. He was kept at the police station.

Q. Then you left for the Shibuya Station? What destination did you have in mind when you left the Chinese Mission?
A. Since they said Shibuya and Nakano, I thought of going to the Shibuya Station first and then go to the Nakano Railroad Station.

Q. Why couldn't you just make one trip and go to the Shibuya Station, let the people that wanted to go to Nakano get a train at the Shibuya Station for Nakano?
A. There may have been persons who wanted to get off on the way to Nakano, but at that time I did not realize this.

Q. What is the condition of the road on the route you took?
A. It is an ordinary road.

Q. How is it better than the other road?
A. It is a shorter road and it is level. I always use this road.

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Q. How much shorter?
A. As I estimate, if this road takes ten minutes, the other would take about fifteen minutes.

Q. You say you always use it. How do you mean that?
A. In order to go to Shibuya this is the only road that I use.

Q. Have you ever used the other one?
A. Yes, I have passed the other one.

Q. You know don't you, by using the other road you can get to the Shibuya Railroad Station without passing the Shibuya Police Station?
A. Yes.

Q. Which occupant of the jeep told you to go by the Shibuya Police Station?
A. Noone told me.

Q. Did you overhear any of the conversation of the occupants of the jeep on your way?
A. No, they did not converse.

Q. You are sure of that?
A. Yes.

Q. And as you approached the police station, you saw police on both sides of the road; is that correct?
A. Yes.

Q. What do you mean by, "on both sides of the road?"
A. By two sides of the road I mean if there is a road, toward the sidewalk of the road.

Q. How far from the Shibuya Police Station was this?
A. About 120 or 130 meters away from the police station I saw the policemen about 20 or 30 meters ahead with my headlights.

Q. They were easy to see with their white uniforms, weren't they?
A. Do you mean white uniforms?

Q. Yes.
A. There were some with white uniforms and some with black uniforms.

Q. Well, what did you do when you first saw these police?
A. I just drove on as usual.

Q. How fast were you driving?
A. About twenty miles.

Q. Well, what happened then?
A. When I was about to pass between the policemen the shooting started.

Q. And you ducked your head; is that correct?
A. Yes.

Q. And you didn't see another thing until the shooting was over, did you?
A. After the jeep stopped, I hid in a depression and kept my head low.

Q. That's right. You were scared when the shooting started, weren't you?
A. Yes, I was trembling.

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Q. When the shooting first started you ducked your head until the jeep stopped and then when the jeep stopped why you jumped out of the jeep and hid, is that right?
A. Yes.

Q. Then you didn't mean it awhile ago when you said that you saw the policemen firing and you saw the flashes coming from their pistols, did you?
A. When the firing started, I saw the flash and ducked my head.

Q. And you didn't see anything until after the shooting had stopped, isn't that right?
A. After I saw the flash I did not see anything, but I heard a passenger in the rear seat shout, "I am shot."

Q. Well, as I said before, you didn't mean it awhile ago when you stated you saw all these flashes, did you, because you were scared and you ducked your head?
A. When I heard the first report, I saw the flash and ducked my head.

Q. And you didn't see anything until after the shooting was over?
A. Yes, I did not see anything.

Q. When your jeep stopped, did the truck pass you?
A. I did not notice.

Q. You were too scared even to notice whether the trucks that you were escorting passed you, weren't you?
A. As I was excited and scared, I did not notice anything that happened.

Q. Then to recapitulate your testimony, all you know, you were in a jeep, you saw some policemen, you heard a shot, you saw a flash, and that's all, isn't it?

DEFENSE: If the court please, we object to that recapitulation as being inaccurate and incorrect.

PROSECUTION: All right, we will strike that, "to recapitulate your testimony."

A. Yes, until I hit.

Q. You are quite sure of that?
A. Yes.

Q. Who was the occupant who said, "What is the idea of shooting at the mission jeep?", after it was all over?
A. You mean after the shooting ended?

Q. Yes.
A. A person named Cho.

Q. When you went into the police station, did you go in with all four of the occupants together?
A. Yes.

Q. The lights were on in the chief's office?
A. Yes.

Q. Did you get a good look at your companions?
A. Yes.

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Q. You told the chief you were going to report it to the Chinese Mission?
A. Yes.

Q. And when you told him that, the chief said, "Wait till I call the MPs to escort you home," didn't he?
A. No.

Q. Don't you remember telling me and Mr. Scott that when you went into the police station the chief told you that he was sorry that the Chinese Mission jeep was shot at, and that if you would wait, he would call an MP escort to see that you got back to the Chinese Mission safely? Don't you remember that?

DEFENSE: If the opposing counsel intended to imply by that question that conflicting statements were made to him, then we object to the question on the ground there is no evidence that such conflicting statements were made to Mr. Elliott and Mr. Scott.

PROSECUTION: If the court please, I was implying nothing; just the proper questioning on cross-examination.

LAW MEMBER: Objection is overruled; however, if you are trying to refresh the witness' memory, remind him of when and where this took place and under what circumstances, the reason for it.

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

The Commission then took a recess until 1050, 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. Do you recall sometime in September, approximately the middle of September, talking with Mr. Scott here and myself at the Chinese Mission about this Shibuya incident. At that time I was an officer in the United States Army.
A. I seem to recall that.

Q. And do you remember when you were driving a Mr. Lou out to the Eighth Army Stockade again talking with Mr. Scott, Mr. Hagan and myself? At the time Mr. Hagan and I were dressed in army clothes, and you pointed out to us the bullet holes in the jeep.
A. Yes, I recall.

Q. And do you remember telling us that when you explained to the Chief of Police that you were from the Chinese Mission, your jeep was a Chinese Mission jeep and asked him why he shot at you, the Chief replied to you that he was sorry, he didn't intend to shoot a Chinese Mission jeep, and he would call the Military Police to see that you got back to the mission safely. Do you recall that.

DEFENSE: If the court please, the defense objects to that question, unless it is the intention of prosecution to introduce in evidence the proof of the correctness of the statements that counsel has just made. We take the view that it is improper for counsel himself indirectly to become a witness in this case through means of cross-examination unless he intends later to prove these, what he claims to be contradictory statements, having been made.

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PROSECUTION: At this time I make this observation: that prosecution will put on whatever rebuttal witnesses it deems necessary.

DEFENSE: That does not go far enough, if the court please. The prosecution should not be permitted in this way to testify in this case.

PROSECUTION: If the court please, it seems to me that prosecution is not testifying, and it seems the counsel is afraid to have this witness testify. I asked him a question; he can answer it yes or no.

LAW MEMBER: Objection is overruled.

A. I do not say such a thing. When I was asked about the bullet holes, I said that there was one in the rear, one on the windshield and one on the side.

Q. I am referring to the conversation we had at the Chinese Mission in the presence of Mr. Li, the secretary of the Chinese Mission, who acted as interpreter generally and Mr. Ling Ting-Ping and a Formosan by the name of Mr. Chen. Do you recall that?

A. When I went there I believe that General Li was not present; the others may have been present.

Q. Do you remember making the statement to me, the statement that was just asked?

DEFENSE: If the court please, may the defense ask that the question be made more clearly. I myself do not understand what the question means.

LAW MEMBER: The reporter will read back the original question.

The reporter read the question.

DEFENSE: If the court please, may the defense object to that question on the ground that it contains many more questions than one. "Do you remember that conversation?" is the question. If the witness says "yes", then he is bound by his answer that he remember the whole of the conversation and every part of it as it has been stated by the prosecution. He might remember some part of it, he might not remember other parts of it. For that reason I think the question is very confusing and object to it for that reason.

LAW MEMBER: Objection sustained. It is suggested that you ask the witness if he remembers any part of that, and if so, what part.

PROSECUTION: If the Commission please, the court has already ruled on that once before, on that very question.

LAW MEMBER: This ruling pertains to the interpretation, the understandability. All you have to do is ask, "Do you remember any part of that conversation, and if so, which part?"

Q. Do you remember the conversation that took place in the conference room of the Chinese Mission on or about the 15 of September, 1946?

A. Yes.

Q. Do you remember that part of the conversation in which you stated that when you walked into the police station after the shooting was over, you told the Chief of Police you were from the Chinese Mission, you were driving a jeep of the Chinese Mission and that the chief said he was sorry, he didn't intend to shoot the vehicle of the Chinese Mission?

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LAW MEMBER: I suggest that you pause there.

PRESIDENT: As a matter of procedure you are not following the SCAP Directive. From the question you could have stopped several places and gotten either a yes or no. You are getting too many facts and parts into it, you don't allow the witness to remember one part or forget another, whichever might be the case. You will get a no to the whole question, whereas he would say yes to some parts of it and no to other parts, possibly.

PROSECUTION: I will rephrase the question.

Q. You state that you remember the conversation; is that correct?
A. Yes.

Q. Do you remember telling us that you went into the police station.
A. Yes, I was brought to the police station. I said I was brought to the police station.

Q. Do you remember telling us that you explained to the Chief of Police that you were from the Chinese Mission and that the vehicle was a Chinese Mission vehicle?

DEFENSE: If the court please, the defense objects to the form of that question. I think the opposing counsel should put the question, "Do you remember that so-and-so,"but"did you say so-and-so?" The question implies the thing was said that may not have been said and all. That is to say, Major Elliott, who is present might be mistaken as to what was said, but he implies repeatedly that something was said, and to that extent is testifying in this case.

PROSECUTION: If the court please, I don't know whether Mr. Faisson ever practiced law before, but that type of question is entirely proper on cross-examination. This evidently is a restatement of the law of evidence. In the second place the form in which I asked this question is the form which counsel suggested himself. He said, "Ask him if he remembers thus and so, ask him if he remembers parts of the conversation." Now on following that he is objecting to something else. That form of leading question is proper on cross-examination. I might add that defense has gone so far as to use that form on direct examination.

LAW MEMBER: Objection is overruled.

A. No, I did not say this.

Q. Well, then, you did not tell the Chief of Police that you were from the Chinese Mission, is that correct?
A. I asked the police chief what was the idea of shooting a jeep that belonged to the Chinese Mission, that is all.

Q. And do you remember telling us that the chief said that he didn't intend to shoot at a vehicle belonging to the Chinese Mission?
A. I did not say this.

DEFENSE: Defense objects, for the record if the court please, to this whole line of cross-examination.

PROSECUTION: I believe that's quite evident in the record.

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Q. Do you remember telling us that the chief told you to wait until the MPs came and they would see that you got back to the mission safely?
A. I did not say this. The police chief told me to wait until the MPs came.

Q. You waited there at his suggestion, didn't you?
A. I was waiting until the MPs arrived.

Q. You weren't being held there under force?
A. I stayed there because I was told.

Q. What time was it when you got back to the Chinese Mission that night?
A. It was about ten o'clock.

PROSECUTION: That's all.

PRESIDENT: Any re-direct?

DEFENSE: No re-direct, Sir.

EXAMINATION BY THE COMMISSION

Questions by members:

Q. How many passengers did you have in your jeep on the trip which returned you to the Chinese Mission at 5:30 P.M.
A. On my trip over I carried one passenger. However, on my trip back I did not have any passengers.

Q. Where did you drop this passenger?
A. A little beyond the PI.

Q. At the Showa Primary School?
A. I do not know where the Showa Primary School is.

Q. Do you know of a Chinese association that has an office in that area?
A. Yes, I know.

Q. Is that where you dropped your passenger?
A. No.

Q. At what time did you leave the Chinese Mission for this trip?
A. A little after five.

Q. Was this person a member of the Chinese Mission?
A. There are quite a few repatriates, so I do not know.

Q. I asked the question, if he was a member of the Chinese Mission. I was not speaking about repatriates. Was he a member of the Chinese Mission, official body?
A. Since I saw this person only once I do not know whether he is employed at the mission or not.

Q. Have you seen this person since?
A. I do not know.

Q. Did you go directly to this area where you dropped the person and return directly to the Chinese Mission?
A. Yes.

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Q. And you never left the Chinese Mission between 5:30 and the time that you took General Li home?
A. I went back to my quarters; I did not go out.

Q. You stated that there were two trucks that followed you when you left the Chinese Mission, is that correct?
A. Yes.

Q. Were both trucks behind you when you arrived at the Shibuya Police Station?
A. Since my jeep is faster than the truck, on the way I glanced back often and I saw the trucks following.

Q. The two trucks were following you at the time you arrived at Shibuya Police Station?
A. Yes.

Q. When the shooting started, were both of these trucks behind you.
A. I did not glance behind when the shooting started. I ducked.

Q. You have stated that you glanced behind you frequently to determine whether or not the trucks were following you. Just before the shooting started, did you see the trucks behind you?
A. When I saw the policemen about twenty or thirty meters ahead of me with my headlights, I did not glance back to see whether or not the trucks were following.

Q. I ask the witness to respond to the question, please.
A. No, I did not see.

Q. How do you know the two trucks were behind you at any time then?
A. On my way I glanced back several times to see whether the trucks were following, and they were.

Q. Where were you when you glanced back the last time to see if the trucks were behind you?
A. It was before I noticed the policemen.

Q. I didn't ask you about the time factor; I asked you where were you when you looked back for the last time and saw the two trucks behind you.
A. I cannot say where, because it was dark on both sides.

Q. Did you ever stop your vehicle except the time you have related, that you ducked your head and the engine stopped?
A. No.

Q. In driving down to the Shibuya Police Station, did you see any vehicles ahead of you?
A. I did not see.

Q. There are some fairly long straightaways on that road just before you get to the police station, are there not?
A. There is a straight road near the Ebisu streetcar stop.

Q. You stated you were approximately 100 to 120 meters from the police station before you first saw a policeman, is that correct?
A. Yes.

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Q. And the policemen were about thirty meters to your front shown up by your headlights, is that correct?
A. I stated that I saw them about twenty or thirty meters ahead of me on both sides of the road.

Q. How long were these lines on both sides of the road?
A. When I first saw the policemen I did not notice whether they were lined up or not, so I could not tell.

Q. I am using your answer that they were lined up on both sides of the road. I said, "For how far did these lines extend?"
A. As I recall, they were lined up for a distance of about five meters.

Q. How many policemen would be in a line five meters?
A. I believe about twenty-five or twenty-six policemen; they were bunched up.

Q. Apparently there is a mis-use of a word. You have used the statement that they were lined up; now you are talking about a bunch. Which is correct?
A. It was not just one line of policemen, there were about two or three lines.

Q. Where were these two or three lines, on the side of the road, across the road or where?
A. On the side of the road.

Q. As you previously stated, the lines of policemen you saw were five meters long; is that correct?
A. Yes.

Q. I believe you also testified that as you passed between these lines the shooting began; is that correct?
A. I said that as soon as we entered between the rows of policemen the shooting started.

Q. Did you see any rows of policemen besides the one that was five meters long?
A. That is all I saw during the shooting.

Q. Where did these shots come from--from these policemen on both sides of the road you spoke of?
A. Yes.

Q. I believe you testified to the fact that shooting started as you passed between these lines, and the first shots came from in front of you. Now who fired the shots from in front of you?
A. I just saw the flash, and I could not tell who shot it. I believe it was some policeman.

Q. Then it could have been the flash from something else besides a gun, could it?
A. I believe it could not have been some other thing, because the firing started at the moment I saw this flash.

Q. You had heard no previous firing. Is that correct?
A. The firing started as soon as I saw this flash, so I did not hear anything before this.

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Q. The policemen were standing at the edge of the road, were they?
A. You mean when I first saw them.

Q. Before the firing started?
A. Yes.

Q. And the first flash you saw came from directly in front of you, is that correct?
A. As I heard the first report I saw the flash.

Q. At that time was there a truck on the road in front of you?
A. I did not see.

Q. Did you at any time see a truck on the road between the police station and the Shibuya Railroad Station?
A. I believe there was no vehicles in front of me.

Q. As your headlight was shining down the street, could you see any policemen in the middle of the road.
A. No.

Q. Why do you say you believe the first shot was fired by a policeman if the shots came from directly in front of you, and yet you saw no policemen there?
A. I saw many policemen afterward; when I came out of my hiding place I saw policemen on both sides of the road.

Q. You will answer the question I put to you, and that was, "How could you say a policeman fired the first flash which came from directly in front of you and yet you saw no policemen in the headlights of your jeep?"
A. I believe the first shot was fired by the policemen, because as long as we stayed between the lines of the policemen there was shooting from both sides.

Q. If your jeep was passing through lines of policemen five meters long when the shooting started and you saw no policemen directly in front of you, why could you testify that the first shots came from in front of you?
A. I said that a policeman started the shooting, because immediately after I saw the flash in front of me the policemen on the sides started shooting, so I testified that the policemen started the firing.

Q. That precludes any possibility of the policemen returning the firing of someone firing upon them, does it?
A. At that time I did not think of such a thing. I just thought that the policemen started shooting.

Q. Are you offering into your testimony your guesses in this matter or are they based upon what you actually know?
A. This is just my thought.

Q. When you saw this flash, did you see anybody nearby -- any person nearby?
A. I did not notice anything because I ducked as soon as I saw the flash.

Q. With reference to the terrain as shown on that map, where did the flash come from and where were you at the time? Please go to the map and show.
A. I do not understand the map.

Q. Allright then, from how far in front of you did you see the flash originally?
A. It was just a moment, so I could not tell how far away it was.

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Q. Was it right close to you?
A. I clearly heard the report, but the flash was just a moment, so it seems as if near and yet far, I could not tell.

Q. Did you finally recover the jeep yourself?
A. Yes, I drove it back.

Q. Where did you find it when you went back for it?
A. It was where I stopped the jeep.

Q. Where was that?
A. A little toward the Shibuya Railroad Station beyond the police station there are two homes, and the jeep was a little beyond the two homes toward the Shibuya Railroad Station.

Q. Are you speaking about two homes on the river side of the street?
A. On the river side.

Q. Then you hid in the field just beyond the two homes on the Shibuya Railroad Station side?
A. Yes.

Q. In running out in the field, did you run into some policemen who had been on the edge of the road.
A. I was so excited at that time I did not notice.

Q. Was your jeep fired at just as you were getting out of it?
A. I heard reports, but I do not know whether they were shooting at me or not. I was very excited.

Q. How long a time elapsed between the first shots and the last shots?
A. From one to two minutes.

PRESIDENT: Any other questions by the Commission? Any new matters in the opinion of the defense that needs cross-examination?

DEFENSE: No.

PRESIDENT: Does the prosecution desire to cross-examine on any matters that they believe to be true?

PROSECUTION: I would like to ask one question of the witness.

Questions by prosecution, continued:

Q. You have testified that you glanced back at various times and noticed that both the trucks were following you, is that not correct?
A. Yes, that is correct.

Q. You testified that you drove this road regularly, am I correct on that?
A. Yes.

Q. Shortly before you get to the Shibuya Station there is a police box located fairly close to the road, am I correct in that?
A. I did not notice.