

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

TRANSCRIPT OF PROCEDURE

JULY 22, 1946

(pp. 2295--2363 inc.)

001764

DAVID NELSON SUTTON

No. 32  
July 22, '46

I N D E X  
Of  
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Direct</u>	<u>Cross</u>
Ching Teh-chun	2298	2335 2361

I N D E X  
Of  
EXHIBITS

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199	Same as above	2297	
200	Photograph of Pinj-Han Railroad Bridge	2308	2308
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I N D E X  
Of

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OPEN COURT

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Monday, 22 July, 1946

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before with  
the exception that MAJOR BEN BRUCE BLAKENEY replaces  
MR. GEORGE YAMAOKA as Counsel for Accused TOGO,  
Shigenori.

(English to Japanese and Japanese  
to English interpretation was made by the Language  
Section, IMTFE.)

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1                   MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session  
3 and ready to hear any matter brought before it.

4                   THE PRESIDENT: All the accused are present  
5 except OKAWA and HIRANUMA, who are represented by  
6 counsel.

7                   Does any counsel desire to mention any  
8 matter?

9                   Mr. Yamaoka.

10                  MR. YAMAOKA: If the Tribunal please, I de-  
11 sire to announce this morning the appearance of Major  
12 Ben Bruce Blakeney, who is already counsel for General  
13 UMEZU, as the additional American defense counsel for  
14 the accused TOGO, Shigenori. He has duly filed his  
15 appearance with the Secretariat.

16                  THE PRESIDENT: Colonel Morrow.

17                  COLONEL MORROW: If the Court please, I  
18 desire to call out of turn, pursuant to permission  
19 of this Court, a witness from the Republic of China,  
20 General Ching Teh-Chun.

21                  THE PRESIDENT: The Tribunal has no objec-  
22 tion. You may call the General.

23                  COLONEL MORROW: And in connection there-  
24 with, if the Court please, I desire to present two  
25 affidavits, entitled document No. 2340 and document

1 No. 1750, which are statements made by the General,  
2 which we intend to submit as his testimony in chief.

3 CLERK OF THE COURT: Document No. 1750 will  
4 be marked exhibit 198. Document No. 2340 will be  
5 marked exhibit No. 199.

6 (Whereupon, the documents above re-  
7 ferred to were marked prosecution's exhibits  
8 No. 198 and No. 199 for identification.)

9 THE PRESIDENT: This is not an affidavit,  
10 Colonel.

11 COLONEL MORROW: I see I probably in-  
12 accurately stated what it was. It is a statement.

13 THE PRESIDENT: Well, you have no order  
14 covering it.

15 COLONEL MORROW: I desire to submit these  
16 statements to the General for his scrutiny now.

17 MARSHAL OF THE COURT: Mr. President, the  
18 witness is now in court and will be sworn.

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CHING

DIRECT

1 CHING TEH - CHUN, called as a witness,  
2 on behalf of the prosecution, being first duly  
3 sworn, testified as follows:

4 COLONEL MORROW: If the Court please, I  
5 understand that these statements were taken with  
6 the solemnity and in the manner that a truthful  
7 statement is submitted by a national of the Republic  
8 of China.

9 THE PRESIDENT: Is that the Chinese form?

10 COLONEL MORROW: I understand it is the  
11 Chinese form, yes, sir. The General's statements  
12 to be received according to his conscience as the  
13 truth.

14 THE PRESIDENT: We understand from the  
15 representative of China that this is a Chinese  
16 form. On that understanding, we will allow you to  
17 ask the witness whether the contents are true and  
18 to swear to their contents in the usual way as if  
19 it were an affidavit.

20 DIRECT EXAMINATION

21 BY COLONEL MORROW:

22 Q I will ask the General therefore, if he is  
23 General Ching Teh-chun, who has made the statements  
24 now in his hands, and if they are the truth, con-  
25 stitute the truth in accordance with his conscience?

CHING

DIRECT

1           A    The facts therein stated are true except  
2           for the fact that there are two words which are in  
3           error. The first error is with respect to the  
4           July 7 Incident, paragraph 2, under "B. Stages of  
5           Japanese Aggressions," with reference to economic  
6           monopoly. In the Chinese text of the statement the  
7           name of the railroad is given in the text as the  
8           Tsang-shih Railway. The correct name for this rail-  
9           way is the Tsin-Shih Railway. In the last part of  
10          the statement the Chinese text gives my title as  
11          Commander of the 29th Army, when it should correctly  
12          read Deputy Commander of the 29th Army.

13                CAPTAIN BROOKS: If the Tribunal please,  
14                for a matter of the record, I don't know whether  
15                it has been observed or not whether the Chinese  
16                translators have been sworn or not. I would just  
17                like, as a point of information, to know whether  
18                they have.

19                THE PRESIDENT: I inquired and found that  
20                they were.

21                CAPTAIN BROOKS: Thank you.

22                MR. WARREN: If the Tribunal please, some  
23                of the defense counsel are under the impression, as  
24                I am, that the Chinese is being interpreted into  
25                Japanese and then from Japanese into English. This

1 question will arise from time to time. We feel  
2 that such a method gives for a very imperfect trans-  
3 lation, and if that is the case we ask the Tribunal  
4 to rectify it so that the Chinese will be interpreted  
5 directly into English, instead of going from Chinese  
6 to Japanese and then to English.

7 COLONEL MORROW: That is not the case here,  
8 if the Court please. Did the Court make a ruling  
9 on that matter?

10 THE PRESIDENT: I want to know what is being  
11 done, Colonel. Can you tell me?

12 COLONEL MORROW: I don't know, sir, whether  
13 they are translating directly into Japanese or  
14 English. I understand what he refers to is the  
15 situation now and not the affidavits themselves,  
16 or the statements. They have been translated cor-  
17 rectly from Chinese to English or vice versa.

18 LANGUAGE SECTION CHIEF: May it please the  
19 Tribunal, I think I can give some light on this.  
20 As it is at present, the English is being inter-  
21 preted into Japanese and the Japanese is being in-  
22 terpreted into Chinese, and the witness' answer  
23 is being translated from Chinese into Japanese and  
24 into English. We have one Chinese monitor, who  
25 monitors the Chinese-Japanese translation, and we

CHING

DIRECT

1 have one Japanese-English monitor, who supervises  
2 the Japanese-English.

3 THE PRESIDENT: That appears to be in order.  
4 We understand that substantially the position is  
5 this: That the Chinese is being translated into  
6 English directly from the Chinese and not through  
7 the Japanese.

8 MR. WARREN: If the Tribunal please, that  
9 does not appear to be the case.

10 LANGUAGE SECTION CHIEF: May I clarify that  
11 point? The Chinese into Japanese, then Japanese  
12 into English. We do not have any one who speaks  
13 Chinese and English. We only have a Japanese-English  
14 interpreter and a Chinese-Japanese interpreter. No  
15 Chinese-English interpreter.

16 MAJOR BLAKENEY: If the Court please, I  
17 would like to enter an objection to proceeding out of  
18 turn on this witness until proper interpretation is  
19 provided. The transfer of the thought from Chinese  
20 to Japanese and then from Japanese to English, when  
21 the characters and ideologies are purely in the  
22 translator's hands, a double translation like that  
23 endangers a lot of time. The thoughts and expressions  
24 of the man's ideas as put before the Court involves  
25 a legal precept, because the play on the words and

CHING

DIRECT

1 ideas can mean various things. I think for a matter  
2 of expediency and fairness in the trial, all of those  
3 intervening factors that can be cut out should be  
4 done if possible. I believe it is possible to get  
5 proper translators.

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1 THE PRESIDENT: The Court is fully aware of  
2 all the matters stressed by Mr. Brooks and is keeping  
3 them in mind, and for these reasons the Court thinks  
4 the translation should be from Chinese into English  
5 direct if we have the translators to it. We think  
6 there must be translators in Tokyo today who can do  
7 this. We think if you made an effort to get them you  
8 would succeed.

9 JUDGE HSIANG: This problem was considered  
10 by the prosecution. Of course, the matter is to be  
11 decided by the Court. At first we were told that the mem-  
12 bers of the prosecution, Chinese members of the  
13 prosecution, perhaps would not be good parties to  
14 translate for the witness produced by the prosecution.  
15 That was why Chinese members, Chinese assistants, on  
16 the prosecution were not asked to translate. We did  
17 not offer that service.

18 Of course, this matter was for the Court to  
19 decide. If the Court thinks that the members, assist-  
20 ants, on the prosecution could do the translation  
21 work, that is different. So, in the absence of other  
22 members who could do the Chinese translation, this  
23 arrangement was made, I understand.

24 THE PRESIDENT: It will never do to have  
25 prosecution translators except perhaps in some great

CHING

DIRECT

1 extremity which I do not contemplate.

2 COLONEL MORROW: Well, if the Court please,  
3 we have been asking merely preliminary questions here.  
4 We have monitors whose sworn duty it is to accurately  
5 criticize what proceeds. And I am requesting, if the  
6 Court, please, or asking that we be allowed to read  
7 these affidavits, at all events, because this has been  
8 done as to the affidavits; namely, a translation  
9 direct from Chinese to English. So far the transla-  
10 tions have been merely of preliminary questions.

11 THE PRESIDENT: If the difficulty is great  
12 now, it is going to be insuperable when you reach the  
13 stage of cross-examination. So you had better en-  
14 deavor to get a Chinese who can translate from Chinese  
15 into English, or an Englishman, or somebody.

16 COLONEL MORROW: If the Court please, we  
17 have several young men here from China who can do  
18 this job. It may be that there is the possible dis-  
19 ability that they have been from the prosecution, but  
20 we have a monitor and if there is no objection on the  
21 part of defense, we might go forward with the affi-  
22 davits and when the time comes have these gentlemen do  
23 the translating.

24 I understand that Judge Mei has an assistant  
25 here, if the Court please, that may be used.

CHING

DIRECT

1 THE PRESIDENT: I think you should get a man  
2 from the Chinese Mission.

3 COLONEL MORROW: If the Court please, I under-  
4 stand that the translators here were chosen by the  
5 Court. That was not a function of the prosecution, and  
6 we are in the situation of having the criticism on the  
7 part of the defense of the facilities offered by the  
8 Court for conducting this trial.

9 THE PRESIDENT: The Court made appointments as  
10 necessity arose from time to time. You have not advised  
11 that this difficulty was going to arise, and we could  
12 not know except from you. But we do not want recrim-  
13 inations. We want this matter straightened out at  
14 once.

15 COLONEL MORROW: If the Court please, the  
16 prosecution notified the Secretary of the Court about  
17 this situation several weeks ago that we expected  
18 Chinese to be introduced as witnesses and asked about  
19 the translation and understood it was to be furnished.  
20 We had no way of anticipating this problem.

21 THE PRESIDENT: I understand that Justice Mei's  
22 secretary, who would be in an impartial position,  
23 would be able to make the necessary translations if  
24 there is no objection from the defense.

25 MR. WARREN: If the Tribunal please, I have

CHING

DIRECT

1 heard no objection voiced from any defense counsel,  
2 and there does not appear to be any objection. One  
3 defense counsel did suggest that perhaps we should  
4 reserve the right to a monitor. Personally I would not  
5 insist on that, but I am expressing the view of the  
6 other counsel as they have a right to be expressed. We  
7 think that that would be a convenient temporary arrange-  
8 ment until proper arrangement can be made to relieve  
9 the assistant, if he would be kind enough to assist us.

10 THE PRESIDENT: Yes. Justice Mei's secretary,  
11 Mr. Fang, is prepared to act and will now be sworn in  
12 as interpreter. This is a temporary arrangement only,  
13 of course, and we must take steps immediately to have  
14 translators provided.

15 MARSHAL OF THE COURT: The interpreter will  
16 now be sworn, Mr. President.

17 (Whereupon, Mr. W.F.S. Fang was sworn as  
18 Chinese-English and English-Chinese interpreter.)

19 THE PRESIDENT: You must begin again, Colonel  
20 Morrow.

21 COLONEL MORROW: I suggest, if the Court please,  
22 that I be allowed to proceed where we stopped, and if  
23 there is any question about these preliminary questions--

24 THE PRESIDENT: I said you must begin again.

25 COLONEL MORROW: Begin again?

CHING

DIRECT

1 BY COLONEL MORROW (Continuing):

2 Q I will ask the witness to look over the two  
3 statements which have been presented to him and state  
4 whether or not those are and constitute part of his  
5 sworn testimony in this case?

6 A I have read this over and they were my state-  
7 ments.

8 Q Are those statements true and correct?

9 A Yes, they are.

10 Q I also desire to present to the witness exhib-  
11 its No. 2211 and 2212 and ask if he can identify the  
12 same and what they are?

13 A This is a bridge between Lukuochiao. Here is  
14 a railroad bridge which is Pinj-Han Railroad Bridge  
15 across the Yunting River. The second one is a bird's-  
16 eye view of Lukuochiao.

17 THE PRESIDENT: Those exhibits will be ten-  
18 dered? They are tendered for identification so far.  
19 Now they are finally tendered, are they?

20 COLONEL MORROW: I should have said documents  
21 instead of exhibits, if the Court please.

22 CLERK OF THE COURT: Document No. 2211 will  
23 be exhibit No. 200. Document No. 2212 will be exhibit  
24 No. 201.

25

(Whereupon, the documents above

CHING

DIRECT

1 referred to were marked prosecution's exhibits  
2 Nos. 200 and 201 for identification.)

3 THE PRESIDENT: Admitted.

4 (Whereupon, prosecution's exhibits  
5 Nos. 200 and 201 were received in evidence.)

6 COLONEL MORROW: Unless there is objection,  
7 if your Honor please, I want to read these documents  
8 or exhibits commencing with document No. 2340 which  
9 are the testimony of the witness.

10 MR. BROOKS: If the Tribunal please, I do not  
11 believe the prosecution has shown any tie-up between  
12 the English translation here and the Japanese or Chi-  
13 nese; whichever it is, that was handed to the witness.  
14 It does not show that that has been checked in any way,  
15 that it is proper. At least we have not seen it.

16 The prosecutor hands me a certificate here  
17 by someone stating that this has been translated by  
18 him to the best of his ability and knowledge, and I do  
19 not know whether that will be considered as sufficient  
20 or not. The man evidently was not sworn in this Court.  
21 I do not know his name. I think it is Liu. I think  
22 there should be a further showing that this is accurate,  
23 and we should have it through the witness that it is  
24 accurate.

25 THE PRESIDENT: Unless the defense is prepared

CHING

DIRECT

1 to accept the certificate you must call the person  
2 responsible for the translation from the English to  
3 the Chinese.

4 COLONEL MORROW: If the Court please, the  
5 gentleman who did the translating is here. He has the  
6 certificate in his hands. And it seems to me we have  
7 made prima facie proof here that the translation is  
8 correct. If the Court desires him sworn he may be  
9 sworn as a preliminary witness here.

10 THE PRESIDENT: The Court has no particular  
11 desires except to do the right thing. It may be the  
12 defense will accept that certificate.

13 COLONEL MORROW: Unless the defense indicates  
14 a desire to waive their objection, I will ask this wit-  
15 ness be sworn.

16 THE PRESIDENT: It might save time to swear  
17 him.

18 MR. BROOKS: If the Tribunal please, although  
19 this man is a part of the prosecution's staff, I think  
20 that defense will be satisfied if the corrections can  
21 be made at a later time. But we will have to have made  
22 available to us in some way some kind of a Chinese-  
23 English translator that could check this for accuracy,  
24 and if we can make corrections at a later time we will  
25 be willing to waive the aforementioned certificate.

CHING

DIRECT

1 I had not seen this certificate; I did not know what  
2 it was.

3 THE PRESIDENT: We refer the defense to the  
4 Language Section for any help they need. In the mean-  
5 time we will make any necessary appointments of Chi-  
6 nese translators.

7 Proceed, Colonel Morrow.

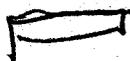
8 COLONEL MORROW: If the Court please--

9 THE PRESIDENT: Better tender that certificate.

10 COLONEL MORROW: Very well. I will submit  
11 this certificate to the Clerk.

12 THE PRESIDENT: Admitted.

13 COLONEL MORROW: If the Court please, I desire  
14 to read now exhibit 199, which was document 2340.



CHING

DIRECT

## 1 "FACTS OF JAPANESE AGGRESSION

## 2 IN NORTH CHINA

## 3 "(I) NORTHERN CHAHAR INCIDENT

4 "In June 1935, two Japanese army officers  
5 and two Japanese soldiers came from Doran by motor car  
6 and passed through Chang Pei District en route to  
7 Kalgan. When they arrived at the north gate of the  
8 Chang Pei District, they did not submit themselves to  
9 the inspection of the guards, nor did they possess  
10 entry permits. (Regulation requires that Japanese  
11 entering the Province of Chahar should secure in ad-  
12 vance through the Japanese Consul at Kalgan entry  
13 permits from the Chahar Provincial Government.)  
14 Under these circumstances, the commanding officer of  
15 the guards at the north gate of the Chang Pei Dis-  
16 trict took these four men to the Headquarters of  
17 General CHAO Tang-yu, Commander of the 132nd Division,  
18 inside the city of Chang Pei. Commander CHAO asked  
19 by telephone for instructions from General SUNG  
20 Che-yuan, Commander of the 29th Army, at Kalgan, who  
21 permitted these Japanese to proceed to Kalgan through  
22 Chang Pei, stressing, however, that this should not  
23 be taken as a precedent and that hereafter those de-  
24 siring to enter the Province must have entry permits  
25 with them as prescribed by regulations. These four

CHING

DIRECT

1 Japanese went on to Kalgan, and further proceeded to  
2 Peiping.

3 "After the departure of the said Japanese,  
4 HASHIMOTO, the Japanese Consul at Kalgan, suddenly  
5 protested, alleging that while the guards demanded  
6 to search these Japanese officers and men at the  
7 north gate of the Chang Rei District they aimed their  
8 rifles at them, and that they were detained for four  
9 or five hours after arriving at the Headquarters of  
10 the Division, and that such constituted insults to  
11 the Japanese army men. He demanded the punishment  
12 of responsible officers and apology from the Chinese  
13 authorities. He also demanded assurance against  
14 recurrence of similar nature. General SUNG ordered  
15 me to negotiate in the capacity of the Deputy Com-  
16 mander of the 29th Army. After several talks,  
17 HASHIMOTO suddenly announced that the situation of  
18 the incident became grave and it was beyond the power  
19 of the Consul to settle it. The matter was referred  
20 to the Headquarters of the Japanese Garrison Forces  
21 in Tientsin. Major General DOHIHARA was the repre-  
22 sentative of the Garrison Forces. Thereupon, I went  
23 to Peiping and DOHIHARA also arrived at Peiping,  
24 where we proceeded with our negotiations.  
25

CHING

DIRECT

1 "The results of the negotiations were  
2 roughly as follows: ( R 2,311 )

3 "(a) The Regiment Commander who was in  
4 charge of the garrison at the said gate should be  
5 dismissed and punished.

6 "(b) The Judge Advocate of the Headquart-  
7 ers of the 132nd Division whodetained these Japanese  
8 officers should be dismissed and punished.

9 "(c) The units of the 29th army should be  
10 withdrawn from Paochang, Kangpao, Shangtu, Kuyuan and  
11 Huateh (Chia-pu-shih), these being Districts north of  
12 Chang Pei. The maintenance of peace and order there  
13 should be entrusted to the Peace Preservation Corps.

14 "(d) Chinese should henceforth refrain from  
15 migrating to and settling in the northern part of the  
16 Chahar Province.

17 "(e) Activities of the Kuomintang Party  
18 should be withdrawn from the Chahar Province.

19 "(f) Anti-Japanese institutions and anti-  
20 Japanese acts in the Chahar Province should be  
21 banned.

22 "The proceedings and the results of the said  
23 negotiations were telegraphically reported to the  
24 Central Government by General SUNG and myself asking  
25 for the Government's necessary approval. The Chinese

CHING

DIRECT

1 Government, in seeking for peace, did not refrain  
2 from making compromises one after another, yet the  
3 progress of the aggressions by Japanese militarists  
4 never ceased. During the said negotiations, although  
5 TAKAHASHI, Wataru, Military Attache of the Japanese  
6 Embassy in China, also participated, it was DOHIHARA,  
7 Kenji, who actually controlled the whole thing.

8 "(II) INDUCEMENT AND THREAT BOTH  
9 PRIOR TO AND AFTER THE ESTABLISHMENT OF THE  
10 HOPEI-CHAHAR POLITICAL COUNCIL

11 "When General SUNG Che-yuan was appointed  
12 as the Garrison Commander of the Peiping and Tientsin  
13 Area in September 1935, the Japanese sent DOHIHARA to  
14 Peiping many times to instigate attempting to form a  
15 North China Autonomous Government, to estrange the  
16 local government from the central government.

17 "The inducement tactics were:

18 "(a) To install General SUNG Che-Yuan as  
19 the leader of the North China Autonomous Government.

20 "(b) Japanese would extend every possible  
21 aid concerning military and economic affairs in North  
22 China.

23 "This was repeatedly expressed by DOHIHARA  
24 to Mr. SHIAO Cheng-Ying, ex-Mayor of Tientsin, but  
25 was refused on all occasions by the Chinese side.

CHING

DIRECT

1 Later, MATSUMURO, Koryo, the Chief of the Japanese  
2 Special Service Board in Peiping, and TAKAHASHI,  
3 Wataru, the Military Attache of the Japanese Embassy  
4 continued to make such demands from time to time.  
5 They failed altogether. The Central Government  
6 appointed General SUNG Che-yuan as the Chairman of  
7 the Hopei-Chahar Political Council, to be in charge  
8 of military and political affairs in Hopei and Chahar  
9 Provinces and in Peiping and Tientsin. General SUNG's  
10 measures in military and political affairs all con-  
11 formed to the wishes of the Central Government, such  
12 as the election for the people's Congress, and the  
13 concentrated military training of college students,  
14 all to the disfavor of the Japanese, The Japanese  
15 then realized that their inducement tactics had failed.

16 "So the Japanese changed their inducement  
17 tactics into threatening actions, which were as fol-  
18 lows:

19 "(a) Political

20 1. According to the Japanese demand  
21 General SUNG should announce by circular telegrams the  
22 establishment of a North China Autonomous Government.

23 2. The Central Government's personnel  
24 in charge of publicity still remaining in North China  
25 should be withdrawn.

CHING.

DIRECT

1                   3. Public opinion in Peiping and  
2 Tientsin should be controlled and opposition to auto-  
3 nomy should not be permitted.

4                   (The above three demands were directly  
5 presented by DOHIHARA and TAKAHASHI, Wataru, to Mr.  
6 SHIAO Cheng-ying)

7                   "(b) Economic

8                   1. A railway should be constructed  
9 between Tientsin and Shih-chia-chuan.

10                   2. The custom tariffs at the Tientsin  
11 Maritime Customs should be so revised as to increase  
12 the tariff of European and American commodities, and  
13 to decrease that of Japanese commodities.

14                   (The above two items were demanded by  
15 DOHIHARA and MATSUI, the Chief of the Japanese  
16 Special Service Board in Peiping, through Mr. Chen  
17 Cho-sung, the Director of the Peiping and Liaoning  
18 Railway, to General SUNG and myself. These demands  
19 were refused by us.)

20                   "(c) Military

21                   In September 1936, the Fengtai Inci-  
22 dent occurred. A company of Japanese soldiers car-  
23 ried out maneuvers in Fengtai. They passed through  
24 the garrison line of the Chinese Army. Clash ensued  
25 when our patrols attempted to halt them. Although

CHING

DIRECT

1 it was immediately settled, the Japanese use this as  
2 a pretext for reinforcement of their troops which  
3 occupied Fengtai. It was a battalion, under the com-  
4 mand of Major ICHINOJI, Kiyonao.

5 "Besides, there was another instance. MATSUI,  
6 Iwane, in the Autumn of 1935, came to Peiping. He  
7 was a General in retirement at that time, and ad-  
8 vocated Greater Asiaism. He hoped to establish a  
9 branch of the Greater Asia Association in Peiping.  
10 Through the introduction of Mr. CHEN Cho-sung, Di-  
11 rector of the Peiping and Liaoning Railway, he met  
12 General SUNG and myself. Both of us expressed our  
13 disfavor. MATSUI, in his conversation with me,  
14 advocated that Asia should be the Asia of the Asiatics,  
15 and that European and American influences should be  
16 expelled. I smiled and replied, saying that "I was  
17 afraid that what he meant by Asia of the Asiatics was  
18 actually the Asia of the Japanese. Unless there were  
19 real equality and reciprocity, nothing could be dis-  
20 cussed."

21 (Signed) "CHING Teh-chun

22 "Formerly, Deputy Commander of the 29th  
23 Army,

24 "At present, Vice-Minister, Ministry  
25 of National Defense.

"Dated: 10 June 1946, at Nanking."

CHING

DIRECT

1           And I have also an affidavit here -- a  
2 statement, if the Court please -- which is No.  
3 118, entitled -- exhibit 198, not 118, if the  
4 Court please:

5           "A FACTUAL ACCOUNT OF JULY 7th INCIDENT.  
6 By General Ching Teh Chun.

7           "(Formerly Mayor of Peiping and con-  
8 currently Vice-Commander of the 29th Army. At  
9 present, Vice-Minister of Military Operations)

10                           "1. PROLOGUE

11           "A. The Political and Military Conditions in  
12 Hopei and Chahar Provinces Prior to the War of  
13 Resistance.

14           "1. Political -- Before the Incident of  
15 July 7th, the Hopei-Chahar Political Council was  
16 the responsible institution in charge of political  
17 affairs in Hopei and Chahar Provinces. General  
18 Sun Che-Yuan was the Chairman of the said Council,  
19 being appointed by the National Government. The  
20 Council had jurisdiction over Hopei and Chahar  
21 Provinces and Peiping and Tientsin Municipalities.  
22 General Feng Chi-An and General Liu Ju-Ming were  
23 the Governor of Hopei Province and Chahar Province  
24 respectively. I, myself, was then Mayor of  
25 Peiping, while General Chang Chi-Chung, who later

CHING

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1 fell gallantly for the country as Commander-in-  
2 Chief, was then Mayor of Tientsin.

3 "Since their costless invasion of the  
4 Chinese North-Eastern three Provinces, followed  
5 by the invasion of the Jehol Province, and the  
6 Battle of the Great Wall, the Chinese aggressors  
7 considered all these Provinces in North China as  
8 something that could be very easily taken over.  
9 Peiping and Tientsin, therefore, became the front  
10 line of national defense. However, all the poli-  
11 cies of the local authorities in Hopei, Chahar,  
12 Peiping and Tientsin were formulated and carried  
13 out in conformity with instructions and laws pro-  
14 claimed by the National Government. For example,  
15 the election of representatives of the People's  
16 Congress, the concentrated military training of  
17 all college students, were considered by the Japan-  
18 ese aggressors as measures inconsistent with the  
19 status of special area. Repeatedly, Japanese  
20 opened negotiations and interfered with such ad-  
21 ministration, but all the inducements and threats  
22 failed. Finally they resorted to the military  
23 aggression on July 7th, 1937.

24 "2. Military -- In North China, the 29th  
25 Army was the main force, which had its garrisons

CHING

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1 all over Hopei, Chahar, Peiping and Tientsin. At  
2 the time of the Incident, the 37th Division under  
3 the command of General Feng Chi-An was stationed  
4 in the suburbs of Peiping, namely, Nan-Yuan, Peip-  
5 Yuan, Si-Yuan, Lukuochiao (Marco Polo Bridge),  
6 Chan-Sin-Tien, and Paoting. The 38th Division  
7 under the command of General Chang Chi-Chung was  
8 stationed at Tientsin, Young-Chung, Langfang,  
9 Chuan-Liak, Chen, Taku, Tangku, and along the  
10 Tientsin-Pukow Railway such as Na-Chan and Tsang-  
11 chow. The 143rd Division under the command of  
12 General Liu-Ju-Ming was stationed in the Chahar  
13 Province, at Kalgan, Chang-Pei, Chai-Kuo-Pao,  
14 Yeng-Ching, Nankow, etc. The 132nd Division  
15 under the command of General Chao-Teng-Yu was  
16 spread over the southern part of Hopei Province,  
17 namely, Ta-Ming, Ho-Chien, Hsien-Hsien, Jen-Chiu,  
18 etc.

19 "Lukuochiao (Marco Polo Bridge), where  
20 the Incident of July 7th broke out, is situated  
21 about 20 Li southwest to the Chang-Yi Gate of  
22 Peiping City. The District Government of the  
23 Wan-Ping Hsien was at the east of the bridge.  
24 The city of Wan-Ping was not large. Both inside  
25 and outside of the city of Wan-Ping were guarded

CHING

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1 by troops of the 37th Division. This place, being  
2 on the main communication line west of Peiping,  
3 was strategically very important. Japanese forces,  
4 stationed at Fengtai, had repeatedly demanded the  
5 withdrawal of the Chinese garrison from this place,  
6 and also from Chan-Sin-Tien. All these demands  
7 were refused by our side in unmistakable terms.  
8 In the winter of 1936, Japanese intended to rein-  
9 force their garrison force, and planned to build  
10 barracks and airfield in the area between Fengtai  
11 and Lukuochiao (Marco Polo Bridge), in order to  
12 control completely North China. In spite of their  
13 efforts in repeated negotiations, we refused them  
14 in severe wordings. Thus frustrated, Japanese  
15 changed their tactics. They attempted to lay  
16 their hands on the local inhabitants by inducing  
17 and threatening them to lease or sell the lands  
18 voluntarily to the Japanese. But, according to  
19 the report of Commissioner Wang Leng-Chai, who  
20 governed that area, the local residents had no  
21 intentions to lease or to sell the lands belonging  
22 to them. The residents made sworn statements to  
23 that effect and authenticated these statements  
24 with their finger prints. One day, HASHIMOTO,  
25 the Chief of Staff of the Japanese Garrison Forces

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in North China, Wachi, and some other Japanese officers called on me and again requested to buy these lands. They argued that the local inhabitants desired to lease or sell voluntarily, yet it could not be realized, apparently due to the opposition of the Government in North China. My reply was that, no right of land in any country could be freely leased or sold to foreigners. If we asked for a lease or purchase of land in the vicinity of Tokyo, could that be allowed by your Government. In the last minimum, landed properties owned by private persons who enjoy ownership of such properties could not be disposed of by the Government at will. Since you asserted that the residents were willing to sell their lands, what was the proof of this assertion. HASHIMOTO countered by demanding us to produce proof of the unwillingness to lease or sell their lands on the part of the residents. Upon this I produced the sworn statements of the residents authenticated with their finger prints and forwarded to me by Commissioner Wang, to the effect that they would not sell any land. HASHIMOTO and other Japanese officers, upon seeing these documents, could not say anything. This episode which brought dis-

CHING

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1 grace and anger to them must have embittered them.  
2 From that time on, under the pretext of maneuvers  
3 they hoped to invade and occupy Wan-Ping City by  
4 catching us unprepared. This was the immediate  
5 cause leading to the outbreak of the Indicent.

6 "B. Stages of Japanese Aggressions

7 "1. Alienation and Estrangement -- The Japa-  
8 nese attempted to alienate and estrange the local  
9 authorities in North China from the Central Govern-  
10 ment by inducements and by threat hoping thereby to  
11 disintegrate and destroy separate areas one after  
12 another. The numerous attempts they made could  
13 be summed up as inducements by bribery and threat  
14 by force. All these attempts, however, were met  
15 with flat refusal from the local authorities.  
16 Their conspiracy could by no means be realized.  
17 This was the first stage of enemy aggression in  
18 North China, a period running roughly from the  
19 Autumn 1935 to the Summer 1936."

20 THE PRESIDENT: This is a convenient  
21 break, Colonel Morrow. We will adjourn now for  
22 fifteen minutes.

23 (Whereupon, at 1045, a recess  
24 was taken until 1100, after which the pro-  
25 ceedings were resumed as follows).

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1 MARSHAL OF THE COURT: The Tribunal is now  
2 resumed.

3 MR. McMANUS: If your Honor please, I would  
4 like to interpose an objection to the continuance of  
5 the reading of this document. It obviously contains  
6 the theories and opinions of the witness here, and  
7 does not confine itself to the statement of facts.

8 THE PRESIDENT: It certainly should not be  
9 in that form, but I am afraid we will have to receive  
10 it for what probative value it has, Mr. McManus.

11 COLONEL MORROW: May I proceed, if the Court  
12 please?

13 THE PRESIDENT: Yes.

14 COLONEL MORROW: (Reading continued) "Eco-  
15 nomic Monopoly--The Japanese hoped to attack economic  
16 monopoly under the mask of friendship and fraterniza-  
17 tion and the watchword, "equality and reciprocity.  
18 The concrete demands made by them were: a. To con-  
19 struct a Tsang-Shih Railway (between Tsangchow and  
20 Shih-Chia-Chwang, both in southern Hopei), b. To de-  
21 velop the Lung-Yen Iron Mines (in Chahar Province),  
22 and c. To revise Maritime Custom Tariffs at Tientsin,  
23 in such a way as to raise tariffs on European and  
24 American commodities, and to lower tariffs on Japanese  
25 commodities.

CHING

DIRECT

1 "All these demands, the acceptance of which  
2 would impair the sovereignty of China, were flatly  
3 refused. This was the second stage of Japanese ag-  
4 gression in north China. The period covered ran  
5 roughly from the Summer 1936 to the Spring 1937.

6 "Threat by Armed Forces--After realizing  
7 that alienation, estrangement, and attempts to attain  
8 economic monopoly had all failed, the Japanese finally  
9 decided upon threat by armed force. They hoped to  
10 reach their goal without fighting. At the beginning  
11 of the Lukuochiao (Marco Polo Bridge Incident), Japan-  
12 ese had no anticipation other than Chinese submission  
13 after a blow dealt to the Chinese by their compara-  
14 tively superior forces. They anticipated that Hopei,  
15 Shansi, Shantung, Chahar, and Dueiyuen Provinces  
16 could thus be turned into a region of special status,  
17 thus realizing the second step in the plan of General  
18 TANAKA for the conquest of the whole world. They  
19 never thought that, at the call of our supreme leader,  
20 all Chinese would rise and take up the War of Resis-  
21 tance on all fronts. As to the drawn-out War of Re-  
22 sistance over long, long period, and the fact that we  
23 never wavered all the way through, was even more un-  
24 expected by the enemy.  
25

CHING

DIRECT

## 1 II. FACTUAL ACCOUNT OF THE INCIDENT

2  
3 "At 0010, in the evening of July 7th, 1937,  
4 I received a report from the Hopei-Chahar Foreign Af-  
5 fairs Commission, which stated that the said commission  
6 had received a telephone call from MATSUI, the Chief of  
7 the Japanese Special Service Board, saying: 'One com-  
8 pany of Japanese troops, in night maneuver in the vici-  
9 nity of Lukouchiao (Marco Polo Bridge) just a while  
10 ago, seemed to have heard a few gun shots fired by  
11 soldiers of the 37th Division of the 29th Army station-  
12 ed in the city of Wan-Ping. The gun shots brought  
13 some confusion of the troops in maneuver. As a result  
14 of the roll call, one Japanese soldier was found to  
15 be missing. Japanese troops demanded to enter and  
16 search the city of Wan-Ping this very evening.' The  
17 said commission asked instructions by telephone as to  
18 how to deal with the situation. I immediately replied  
19 that Japanese troops, maneuvering in Chinese territory  
20 at their own will, were in violation of international  
21 law. Neither had they notified us in advance, nor  
22 had they obtained our permission. The Chinese Govern-  
23 ment has no responsibility whatsoever for the alleged  
24 missing soldier. Even if it is true that a soldier  
25 was really missing, we shall order the Chinese troops

CHING

DIRECT

1 stationed at Lukouchiao (Marco Polo Bridge) to con-  
2 duct a search for the Japanese soldier on our own  
3 behalf in cooperation with local police forces. My  
4 instructions were transmitted to the Japanese by the  
5 Hopei-Chahar Foreign Affairs Commission. Soon there-  
6 after, the said commission again telephoned me and  
7 reported that after transmission of the reply, both  
8 the Japanese Special Service Board and the Japanese  
9 troops were not satisfied. The Japanese insisted  
10 on conducting a search in the city by force. If re-  
11 fused, they decided to encircle the walled city. I  
12 again immediately replied that in case of such un-  
13 reasonableness on the part of Japanese, so violent  
14 and barbarious we, for the sake of self-defense,  
15 could only take the course of resolute resistance.  
16 Then I called on Regiment Commander Chi Sin-Wen over  
17 the telephone. At that time, one battalion of the  
18 regiment under his command was in charge of garrison  
19 duties at Lukuochiao, while other two battalions and  
20 his Regiment Headquarters were at Chan-Sin-Tien. I  
21 asked Commander Chi whether his regiment had maneuver-  
22 ed tonight. Chi replied in the negative. I asked  
23 him whether there were any Japanese troops maneuver-  
24 ing in the vicinity of Lukuochiao (Marco Polo Bridge).  
25 Chi replied that he had received no such information,

CHING

DIRECT

1 but that he would immediately send out his men to  
2 investigate. Thereupon, I informed him the negotia-  
3 tions between the Japanese and us, and ordered him  
4 to send at once able men to proceed toward the direc-  
5 tion of Fengtai, to detect possible Japanese troop  
6 movements. On the other hand, I ordered by telephone  
7 Commissioner Wang Lun-Chai, who was concurrently the  
8 Magistrate of Wan-Ping Hsien, to investigate and to  
9 report on the maneuvering of Japanese troops and whether  
10 any Japanese soldier was missing. Soon, I received a  
11 telephone call from Commander Chi, who reported that,  
12 according to the report of the officer dispatched to-  
13 wards the direction of Fengtai, about a battalion of  
14 Japanese troops with six pieces of artillery, was now  
15 advancing from Fengtai to Lukuochiao (Marco Polo Bridge)  
16 and whether there was any reinforcements following  
17 this column had to await further detection. There-  
18 upon, as the Vice-Commander of the 29th Army, I im-  
19 mediately ordered Regiment Commander Chi to well  
20 guard the city of Wan-Ping, that not a single Japanese  
21 soldier was to be allowed to come in, that not a single  
22 inch of territory was to be allowed to lose, that in  
23 virtue of our responsibility as soldiers, to guard  
24 our territory, the Wan-Ping city would be, in case  
25

CHING

DIRECT

1 of necessity, the most precious and glorious grave-  
2 yard of our ranks and files, that we should share  
3 the same fate with the city. If they did not open  
4 fire first, we should not first open fire upon them.  
5 If they should first open fire, we were sure to deal  
6 them fatal blows. After having my order, Chi sent  
7 another battalion to enforce the guard at Lukouchiao  
8 (Marco Polo Bridge), and he himself led the battalion  
9 there to reinforce the defense. At the same time,  
10 Commissioner Wang Lun-Chai came to Peiping to report  
11 in person the factual result of his investigation.  
12 So, I sent Commissioner Wang, together with Wei Tsung-  
13 Han, Commissioner of Foreign Affairs of Hopei-Chahar  
14 Provinces, Lin Ken-Yu, also a member under Commission-  
15 er Wei, and Chou Jun-Ye, Chief of Communication Sec-  
16 tion, of the Pacification Headquarters, to negotiate  
17 with MATSUI. At 0500 in the morning, successive re-  
18 ports informed me that Japanese troops had come to  
19 the edge of the city and demanded the entry of the  
20 city by force, that we had to prepare for the defense  
21 on the one hand and to try to stop their entry by  
22 negotiation on the other. The Japanese, realizing  
23 by that time that there was no hope for them to take  
24 the city of Wan-Ping without fighting, finally encir-  
25 led it on three sides. Our forces put up defense

CHING

DIRECT

1 works on the walls. Around 0600, enemy machine gun  
2 fire began to attack the city, and enemy forces came  
3 towards it. This was the very beginning of the Sino-  
4 Japanese war, but the responsibility of the Incident  
5 was also definitely fixed (upon Japan).

6 "Hostilities on the 8th and 9th of July  
7 were heavy, and Japanese suffered many casualties.  
8 The railway bridge leading to Chan-Sin-Tien was oc-  
9 cupied by Japanese in the morning of the 8th, and on  
10 the same night, two companies of Chinese troops,  
11 each soldier equipped with a pistol, a sword, and  
12 four hand grenades, moved up stealthily. They sud-  
13 denly attacked, when they approached the bridge head.  
14 The enemy, about a company strong, was surprised and  
15 most of them were killed. Japanese, seeing that  
16 they were suffering setbacks, sent MATSUI and others  
17 to me on the following day, and asked for negotiation.  
18 I had foreseen their intention before they came, so  
19 I refused them. Soon thereafter, they came again  
20 and explained the intention of truce, adding that  
21 the missing soldier had already been found, so that  
22 a peaceful settlement would be feasible. We began  
23 to discuss and, as a result, decided on three con-  
24 ditions: (a) All military actions should cease on  
25 both sides, (b) Troops of both sides should return

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CHING

DIRECT

1 to their original positions, and (c) the 37th  
2 Division which entertains more hostile feelings  
3 against Japan, should be replaced by some other unit  
4 of the 29th Army for the defense of Wan-Ping City.  
5 An understanding was also reached that both sides  
6 should refrain from developing henceforth incidents  
7 of similar nature. Yet, these conditions were  
8 nothing but Japanese tactics to delay and thus to  
9 gain time. Utilizing this breathing space, units  
10 of the Kwantung Army were sent to Peiping and  
11 Tientsin area for attack. We detected their con-  
12 spiracy, and had to order hastily the Division under  
13 the command of General Chao stationed in Ta-ming and  
14 Ho-Chien in southern Hopei to proceed to Peiping.  
15 At that time, General Sung Che-Yuan was on leave of  
16 absence in his home town in Shantung. After my re-  
17 peated telegrams asking for his return, he arrived  
18 in Peiping on the 12th of July. We discussed strate-  
19 gies and policies. War again broke out on the 14th,  
20 and more intensified than before. Every day, enemy  
21 shelled the Wan-Ping city by artillery, to cover the  
22 advance of their infantry, but were all repulsed by  
23 our army. On the 25th of July, enemy airplane, in  
24 reconnaissance over the Peiping-Taming highways dis-  
25 covered that our troops of large numbers were advancing

CHING

DIRECT

1 northward, and the spearhead had already arrived at  
2 Nanyuan. On the 26th of July, Japanese handed us  
3 an ultimatum to the effect that the 37th Division be  
4 withdrawn from the Peiping area within 24 hours,  
5 failing which they would attack us by large forces.  
6 To defend ourselves, we attacked immediately on the  
7 27th enemy troops at Fengati and in the vicinity of  
8 Lukuochiao (Marco Polo Bridge). ~~In~~ the same evening,  
9 we killed quite a number of Japanese at Fentai, re-  
10 captured the west flank and the south flank of  
11 Fēngtai, and pressed on near the enemy headquarters  
12 there. KATSUKI, Seiji, the Japanese Commander in  
13 Chief, ordered Japanese reinforcements from Tungchow  
14 and Tientsin, with strong equipment and more than 30  
15 airplanes, to make an onslaught. In the early morn-  
16 ing of the 28th, the enemy with the combined forces  
17 of the land and air, fiercely attacked Nan-yuen with  
18 all their strength. Large scale hostilities developed  
19 with heavy casualties unprecedented since the out-  
20 break incident. Around 2 p.m., most regretfully,  
21 General Chao Tung-Yu, Division Commander, General  
22 Tung Ling-Kou, Vice Army Commander, were both killed  
23 in action. Casualties reached more than 5,000 in-  
24 cluding both dead and wounded among our officers  
25 and soldiers.

*Q note*

*to hen*

CHING

DIRECT

1 "Some time before this, repeated telegrams  
2 from our Supreme Commander (Generalissimo Chiang)  
3 ordered General Sung, Chairman of the Hopei-Chahar  
4 Political Council to proceed to Paoting (in southern  
5 Hopei) and to direct operations from there. General  
6 Sung now acted as directed by these orders. I my-  
7 self went to Paoting with him in the night of 28th.  
8 Considerable success was scored by the Chinese forces  
9 in Tientsin, who made their attacks bravely on the  
10 29th and 30th of July. Subsequently they also evacua-  
11 ted according to orders received. They fell back to  
12 the south of Tientsin along the Tientsin-Pukow Rail-  
13 way, while other troops were put up along the Peiping-  
14 Hankow Railway. In close collaboration between each  
15 other, they began to engage themselves in long-term  
16 Resistance against the enemy. This was what happen-  
17 ed during the Lukouchiao (Marco Polo Bridge) Incident  
18 and the War of Resistance thereafter.

19 "Leading Japanese officers who instigated  
20 this Incident were:

21 KATSUKI, Seiji, Commander in Chief of the  
22 Japanese Garrison Forces in  
Tientsin

23 KAWABE, Seiso, Brigadier Commander

24 MUTAGUCHI, Renyam, Regiment Commander  
25

CHING

DIRECT

1                   SAKAI, Takashi, Ex Chief of Staff of the  
2                                   Japanese Garrison Forces in Tientsin

3                   "But the instigator at the very beginning  
4 of Japanese aggression in north China was DOHIMARA,  
5 Kenji, the same man who instigated the Mukden Inci-  
6 dent of 18 September 1931. All these men should be  
7 held responsible for the war of aggression. As to  
8 the narcotic policy and various atrocities committed  
9 in enemy occupied areas, which according to reports  
10 from all sides, were intensified as time went on.  
11 Much to my regret I could not produce definite and  
12 strong evidences for these activities and atrocities  
13 since I had left for operations along Peiping-Hankow,  
14 Peiping-Taming, and Tientsin-Pukow Railway lines."

15                                   (Signed) "CHING Teh-Chun  
16                                   Formerly Mayor of Peiping and Concurrently  
17                                   Vice-Commander of the 29th Army

18                   At present, Vice-Minister, Ministry of Military  
19                                   Operations"  
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CHING

CROSS

1 COLONEL MORROW: I assume I may waive the  
2 reading of the certificate, in view of the testimony.

3 That completes the affidavit, if your Honor  
4 please.

5 THE PRESIDENT: The defense may cross-  
6 examine now.

7 MR. OHTA: I am OHTA, Kinjiro, counsel for  
8 the defendant, DOHIHARA. I would like to ask a few  
9 questions to the witness, General CHING Teh-chun.

10 CROSS-EXAMINATION

11 BY MR. OHTA:

12 Q The witness stated that the two accounts  
13 had been taken by the prosecution upon oath. Were  
14 they really taken on oath?

15 A The first statement was a statement by me on  
16 the 2nd of April, which statement was a statement of  
17 conscience and factual accounts. I didn't write them  
18 under oath. The second statement was written on the  
19 10th of June. The circumstances were the same. I  
20 wrote out of my conscience and according to facts, and  
21 was not under oath.  
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1 Q Then I repeat it again, it is not an  
2 affidavit, is it?

3 A This statement was firstly written and then  
4 as is proved correct, I gave my oath.

5 Q I have heard that in your country, that is,  
6 in China, there is a special formula for taking  
7 statement. Did you comply with that formula?

8 THE MONITOR: Correction? "what formula  
9 that you use."

10 A When the prosecutor asked me whether the  
11 statement I gave was true, I admitted that it was  
12 true and then I gave my oath. That is the form  
13 I adopted.

14 Q Is the witness acquainted with Mr. Chen  
15 Ko, the Mayor of Tientsin at the time of June 1935?

16 A Yes, I know.

17 Q Is the witness acquainted with Mr. Chen  
18 Chueh-shen, the President of the Peining (Peiping-  
19 Liaoning) Railway Company?

20 A Yes, I know.

21 Q Was the so-called "DOIHARA-Ching Teh-Chun  
22 agreement" made as a result through the good offices of  
23 Mr. Chen Chueh-Shen and Mr. Chen Ko?

24 A There was no so-called "Ching-DOIHARA agree-  
25 ment" in existence. With regard to the North Hopei

CHING

CROSS

1       Affair, Ching, on the order of the Central Government,  
2       discussed the matter over with DOIHARA with a view  
3       to settle this matter temporarily. At the time, Chen  
4       Ko, the Mayor of Tientsin, and Chen Chueh-shen,  
5       Director of the Peining Army Railway Administration,  
6       were the people responsible for the interpretation.

7           Q     Is the so-called "North Chapei Incident" --  
8       North Chahar Incident -- the so-called "North Chahar  
9       Incident" -- are the facts concerning the North Chahar  
10      Incident like these? In July 1935 -- in June 1935,  
11      two officers and two men of the Japanese Army, when  
12      they were on their way to Kalgan via To Lun and Chang  
13      Peh Hsien riding in a motor car were fired upon by  
14      the Chinese garrison troops at the eastern gate of  
15      Chang Peh Hsien; and then they were beaten up by  
16      those Chinese guards and then they were taken,  
17      captured and detained at a military police station.  
18      Was that the cause of the Incident?

19           THE MONITOR:   Correction: "Two Japanese  
20      officers and NCO's" instead of "soldiers". And  
21      another correction: "Northern gate" instead of  
22      "eastern gate" and "they were confined for four or  
23      five days."

24           A     The facts are slightly different from what  
25      had occurred then. These are the facts. There were

CHING

CROSS

1 then two Japanese officers and two NCO's travelling  
2 through Chang Peh Hsien at the Chang Peh Hsien gate,  
3 the gate of the country. They were demanded to pro-  
4 duce their passports. These passports, according  
5 to the then regulations in force, would have to be  
6 presented by the Japanese Consulate with the under-  
7 standing from the Chinese authorities. At that time  
8 the guards, the guard on duty at the gate asked the  
9 Japanese to produce their passports which the Japan-  
10 ese refused. As the Japanese refused to produce their  
11 passports, the guard, in order to carry out their  
12 duties, insisted on asking them to produce the pass-  
13 port. At that time they took the posture of aiming  
14 with their rifles they had on their hands at the  
15 Japanese but they never shot it. In the course of  
16 their quarreling a platoon leader came to the scene.  
17 Then this platoon leader took this Japanese to the  
18 inside of the city gate to the headquarters of 132nd  
19 Division. As soon as they got to the Division Head-  
20 quarters' premises, the Japanese were given, were  
21 treated to a dinner and at the same time the platoon  
22 leader made a report to the authorities. As they  
23 were having their dinner there, and this report and  
24 so forth took some time of, say, three to four hours,  
25 they were never detained.

CHING

CROSS

1 Q Were not those negotiations terminated  
2 amicably on the 23rd of June and confirmed by the  
3 Central Government representatives on the 27th of  
4 the same month?

5 A I cannot remember correctly the accurate  
6 date but I do remember it is around 20th of June  
7 when the settlement was brought forth. But, this  
8 settlement was a result of the concessions made  
9 by the Chinese Government with a view to secure peace.

10 Q In order to conclude those negotiations,  
11 did both the Japanese and the Chinese sides make  
12 considerable concessions in order to attain the  
13 peaceful conclusion of the treaty? Being motivated  
14 with a desire to conclude the negotiations peace-  
15 fully, the Japanese side made considerable concessions  
16 as compared with the conditions put forward by them  
17 at the very outset of the negotiations, wasn't it  
18 true?

19 THE MONITOR: Correction: "It may be  
20 that Chinese side made concessions but isn't it  
21 true that Japanese also, out of their desire for  
22 peace, softened up their initial demands and was  
23 not the agreement reached out of concession on both  
24 sides?"

25 A The question was then temporarily settled.

CHING

CROSS

1 But if you say that this was, the settlement was  
2 obtained through the repeated concessions made on  
3 the part of the Japanese, that is not true.

4 Q Was not the fact that the negotiations  
5 were concluded peacefully greatly welcomed by the  
6 Chinese side also?

7 A As I said just now, the Chinese Government,  
8 in order to secure peace, had under pains come to  
9 that settlement with the Japanese. It is not -- it  
10 was not an agreement out of the wish of the Chinese  
11 people.

12 Q In the document entitled "Facts of Japanese  
13 Aggression in North China" dated the tenth of June,  
14 1946, you stated that aggression of the Japanese  
15 military clique did not cease until then, et cetera.  
16 However, were not these negotiations conducted peace-  
17 fully with the hope to prevent the clash of the two  
18 parties?

19 A You said up to now the Japanese aggression  
20 has not been stopped. That is not the case. Up to  
21 now it is stopped but then it was not stopped. Will  
22 you please show me that paragraph?

23 (Whereupon, defense counsel brought  
24 the aforementioned document to interpreters'  
25 table.)

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1 THE PRESIDENT: We will recess now until  
2 half past one.

3 (Whereupon, at 1200, a recess was  
4 taken.)  
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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330, Hon. Myron C. Cramer, Major General, U. S. Army, sitting as Member from the United States of America.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Colonel Morrow.

COLONEL MORROW: If the Court please, I believe they desire to continue the cross-examination.

THE PRESIDENT: Yes. Well, unless you have something.

COLONEL MORROW: Nothing further.

MR. CUNNINGHAM: If the Court please, before we proceed with the cross-examination, if it please the Tribunal, we, without in any way casting a reflection at this time upon the ability, integrity, or other qualities or character of the Member challenged, may I present for the consideration of the Tribunal and for the record in the proceeding, a challenge for cause to show that the newly appointed Member, the Honorable Major General Myron C. Cramer, United States Army, the representative of the United States of America on the Tribunal, is not eligible to participate in the trial of this cause now pending, and

CHING

1 to state the reasons for this challenge for cause.

2 First, that there is no provision in the  
3 Charter for this additional appointment. The Charter  
4 provides: "The Tribunal shall consist of not less  
5 than six members nor more than eleven members,  
6 appointed by the Supreme Commander for the Allied  
7 Powers from the names submitted by the Signatories to  
8 the Instrument of Surrender, India, and the Common-  
9 wealth of the Philippines." In accordance with the  
10 provisions of the Charter, this Tribunal has been com-  
11 pletely constituted with the maximum of the members  
12 eligible for appointment. The Member now challenged  
13 is the twelfth appointee to this Tribunal. This  
14 appointment is expressly prohibited by the Charter.  
15 From the reading of the pertinent provisions of the  
16 Charter, the express intent is that the Tribunal will  
17 be fully constituted with a minimum of six members  
18 thereof, and the appointment of members over and  
19 above the maximum of eleven would open the door to  
20 allowing new members to sit in judgment upon the  
21 accused at any and all periods during this trial.  
22 The exercise of the authority for the appointment of  
23 members in excess of eleven could have no limits, to  
24 the end that any member or members could sit at  
25 different times in this proceeding. This would result

CHING

1 in a ridiculous situation as far as a just trial for  
2 the accused is concerned, all contrary to the intents  
3 and purposes of the Charter.

4 Next, that the addition of another member of  
5 this Tribunal, if permitted, would cause this trial  
6 to proceed clouded with a substantial doubt as to the  
7 legality, fairness, and the impartiality of this whole  
8 proceeding. That not having been present in court  
9 when a substantial part of the valid testimony was  
10 given and after other important proceedings had been  
11 completed, the appearance now of a new member will  
12 involve an appreciable risk to the substantial rights  
13 of the accused, which risk cannot be avoided by a  
14 private reading of the lengthy record, which, of itself,  
15 only amounts to a review and does not constitute the  
16 requirements of a fair and impartial trial. This  
17 contemplates hearing the witnesses, listening to the  
18 arguments of counsel, and taking part in the deliber-  
19 ations of the Tribunal at all stages of the proceeding.

20  
21 Next, that having served as a high ranking  
22 general in the armed forces of one of the leading  
23 victorious accuser nations, impartiality is incom-  
24 patible with this relationship and his past official  
25 duties. This fact alone presents a strong basis for  
a challenge for cause.

CHING

1           Four. The record in this case presents no  
2 evidence that the nomination of the challenged Member  
3 of this Tribunal has been made by a signatory to the  
4 Instrument of Surrender. Under the Charter, the  
5 nomination as well as evidence of appointment is  
6 essential to this record. There is no legal authority  
7 for the nomination and appointment or for the Charter  
8 under which the appointment is proposed.

9           Five. That the accused represented by this  
10 American counsel, elects to exercise this right of  
11 challenge for the reasons heretofore urged, and, there-  
12 fore, moves that the newly designated Member of this  
13 Tribunal disqualify himself and decline to serve as  
14 a Member of this Tribunal.

15           In view of the recent resignation of the  
16 American representative on this Tribunal, Mr. Justice  
17 Higgins, and the acceptance or approval of the resig-  
18 nation by the Supreme Commander after the Court had  
19 been constituted and after it had begun hearing of the  
20 evidence and proceeded substantially with the trial of  
21 the issues involved and had completed two phases of  
22 the case and a major part of the third, it is moved  
23 that the Court declare this to be a mistrial, and  
24 that a new Tribunal be appointed under a valid Charter  
25 and in accordance therewith.

CHING

1           It is further urged that those challenges  
2 for cause be sustained by this Tribunal and we pray  
3 for such further relief as is equitable under these  
4 circumstances.

5           I feel there are perhaps some other members  
6 of the defense counsel who would like to argue upon  
7 this proposition if the Court permits.

8           I would like to have this record show that  
9 this challenge for cause is made by the American  
10 counsel for OSHIMA, Hiroshi.

11           COLONEL MORROW: If the Court please, the  
12 prosecution, at any rate this section of the prosecu-  
13 tion, knew nothing about the sitting of General  
14 Cramer, knew nothing about this motion, has not seen  
15 the motion, and it is respectfully suggested that this  
16 matter be deferred until the prosecution has an  
17 opportunity to look into the motion and reply, if  
18 necessary, unless the Court decides to proceed with-  
19 out hearing from the prosecution.

20           THE PRESIDENT: We will hear all you have to  
21 say today. If you want further time, probably you will  
22 get it, but I will have to consult my colleagues about  
23 that.

24           Mr. Smith.

25           MR. SMITH: If your Honor please, on behalf

CHING

1 of Mr. HIROTA, I would like to move briefly for a mis-  
2 trial because of the substitution and the seating of  
3 an American judge. The ground is that where the  
4 Court sits as both judge and jury we think that up  
5 until this time, without exception, the practice has  
6 always been for the accused to be confronted by his  
7 judge on the trial of the facts from the start to the  
8 finish of the trial. There has been practically a  
9 month of testimony in this case. A great deal of it  
10 has been very helpful to the defense. Witness after  
11 witness has appeared on the stand who did not testify  
12 to the facts that the prosecution evidently expected,  
13 and the new judge has lost the benefit and the  
14 defendant has been deprived of the right of the  
15 American judge to see and hear the witnesses and to  
16 appraise their credibility.

17 THE PRESIDENT: Two questions arise here,  
18 Mr. Smith: First the question of the power  
19 to make the appointment, and second, the question of  
20 expediency. The first question, the question of the  
21 power, is the one which I think was dealt with by  
22 Mr. Cunningham. But you are on the second question,  
23 that of expediency. Is that so?

24 MR. SMITH: Yes, sir.  
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1 THE PRESIDENT: On the question of power, I  
2 may remind you -- it will not help, of course -- that  
3 the French representative is the second appointment  
4 to this Court by his country, so that if your conten-  
5 tion is correct, there has been a mistrial throughout.

6 MR. SMITH: If your Honor please, I have  
7 been here since the testimony began about a month ago  
8 and my recollection is that the French Justice has  
9 heard all the witnesses who have appeared.

10 Going back to your Honor's question, it is  
11 not only expediency but, as I understand it, one of  
12 the great cornerstones of the law which cannot be  
13 undone is that an accused is entitled in a trial to  
14 see and hear the witness who is against him. And it  
15 is hardly arguable otherwise.

16 THE PRESIDENT: I repeat there are two  
17 questions: The first one, the power to appoint; the  
18 second, the expediency of an appointment at this  
19 stage.

20 On the question of the power to appoint, I  
21 repeat the French Judge is the second appointment by  
22 his country.

23 MR. SMITH: I do not care to add anything  
24 more, your Honor, other than to observe that if this  
25 procedure could be followed after one month's testimony

1 is in, why couldn't it be done after six months'  
2 testimony is in?

3 Thank you very much.

4 THE PRESIDENT: The question of expediency  
5 is a question of fact. And to hold the American  
6 representative disqualified we must find as a fact  
7 that he cannot give a fair trial to the accused.

8 I am saying these things because I want them  
9 met. I cannot speak for the whole Court.

10 MR. WARREN: If the Tribunal please, I am  
11 the American counsel for General DOHIHARA and  
12 Admiral OKA. I have had no opportunity to personally  
13 speak with my clients, but I have talked with my  
14 associate Japanese counsel. We do not join in the  
15 motion.

16 CAPTAIN KLEIMAN: May it please the Tribunal--

17 THE PRESIDENT: Captain Kleiman.

18 CAPTAIN KLEIMAN: On behalf of the defendant  
19 HIRANUMA, I have consulted with my Japanese co-counsel.  
20 I know the background of General Cramer, his reputa-  
21 tion for fairness, and I welcome him. I welcome the  
22 representative of the United States on the Tribunal.

23 THE PRESIDENT: Mr. Furness.

24 MR. FURNESS: May the Tribunal please, as  
25 American counsel for the accused SHIGEMITSU I wish to

1 join in the motion of Mr. Cunningham and the motion  
2 of Mr. Smith.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: If it please the Tribunal,  
5 Japanese and American counsel for Marquis KIDO have  
6 no objection to Major General Cramer sitting in this  
7 case.

8 THE PRESIDENT: Does any other counsel desire  
9 to be heard?

10 JUDGE HSIANG: Mr. President and Members of  
11 the Tribunal: As the Chinese prosecutor I do not  
12 speak for the prosecution as a whole. I merely speak  
13 for China.

14 China welcomes the full representation of  
15 eleven nations represented in this Tribunal. China  
16 especially does not like to see the non-representation  
17 of the United States of America on the bench.

18 This is an international tribunal. The rules  
19 of procedure and the rules relating to the admissi-  
20 bility of evidence, for instance, and some other  
21 matters are different in some respects from national  
22 courts. The grounds presented by the defense counsel  
23 for the motion I think in some respects do not apply  
24 to this International Tribunal. A reasonable inter-  
25 pretation of the Tribunal regarding the appointment,

1 I think there could not be more than eleven appoint-  
2 ments at one single time. If there is one resignation  
3 that resignation could be filled up by a new appoint-  
4 ment. It is the belief of the Chinese prosecutor  
5 that a new member upon assumption of duties, if he  
6 studies the proceedings, can familiarize himself with  
7 proceedings hitherto. There is no legal disability  
8 for that Member to sit on the court.

9 For reasons stated above, China does not  
10 associate itself with the sentiments expressed in the  
11 motion.

12 MR. CUNNINGHAM: If the Court please, I only  
13 have two observations to make on what has been sug-  
14 gested.

15 Concerning the Member of the Tribunal from  
16 France, that matter was seriously considered and due  
17 to the fact that the second appointment was made  
18 before the Tribunal had been duly constituted and  
19 began listening to evidence, no objection was made.

20 On the second proposition of the resignation  
21 of one of the Members of the Tribunal, it is my  
22 thought that there is no provision in the Charter for  
23 such procedure. If the Charter or the framers of the  
24 Charter had contemplated such a situation, there is  
25 nothing which would have prevented them from including

1 that in the Charter; and due to the fact that it was  
2 not included we must assume that it was not intended.

3 On the matter of expediency, it is my  
4 thought that it would be much better for this trial  
5 to proceed with perhaps ten judges and not have the  
6 additional one, rather than have the proceedings  
7 clouded with the possibility of the illegality of the  
8 entire proceedings. Further on the matter of expe-  
9 diency, it is my thought that this is novel and new  
10 procedure. Very, very few precedents have ever been  
11 established on this proposition, including the matter  
12 of military tribunal practice and that this, a case  
13 of such importance, is, my thought, no place to begin  
14 establishing such precedents.

15 THE PRESIDENT: Mr. Warren.

16 MR. WARREN: If the Tribunal please, I do  
17 not like to be placed in the position of objecting to  
18 any defense motion, but for the interests of my two  
19 clients I do desire the presence of the new Member of  
20 this Tribunal.

21 I represent a military man and a naval man;  
22 and while we have one military man on the Tribunal, I  
23 should like another one who probably understands. In  
24 support of my position, I am bound to state that an  
25 additional member to a military tribunal or a military

1 court or courts-martial, as you will, is nothing  
2 unusual.

3 THE PRESIDENT: Have you looked at the German  
4 Charter, Mr. Warren?

5 MR. WARREN: Sir?

6 THE PRESIDENT: Have you looked at the German  
7 Charter?

8 MR. WARREN: Yes, sir, I have; and I have  
9 looked at this Charter, also, and I feel that under  
10 this Charter he can sit.

11 THE PRESIDENT: I understand that under the  
12 German Charter representation of a country is excluded  
13 after a certain time. There is no such provision in  
14 our Charter.

15 MR. WARREN: That is right, sir.

16 THE PRESIDENT: Our Charter appears to con-  
17 template that so many nations will be represented.  
18 Would there not be an implied power to maintain that  
19 representation in the absence of anything to the con-  
20 trary?

21 If my recollection of the German Charter is  
22 correct -- and it may not be -- then they saw fit  
23 there to preclude the very position which you say  
24 arises here without any provision.

25 MR. WARREN: I am sorry, your Honor.

1           Yes, your Honor, I cannot agree that this  
2 Charter follows the German Charter, the Nuernberg  
3 Charter. There are dissimilar things in them. This  
4 Charter may be amended and re-amended.

5           A Member of this Tribunal, for instance, may  
6 become ill and leave and be gone for a period of time  
7 and come back and resume his duties. And if a member  
8 is replaced and replaced with another, it is my posi-  
9 tion that it is inherent in a military tribunal to do  
10 that. Because of the exigencies that arise from time  
11 to time in the field, the removal of officers who sit  
12 on military courts from one jurisdiction to another--

13           As I stated, the necessity for removal of  
14 officers from time to time even from a military court,  
15 you must have a replacement. Otherwise many, many  
16 culprits would go unpunished.

17           THE PRESIDENT: Did I hear you say that  
18 vacancies have to be filled on military courts; other-  
19 wise offenses would go unpunished?

20           MR. WARREN: In this respect, your Honor:  
21 An American general courts-martial is comprised of  
22 not less than five members. It might be that those  
23 members would go below five, and if you could not  
24 replace a tribunal it might mean the starting of  
25 another case and continued operation until such time

1 as your witnesses in the passage of time with the  
2 witnesses' loss of memory or other documents or other  
3 things that it could well be that a culprit might not  
4 go punished. It is not unknown.

5 THE PRESIDENT: Suppose six members of this  
6 Court were killed in, say, a motor car accident or  
7 a plane accident, so that a quorum could not be  
8 obtained. Would that terminate the proceedings with-  
9 out a verdict?

10 MR. WARREN: Not necessarily. As I view  
11 military tribunals, and I think those who are familiar  
12 with at least American courts-martial, and Manual for  
13 Courts-martial would know that the Tribunal could be  
14 increased by appointment by qualification.

15 THE PRESIDENT: Why couldn't this Tribunal  
16 be increased by further appointments?  
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1 MR. WARREN: If the Supreme Allied Commander  
2 had the authority to draw up the Charter in the first  
3 place he has authority to amend it, and he can amend  
4 it and has amended it.

5 THE PRESIDENT: I don't know what the tenor  
6 of your argument is, but I suppose you are really ad-  
7 mitting that if there is power to cancel there ought  
8 to be power to amend.

9 M. WARREN: That is right. Maybe I have  
10 not made myself plain. I am arguing in opposition  
11 to the motion. I thought I had made myself plain,  
12 and I thought the Tribunal understood me, but perhaps  
13 it didn't. Certainly, I am in favor of the new  
14 member sitting as a Member of this Tribunal, and  
15 think that the Supreme Allied Commander has every  
16 right to appoint him. And the only test, it appears  
17 to be, is, can the new Justice of this Tribunal fa-  
18 miliarize himself enough with what has gone on in  
19 the past to be able to render a fair and impartial  
20 judgment in the case? My position is that he can  
21 read the record and can do that. That, of course,  
22 is a question of fact.

23 It is my further position that if the Su-  
24 preme Allied Commander did not think that he could  
25

1 he would not have appointed him.

2 There is only one further requisite that  
3 I am sure the Member himself is familiar with, being  
4 familiar with military law as he is, and that is,  
5 if in his own judgment he cannot sit and render a  
6 fair and impartial judgment in the case, he would  
7 himself disqualify, and I feel certain that he would  
8 do so. Having offered himself, I feel that he feels  
9 himself qualified.

10 Now, my argument does not necessarily mean  
11 that I agree with these principles of law, but they  
12 are law as I view them, as made so by the Charter  
13 and by military law as I understand it. And, in this  
14 particular instance, I would like the Tribunal to  
15 consider seriously what I have to say concerning the  
16 qualifications of the new Member of the Tribunal.

17 CAPTAIN KLEIMAN: I am sorry to disturb  
18 your Honor again. I wish to call the Tribunal's  
19 attention to Article 4c of the Charter which reads,

20 "Absence. If a member at any time is absent  
21 and afterwards is able to be present, he shall take  
22 part in all subsequent proceedings; unless he declares  
23 in open court that he is disqualified by reason of  
24 insufficient familiarity with the proceedings which  
25 took place in his absence."

1           Such provision, may it please your Honor,  
2           is not in accordance with the setting up and action  
3           on the part of Members of civil or military courts  
4           as I know them in the United States. I don't think  
5           it lends toward a fair trial. However, as long as  
6           this provision is allowed to remain in the Charter,  
7           I don't think any greater evil is accomplished by  
8           allowing a new Member to come in and acquaint himself  
9           with the proceedings, and I know that General Cramer  
10          has that ability and has that sense of fairness that,  
11          unless he can fully and completely acquaint himself  
12          with the facts in this case, he, himself, would  
13          disqualify himself; and I request, if the Tribunal  
14          decides in favor of the motion made by the American  
15          counsel, that the Tribunal ask of the Supreme Com-  
16          mander to amend the Charter to allow the representa-  
17          tive of the United States to remain on the Tribunal.

18           THE PRESIDENT: The Court will treat Captain  
19          Kleiman's request as a submission.

20           MR. FURNESS: If the Court please, lest there  
21          be misunderstanding, I speak in favor of the challenge  
22          and in favor of the motion for a mistrial.

23           Colonel Warren has argued that under mili-  
24          tary law, procedure substitutions can be made. That  
25          is so in court martials. The reason it is so is be-

1 cause the Articles of War have the specific provi-  
2 sion for it. It is also true of the military com-  
3 missions trying cases in Yokohama and Manila. The  
4 reason it is true is because the order appointing  
5 those commissions has a specific provision for sub-  
6 stitutions.

7 THE PRESIDENT: This is not incompatible  
8 for a fair trial with Americans, but you are submit-  
9 ting it is incompatible for a fair trial with Japan-  
10 ese.

11 MR. FURNESS: I am arguing, sir, that there  
12 is no provision in this Charter and that I believe  
13 the omission is intentional.

14 I also wish to point out that, under the  
15 Articles of War, if the number of men sitting is  
16 reduced below a certain amount, the case must begin  
17 again de novo.

18 As to the Nuernberg Charter, I would like  
19 to point out that, under that Charter, there is a  
20 specific provision for alternates who sit throughout  
21 the trial who hear exactly the same evidence as that  
22 heard by the Judges sitting; and, if he withdraws  
23 or is withdrawn, that they sit as Judge and act on  
24 their own knowledge. I believe that there is a  
25 specific provision in that Charter, too, that there

1 shall be no substitutions.

2 THE PRESIDENT: We will recess now for  
3 fifteen minutes.

4 We may or may not be in a position to give  
5 our decision. We understand we have heard all the  
6 arguments, and we reserve our decision.

7 (Whereupon, at 1445, a recess was  
8 taken until 1515, after which the proceedings  
9 were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is  
2 now resumed.

3 THE PRESIDENT: The Tribunal, by a majority,  
4 holds that General Cramer, the American representative,  
5 is eligible to sit as a Member of this Tribunal, and  
6 dismisses the motion. General Cramer took no part in  
7 the decision.

8 Mr. Smith.

9 MR. SMITH: If your Honor please, in order  
10 to save the record, and on behalf of all counsel who  
11 did object, I would like to ask your Honor to allow  
12 the usual exception.

13 THE PRESIDENT: The application for the  
14 exception is recorded.

15 Is there any further cross-examination of  
16 the witness?

17 MR. OHTA: I am counsel OHTA for the de-  
18 fendant, DOHIHARA.

19 CROSS-EXAMINATION (Continued)

20 BY MR. OHTA:

21 Q I should like to have the witness reply to  
22 a question addressed to him this morning.

23 A Prior to the recess the defense counsel  
24 was asking the question about the statement I made,  
25 that is, after the settlement of Chapei Affairs, the

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1 Japanese aggression has never stopped. The opinion  
2 I gave in that statement was that the Chinese govern-  
3 ment, desiring to secure peace, had under terrible con-  
4 ditions, come to a settlement with the Japanese over  
5 the question of Chapei Affairs; but the military  
6 aggression undertaken on the part of the Japanese  
7 militarists had never ceased, even after the Chapei  
8 settlement was effected. By the statement, "has never  
9 stopped" — the aggression has never stopped," I meant  
10 to say that Japanese military aggression has never  
11 stopped after the agreement was signed. It is not  
12 that up until now the aggression has never stopped.

13 Q That is all I wish to know with respect  
14 to this point. Next, I should like to put a question  
15 with respect to the establishment of the Hopei-Chahar  
16 Political Council. According to your affidavit, Mr.  
17 Witness, the defendant, DOHIHARA, went to Peiping in  
18 September, 1935, and stayed there until the establish-  
19 ment of the Hopei-Chahar Political Council. There  
20 seems to be some error in that statement, and I wish  
21 to point out to you that, although he stayed in Peiping,  
22 he frequently went to Tientsin; is that not a fact?

23 A General DOHIHARA, it seems to me, was then  
24 living in the most eastern three provinces. He fre-  
25 quently came to Peiping, and frequently went to Tientsin.

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CROSS

1           Q Then, is it not a mistake to state that  
2 DOHIHARA went frequently to Peiping for purposes of  
3 his project in September, 1935?

4           A In 1936, June, I had negotiated with  
5 DOHIHARA in regard to matters pertaining to Chapel,  
6 Ever since September, 1935, up to February, 1936,  
7 I had frequently seen DOHIHARA.

8           THE PRESIDENT: This is a convenient  
9 break. We will adjourn now until 9:30 tomorrow  
10 morning.

11                           (Whereupon, at 1600, an adjourn-  
12 ment was taken until Tuesday, 23 July 1946, at  
13 0930.)  
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