

DUPLICATE

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

TRANSCRIPT OF PROCEEDINGS

AUGUST 29, 1946

(pp. 4449--4686 inc.)

DAVID NELSON SUTTON

England

~~Sutton~~

59

29 Aug 1746

all day

I N D E X

Of

EXHIBITS

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
306		Affidavit of Lewis S. C. Smythe dated 7 June 1946		4455
307		Affidavit by George A. Fitch dated 18 June 1946		4460
308		Affidavit by Mrs. Shui Fang Tsen dated 8 April 1946		4463
309		Diary Notes written by J. H. McCallum - Japanese Occupation of Nanking Dec 1937 - Jan 1938 dated 27 June 1946		4467
310		Statement of Sun Yuen Cheng dated 7 Apr 1946		4483
311		Statement of Lee Tih Sung dated 7 Apr 1946		4485
312		Statement of Mrs. Loh Sung Sze dated 6 Apr 1946		4488
313		Statement of Woo King Zai dated 7 Apr 1946		4491
314		Joint Statement of Chu Yong Ung and Chang Chi Hsiang		4493
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I N D E X

Of

EXHIBITS

(cont'd)

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
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318		Statement of Wu Zah Tsing		4499
319		Statement of Yien Wang Sze dated 7 March 1946		4500
320		Statement of Wong Pan Sze dated 7 Apr 1946		4501
321		Statement of Mrs. Woo Chang Sze dated 7 Apr 1946		4504
322		Statement of Mrs. Chong Kia Sze dated 6 Apr 1946		4506
323		Excerpts from documents of the Nanking Safety Zone edited by Shuhsi Hu, published by Kelly & Walsh, Ltd., Shang- hai-Hong Kong-Singapore, 1939		4508
324		Estimated Number of Victims of Japanese Massacre in Nanking		4536
325		Chart showing burial of vic- tims by the Tsung-Shan-Tang Teams		4540
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I N D E X

Of

EXHIBITS

(cont'd)

<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
327		Summary report on the Investigations of Japanese War Crimes committed in Nanking, prepared by the Procurator of the District Court, Nanking		4540
328		Telegrams and Despatches from the files of the American Embassy at Nanking in Dec 1937 and the year 1938		4552

1 Thursday, 29 August, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12
13 Appearances:

14 For the Tribunal, same as before.

15 For the Prosecution Section, same as before.

16 For the Defense Section, same as before.

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18 - - -

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20 (English to Japanese and Japanese
21 to English interpretation was made by the
22 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 THE PRESIDENT: All the accused are present
4 except OKAWA, MATSUI and HIRANUMA, who are repre-
5 sented by their respective counsel.

6 Does any counsel desire to mention any
7 matter?

8 DR. KIYOSE: Mr. President, may I intro-
9 duce to the Court Mr. George F. Blewett, who will be
10 my co-counsel in the defense of the defendant, TOJO.

11 THE PRESIDENT: Major Moore.

12 LANGUAGE ARBITER (Major Moore): If the
13 Tribunal please, I refer to the disputed passage in
14 document 1767-291, exhibit 297. The Japanese term
15 in question, translated literally, would read "con-
16 dition of light confinement." We recommend that it
17 be rendered "protective restraint" in order to make
18 it harmonize with the context.

19 THE PRESIDENT: The correction will be made.
20 Mr. Chiu.

21 MR. CHIU: Will it please the Tribunal,
22 there will be no further redirect examination of the
23 witness. So, may I request that he be released and
24 allowed to return to China on the usual terms?

25 THE PRESIDENT: He is released accordingly.

1 (Whereupon, the witness Tung Shu-
2 Ming was excused.)

3 MR. SUTTON: May it please the Tribunal,
4 we now resume the presentation of evidence on the
5 subject of atrocities committed by Japanese troops
6 against civilians and others in China.

7 The prosecution next offers in evidence the
8 affidavit of Lewis S. C. Smythe, dated June 7, 1946,
9 prosecution document No. 1921.

10 THE PRESIDENT: What is the affidavit about?

11 MR. SUTTON: The affidavit has to do with
12 alleged atrocities committed by Japanese troops in
13 Nanking and with the manner in which the reports
14 were made by the International Committee for the
15 Nanking Safety Zone to the Japanese authorities in
16 Nanking.

17 THE PRESIDENT: Mr. Logan.

18 MR. LOGAN: I should like to inquire from
19 the prosecution if it is their intention to present
20 this affidavit without presentation of the witness.

21 MR. SUTTON: It is. May it please the
22 Tribunal, we do not anticipate presenting Dr. Smythe
23 as a witness.

24 MR. LOGAN: That being so, if the Tribunal
25 please, the defense are unanimous in opposition to a

1 trial of this case on affidavits. This raises the
2 fundamental proposition of law, which is well recog-
3 nized in all English speaking countries, that the
4 accused in a criminal case is entitled to be con-
5 fronted by the witnesses, to see them, hear their
6 testimony, and have the opportunity of cross-
7 examination of the witness. If the witness is not
8 produced, the opportunity of cross-examination is
9 lost, and this trial would be presented by testimony
10 from an unseen, unknown, unheard and unheard of
11 witness.

12 No reason has been advanced why this wit-
13 ness cannot be produced, and to our mind the trial
14 would result in anything but a fair trial because
15 it would result in a battle of affidavits which, if
16 the same privilege was presented and allowed to
17 defense, I feel sure that the Tribunal would not be
18 assisted by either the affidavits presented by the
19 prosecution or the defense. I strenuously urge, on
20 behalf of all the defendants, and with all the sin-
21 cerity at my command, that this trial does not re-
22 sult in a battle of affidavits.

23 THE PRESIDENT: Well, this very important
24 point is settled by the Charter itself which, in
25 Article 13c(3), renders the affidavit admissible.

1 In the interest of justice the Court can always
2 insist, after hearing the defense or the prosecution,
3 on the deponent being called here, and the prosecu-
4 tion and the defense are always at liberty to ad-
5 minister interrogatories or counter-interrogatories
6 to any deponent whose affidavit has been admitted.

7 MR. LOGAN: If the Tribunal please, with
8 respect to Article 13c, it is not mandatory, as I
9 read that Article, that the Tribunal permit the
10 introduction of such affidavits. It is permissible
11 only; it is not mandatory.

12 THE PRESIDENT: I did not say otherwise.
13 But you recognize, and we certainly do, Mr. Logan,
14 that affidavits must be used to a large extent here
15 if this trial is not going to be prolonged for very
16 many years.

17 MR. LOGAN: I realize that, your Honor, but
18 we have been served with a notice of some seventy-
19 three items with respect to this particular phase,
20 most of which are affidavits that this phase pro-
21 poses to introduce; and we have pending, also, before
22 the Court a motion with respect to six hundred fifty-
23 three further affidavits to be used in another phase
24 of the case. It would be almost impossible for the
25

1 defense to address interrogatories to the person who
2 made the affidavits, or the person who took the
3 affidavits, or the one who acknowledged it. It is
4 just impossible for the defense to prepare any kind
5 of a defense to this type of evidence.

6 THE PRESIDENT: We observed, when the wit-
7 nesses deposing to the alleged atrocities at Nanking
8 were giving evidence, that the defense did not see
9 fit to cross-examine any of them with one exception.

10 MR. LOGAN: Some of those witnesses, if
11 your Honor please, I believe were cross-examined by
12 defense. But, in this particular case, we cannot
13 tell ahead of time to just what these witnesses are
14 to testify.

15 What we are afraid of, your Honor, is, by
16 creating a precedent at this time by the introduction
17 of affidavits, it may lead later on to the intro-
18 duction of excerpts from affidavits which was indi-
19 cated in that motion which is still pending.

20 THE PRESIDENT: I would anticipate, but I
21 have no information on this point, that the prosecu-
22 tion will call some of the alleged victims of atroci-
23 ties. If the defense successfully disposes of those
24 witnesses in cross-examination, if they are called,
25 that may well induce the Tribunal to insist upon the

1 production of other deponents whose affidavits have
2 been tendered.

3 MR. LOGAN: That might be quite true, your
4 Honor, with respect to an atrocity that occurred in
5 one place; but, where they produce witnesses with
6 respect to atrocities that occurred in other places,
7 there is no comparison between the two, and we think
8 the witnesses should be produced from all the locali-
9 ties. The prosecution has not stated why this par-
10 ticular witness is not here or that he is unavailable.

11 THE PRESIDENT: Much of this affidavit
12 evidence, no doubt, would be regarded as cumulative,
13 for example, where, say, half a dozen or more wit-
14 nesses depose to the same episode.

15 The affidavit will be admitted for whatever
16 probative value it has.

17 MR. LOGAN: In that event, your Honor, may
18 we have the present address of each of these wit-
19 nesses, the name and address of the person before
20 whom each affidavit was taken, and the name and ad-
21 dress of anyone else that was present at the time the
22 affidavits were taken?

23 THE PRESIDENT: I made a similar order in
24 Chambers with regard to the six hundred fifty depon-
25 ents you referred to this morning, Mr. Logan, so far

1 as the order can be carried out. We might make that
2 order with regard to all the deponents who were not
3 called.

4 CLERK OF THE COURT: Prosecution's document
5 No. 1921 will receive exhibit No. 306.

6 (Whereupon, prosecution's exhibit
7 No. 306 was received in evidence.)

8 MR. SUTTON: (Reading)

9 "I, Lewis S. C. Smythe, do make the following
10 statement:

11 "I was born in Washington, D. C., in 1901.
12 I took my undergraduate college work at Drake Univer-
13 sity in Des Moines, Iowa, and my graduate work at the
14 University of Chicago, where I received a Ph.D. in
15 1928.

16 "I came to China as professor of Sociology
17 at the University of Nanking in October, 1928, under
18 the United Christian Missionary Society of Indianapolis,
19 Ind. I have been with the University of Nanking ever
20 since. My only absences from China have been two fur-
21 loughs, June, 1934 to September, 1935, and June, 1944,
22 to January, 1946. I was in Nanking continuously from
23 September, 1935 to July, 1938, excepting for July and
24 August, 1937.

25 "When the International Committee for the

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1 Nanking Safety Zone was formed in November, 1937, I
2 participated in the preparatory discussions and was
3 elected Secretary of the Committee. When the Com-
4 mittee formally opened its offices at 5 Ninghai Road,
5 December 1, 1937, the Chairman, Mr. John H. D. Rabe,
6 and I worked in the same office. When, after the
7 entry of the Japanese to the city, it became evident
8 that we would have to enter protests regarding mis-
9 treatment of Chinese civilians and disarmed soldiers,
10 the practice was for me to draft the protest and then
11 Mr. Rabe suggested that since we were of different
12 nationalities, that we take turns signing them. We
13 filed nearly two protests every day for the first six
14 weeks of the Japanese occupation. Usually one of these
15 was taken to the Japanese Embassy by Mr. Rabe and
16 myself in person; the other was sent by messenger.

17 "I made every effort possible to check the
18 accuracy of cases before they were written up and
19 filed with the Japanese Embassy. Wherever possible I
20 interviewed the Committee representative who had in-
21 vestigated the case. I prepared for transmission to
22 the Japanese Embassy only those cases which I consi-
23 dered had been accurately reported.

24 "I do not have available copies of these re-
25 ports. Copies of these documents were later filed

1 with the American Embassy in Nanking. The reports
2 and letters of transmittal and other letters from the
3 Committee to the Japanese Embassy are correctly set
4 forth in the publication by Hsu Shih-hsu: 'Documents
5 of the Nanking Safety Zone.'

6 "In the almost daily conferences that Mr.
7 Rabe and I had with the Japanese Embassy, they at no
8 time denied the accuracy of these reports. They con-
9 tinually promised that they would do something about
10 it. But it was February, 1938, before any effective
11 action was taken to correct the situation.

12 "I made a survey of the war damage in the
13 Nanking area in the spring of 1938. The results of this
14 survey were published in 'War Damage in the Nanking
15 Area, December, 1937 to March, 1938, Urban and Rural
16 Surveys.' This was published by the Nanking Inter-
17 national Relief Committee under date of June, 1938.

18 "In witness whereof I have affixed hereto
19 my signature at Nanking in the Republic of China,
20 this seventh day of June, 1946.

21 /s/ Lewis S. C. Smythe"

22 Duly certified by certificate.
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1 MR. LOGAN: If the Tribunal please, I did
2 not realize until Mr. Sutton was reading this affidavit
3 that this is the Mr. Smythe, who was referred to by a
4 previous witness. They both served on the same
5 committee and when we brought up the question in
6 Chambers about the introduction of certain documents
7 after that other witness had taken the stand, the
8 prosecution advised us at that time that Mr. Smythe
9 would be produced here to have his testimony taken.

10 MR. SUTTON: Mr. President, with respect
11 for my friend, counsel for defense, I do not recall
12 that any such statement was made. I am positive of
13 the opinion that it was not made and that he has un-
14 wittingly -- he is unwittingly in error with regard
15 to it. I would be glad for him to refresh his memory
16 from the record.

17 THE PRESIDENT: We have heard enough; get
18 on with the evidence.

19 MR. SUTTON: Prosecution next offers in
20 evidence its document No. 1947, the affidavit of
21 George A. Fitch, dated June 18, 1946, with regard
22 to the situation in Nanking following the fall of
23 that city.

24 MR. FURNESS: Might I ask the prosecution
25 if Fitch is one of the witnesses who is here in Tokyo

1 and whom I asked to have testify by commission and
2 the Tribunal said that he could testify out of order?

3 MR. SUTTON: Mr. Fitch has been to Tokyo and
4 was here for more than a month. He is with UNRRA in
5 Hunan Province in China and his business was -- the
6 business was of such importance that he was conducting
7 that it was absolutely essential that he return to
8 China.

9 MR. FURNESS: The defense --

10 MR. SUTTON: We have made efforts to get him
11 back but it seems to be impossible for him to return
12 at this time.

13 MR. FURNESS: I would just like to point out
14 that this was subject to a court order and that the
15 defense had expressed its willingness that Mr. Fitch
16 testify at any time.

17 THE PRESIDENT: This affidavit also bears
18 on the alleged atrocities at Nanking. Admitted subject
19 to the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 1947 will receive exhibit No. 307.

22 (Whereupon, prosecution's exhibit
23 No. 307 was received in evidence.)

24 MR. SUTTON: (Reading) "I, GEORGE A. FITCH,
25 American citizen, born in Soochow, China, on January 23,

1 1883, being first duly sworn, do make the following
2 statement:

3 "That I have been in China from December
4 1909 to December 21, 1945, except for occasional
5 furloughs in the United States and elsewhere, as a
6 secretary of the International Committee of Y.M.C.A.'s,
7 New York, and from December 21, 1945, to the present
8 as Deputy Regional Director for U.N.R.R.A.; that I
9 was in Nanking from the summer of 1936 until on or
10 about 15 February 1938, and at the time of the
11 occupation of Nanking by Japanese military forces
12 and until on or about 15 February 1938 acting as
13 Director of the Safety Zone; that the following ex-
14 cerpts or paraphrases, taken from a diary which I
15 kept at that time, are true:

16 "Many hundreds of innocent civilians are
17 taken out before your eyes to be shot or used for
18 bayonet practice and you have to listen to the sound
19 of the guns that are killing them. It seems to be
20 the rule here that anyone who runs must be shot or
21 bayoneted. We happened to be beside the Ministry
22 of War at the time, and it was all too evident that
23 execution was going on, hundreds of poor disarmed
24 soldiers with many innocent civilians among them.

25 "On December 15, I saw approximately 1300

1 men, all in civilian clothes, just taken from one
2 of our camps near our headquarters, lined up and roped
3 together in groups of about 100 by soldiers with
4 fixed bayonets. In spite of my protests to the command-
5 ing officer, they were marched off to be shot. Decem-
6 ber 19 was a day of complete anarchy. Several big
7 fires were raging, started by the soldiers, and more
8 are promised. The American flag was torn down in a
9 number of places. The military have no control over
10 the soldiers.

11 "Monday, December 20, vandalism and violence
12 continued unchecked. All Taiping Road, the most im-
13 portant shopping street in the city, was in flames.
14 I saw many Japanese army trucks being loaded with the
15 loot which they were taking from the shops before
16 setting fire to them, also witnessed one group of
17 soldiers actually setting fire to a building. I
18 drove next to the Y.M.C.A. which was already in
19 flames, evidently fired only a short time previously.
20 That night I counted fourteen fires from my window,
21 some of them covering considerable areas.

22 "The Japanese observe no system in seizing
23 people from our camps. Callouses on hands or cropped
24 heads are proof sufficient that the man was once
25 a soldier, and a sure death warrant. Practically all

1 of our camps have been entered time and again by
2 bands of soldiers who have taken whom they willed for
3 shooting.

4 "On December 22,1937, I saw about fifty
5 corpses in a pond a quarter of a mile east of my office.
6 All were dressed in civilian clothes, most of them
7 with hands bound behind their backs, and one with the
8 top half of his head completely cut off. Subsequently
9 I saw hundreds of bodies of Chinese, mostly men but
10 a few women, in a similar condition, in ponds, on
11 the streets, and in houses.

12 "Our committee made daily reports to the
13 Japanese Embassy of atrocities. (Signed) George A.
14 Fitch."

15 THE PRESIDENT: I noticed that was sworn before
16 Colonel Morrow. Can you not get some independent per-
17 son? It may be difficult, I realize.

18 MR. SUTTON: The prosecution next tenders in
19 evidence its document No. 1736, the statement of Mrs.
20 Tsen, dated April 8, 1946, relative to the situation
21 in Nanking and particularly at Gingling College follow-
22 ing the fall of Nanking in December, 1937.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 1736 will receive exhibit No. 308.

1 (Whereupon, prosecution's exhibit
2 No. 308 was received in evidence.)

3 MR. SUTTON: (Reading) "I, Mrs. Shui Fang
4 Tsen, do certify as follows: That I am seventy-one
5 years of age and am Director of Dormitories of
6 Gingling College. I have been associated with the
7 college for twenty-two consecutive years. Following
8 the fall of the City of Nanking in December 1937 the
9 college grounds were declared a safety zone. There
10 were more than twenty safety zones in all throughout
11 the city. We had on the grounds of Gingling College
12 more than 10,000 women and children refugees. Most
13 of them had not clothes except what they had on and
14 few were able to bring any bedding.

15 "Japanese soldiers would enter the grounds
16 on the pretext of looking for soldiers but were in
17 fact looking for our girls. Miss Vautrin was the
18 foreign lady in charge here and she did a marvelous
19 work in keeping the soldiers from carrying off our
20 girls. In spite of all that she and I and the rest
21 of us could do on the night of December 17, 1937, the
22 soldiers entered the grounds and carried off eleven
23 girls. Nine of these girls horribly raped and abused
24 by Japanese officers later made their way back to our
25 grounds. Mr. Mills saw them. We never heard any more

1 of the other two girls.

2 "One girl was brought to our grounds. She
3 could not walk and she was terribly bruised and
4 swollen and stated that she had been repeatedly raped
5 and abused by four or five soldiers. She was a ner-
6 vous wreck.

7 "During the first four weeks every night
8 soldiers would come to get our girls and Miss Vautrin
9 with what help she had would try to keep them from
10 the girls. The worst of it was during the first four
11 or five weeks. On one occasion I ran a soldier from
12 a room where he had entered in the daytime and attacked
13 and raped one of our girls. Other soldiers openly
14 tried to rape the girls in the grounds of the college
15 and had to be driven off by Miss Vautrin and others here
16 who were trying to protect the girls.

17 "Miss Vautrin went to the Japanese Consul
18 time and time again and reported the action of the
19 soldiers and asked protection for the girls. It was
20 four or five weeks before the situation began to
21 cease and then several months before the danger was
22 passed.

23 "The soldiers would burn private houses at
24 night throughout the city just for sport or to keep
25 themselves warm. We have a woman working at the

1 village whose husband, a merchant, was killed by
2 Japanese soldiers and her home with her little child
3 three months old burned by the Japanese soldiers.

4 "In other safety zones where there were no
5 foreigners like Miss Vautrin to help the situation was
6 much worse than at Gingling College. Refugees remained
7 on the college grounds for five months and then we
8 kept some 600 girls and tried to operate a school.
9 The main purpose was to protect the girls.

10 "Witness my hand and seal this 8th day of
11 April 1946. (Signed) Mrs. Shui Fang Tsen (Seal),"
12 and witnessed before counsel for the International
13 Prosecution Section.

14 The prosecution next tenders in evidence the
15 affidavit of James H. McCallum, dated the 27th of
16 June, 1946, International Prosecution Section document
17 No. 2466. In this affidavit are set out certain dairy
18 notes written by Mr. McCallum following the Japanese
19 occupation of Nanking in December, 1937, covering a
20 portion of January, 1938 in addition to December, 1937.

21 THE PRESIDENT: They bear on the alleged
22 atrocities at Nanking?

23 MR. SUTTON: Yes, sir.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 2466 is marked exhibit 309.

2 (Whereupon, prosecution's exhibit
3 No. 309 was received in evidence.)

4 MR. SUTTON: I shall, with the permission
5 of the Court, read into the record portions of but not
6 all of this affidavit.

7 THE PRESIDENT: Yes.

8 MR. SUTTON: (Reading) "Diary Notes Written
9 by Mr. James McCallum, Japanese Occupation of Nanking,
10 December 1937 - January 1938.

11 "Dec. 19, 1937. It has been just one week
12 now since the collapse of the Chinese army in its
13 Nanking defense. Japanese soldiers came marching
14 down Chung Shan Road past the Hospital on Monday, and
15 Japanese flags began to appear here and there. We all
16 breathed a sigh of relief, thinking new order would be
17 restored after the panic and stampede caused by the
18 retreating Chinese army. Airplanes could fly over
19 our heads without causing apprehension or tension.
20 But a week has past and it has been a hell on earth.

21 "It is a horrible story to try to relate; I
22 know not where to begin nor to end. Never have I heard
23 or read of such brutality. Rape! Rape! Rape! - We
24 estimate at least 1000 cases a night, and many by day.
25 In case of resistance or anything that seems like

1 disapproval there is a bayonet stab or a bullet.
2 We could write up hundreds of cases a day. People
3 are hysterical; they get down on their knees and 'Kotow'
4 anytime a foreigner appears. They beg for aid. Those
5 who are suspected of being soldiers, as well as
6 others, have been led outside the city and shot down
7 by the hundreds. Pens, watches, and money; even the
8 poor refugees in certain quarters have been robbed
9 again and again until the last cent, almost the last
10 garment, the last piece of bedding only remain, and
11 these may go ere long. Women are being carried off
12 every morning, afternoon, and evening. The whole
13 Japanese army seems to be free to go and come any-
14 where it pleases, and to do what it pleases.
15 American flags have frequently been torn down from
16 Gingling and the University and Hillcrest School.
17 At the Seminary, B.T.T.S. University, Gingling Uni-
18 versity, Middle School, Sericulture Buildings,
19 Library, and scores of other places, there are cases
20 of rape, robbery, shooting, and bayonetting every
21 night. Foreigners, when present, have been able in
22 most cases to prevent this. But fifteen or twenty
23 of us available cannot be in every building all the
24 time.

25 "Dec. 29, 1937" -- I will skip to the second

1 paragraph on the next page. "Every day or two I have
2 gone out for an inspection of our mission property.
3 I have found visitors in our house at Peh Hsia Road
4 every time I have gone there. Every foreign house is
5 a sight to behold, untouched until the Japanese army
6 arrived; nothing untouched since. Every lock has
7 been broken, every trunk ransacked. Their search for
8 money and valuables has led them to the flues and in-
9 side pianos.

10 "Our phonograph records are all broken;
11 the dishes are in a broken mass on the floor along
12 with anything else that was discarded after each
13 looting. The front of the piano was removed and all
14 the hammers struck with something heavy. Our house
15 being outside the Safety Zone, this was not to be un-
16 expected, but houses within the Zone have shared a
17 like fate. Two of our boys' school buildings were
18 set fire to, one is a complete loss. Nanking presents
19 a dismal appearance. At the time the Japanese Army
20 entered the city little harm had been done to the
21 buildings. Since then the stores have been stripped
22 of their wares and most of them burned. Taiping,
23 Chung Hwa, and practically every other main business
24 road in the city is a mass of ruins. In the South
25 city much of the area back of the main street was also

1 burned. We see new fires every day and wonder when
2 this beastly destruction will cease.

3 But far worse is what has been happening to
4 the people. They have been in terror, and no wonder.
5 Many of them have nothing left now but a single
6 garment around their shoulders. Helpless and unarmed,
7 they have been at the mercy of the soldiers, who have
8 been permitted to roam about at will wherever they
9 pleased. There is no discipline whatever and many
10 of them are drunk. By day they go into the buildings
11 in our Safety Zone centers, looking for desirable
12 women, then at night they return to get them. If
13 they have been hidden away, the responsible men are
14 bayoneted on the spot. Girls of eleven
15 and twelve and women of fifty have not escaped.
16 Resistance is fatal. The worst cases come to the
17 hospital. A woman six months pregnant, who resisted,
18 came to us with 16 knife wounds in her face and body,
19 one piercing the abdomen. She lost her baby, but
20 her life will be spared. One man, of many who gave
21 themselves up to the mercy of the Japanese when they
22 were promised their lives would be spared a very few
23 of them returned - lived long enough to tell the fate
24 of that group. He claims they threw gasoline over
25 their heads and then set fire to them. This man bore

1 no other wounds, but was burned so terribly around
2 the neck and head that one could scarcely believe he
3 was a human being. The same day another, whose body
4 had been half burned over, came into the hospital.
5 He had also been shot. It is altogether likely that
6 the bunch of them had been machine-gunned, then their
7 bodies piled together and burned. We could not get
8 the details, but he evidently crawled out and managed
9 to get to the hospital for help. Both of these died.
10 And so I could relate such horrible stories that you'd
11 have no appetite for days. It is absolutely unbeliev-
12 able, but thousands have been butchered in cold blood -
13 how many it is hard to guess, some believe it would
14 approach the 10,000 mark."

15 I omit the next two paragraphs.

16 "Dec. 30, 1937" -- beginning with the third
17 sentence -- "Before dinner a 12-year old girl was ab-
18 ducted by two Japanese soldiers who drove up in a
19 yellow taxi. Several men were forcibly carried away
20 from Gingling, Magee's place, as well as other places,
21 accused of being soldiers. The men had friends among
22 the group who could identify them as civilians, but
23 because they had calouses on their hands they were
24 branded without further investigation as soldiers in
25 spite of the protests voiced. Many ricksha and

1 sampan men, as well as other laborers have been shot
2 simply because they have the marks of honest toil
3 upon their hands. An old caretaker in a German
4 residence near the Kiang An bus station is reported
5 to have been killed yesterday. Soldiers found no
6 young men on the place to conscript for labor and he
7 protested about going himself."

8 I omit the remainder of that page, the entire
9 of page four of the English translation, and the first
10 three paragraphs of page five of the English trans-
11 lation, taking the date January 1, 1938, and then --
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1 MR. BROOKS: If the Tribunal please, I
2 think on page 3 that the prosecution in all fairness
3 should read the second paragraph into the record
4 starting "We have had some very pleasant Japanese."
5 Otherwise it is an excerpt, that is, excerpting
6 stuff that is material yet to their case; but it
7 also is not fair to leave out those other things
8 that could be material to show it was not a general
9 policy. On the other parts that were left out we
10 do not have any comment on. I think it was proper
11 to leave them out.

12 THE PRESIDENT: Well, we take it for
13 granted that wherever there are Japanese in large
14 numbers, there are sure to be some fair Japanese
15 among them. The defense can read that as part of
16 their case later.

17 MR. BROOKS: I thought in a military
18 tribunal the prosecution had the obligation to
19 present everything in a fair light for the Court's
20 consideration, and I particularly wanted to call
21 attention to the sentence in there: "Although the
22 Japanese Embassy staff has been cordial and tried
23 to help us out, they have been helpless," to show
24 that the officials were, at least, trying to do
25 something because we have had other testimony in

1 line with that.

2 THE PRESIDENT: The prosecution is here to
3 present evidence of war crimes and not of the good
4 conduct of individual Japanese. There must be no
5 further interruptions of this kind.

6 MR. SUTTON: Resuming on page 5, "January
7 1st, 1938," and then omitting the first and second
8 paragraphs which immediately follow that, and the
9 first two sentences of the next paragraph. I resume:

10 (Reading): "About the time we finished dinner
11 our day began to be spoiled. Two men came running
12 from Magee's place -- he has three places full of
13 refugees -- saying that two Japanese soldiers had
14 entered and were after the women. We got a car ready
15 and Fitch took Magee and Forster over. Later he
16 brought in two of the women to the hospital. One
17 had been raped and the other badly beaten had managed
18 with the aid of her father to break away but had been
19 injured as she jumped from a window. They were hyster-
20 ical. Then a nun from a temple in the southeastern
21 part of the city was brought to us. She had been
22 wounded on the 14th of December. Five of them had
23 sought safety in a dugout, but the Japanese soldiers
24 went into the dugout from each end killing three of
25 the five, and wounding the other two. These two, the

1 nun and a little apprentice girl of ten, later saved
2 their lives by hiding under the dead bodies of their
3 friends. Eighteen days without medical attention,
4 and five days without food. A man in the neighbor-
5 hood managed to get the badly wounded nun to the hos-
6 pital. She told us of a little girl who had been
7 stabbed in the back, so I took the ambulance down to
8 get her. Her wound had healed all right, all she
9 needed was food, a bath, and comfortable surroundings.
10 The people who live in the south-east section of the
11 city are a terrified lot, surrounded by Japanese
12 soldiers."

13 I omit the remainder of that paragraph,
14 omit the next paragraph, omit the next paragraph,
15 and resume near the bottom of the page, omitting the
16 remainder of that paragraph.

17 "Tonight at dusk I counted five good sized fires
18 in different parts of the city -- and so the burning,
19 and looting, and raping continues. In the Safety
20 Zone it is much better although the soldiers still
21 come in."

22 "January 3rd, 1938," I omit the next para-
23 graph; begin the first paragraph on page 7.

24 "But each day has a long list of bad reports.
25 A man was killed near the relief headquarters yesterday

1 afternoon. In the afternoon a Japanese soldier
2 attempted to rape a woman; her husband interfered
3 and helped her resist; but in the afternoon the
4 soldier returned and shot the husband.

5 "This morning came another woman in a sad
6 plight and with a horrible story. She was one of
7 five women whom the Japanese soldiers had taken to
8 one of their medical units -- to wash their clothes
9 by day, to be raped by night. Two of them were forced
10 to satisfy from 15 to 20 men, and the prettiest one
11 as many as 40 each night. This one who came to us
12 had been called off by three of the soldiers into an
13 isolated place, where they attempted to cut off her
14 head. The muscles of the neck had been cut but they
15 failed to sever the spinal cord. She feigned death
16 but dragged herself to the hospital--another of the
17 many to bear witness to the brutality of the soldiers.
18 Dr. Wilson is trying to patch her up and thinks she
19 may have a chance to live. Day after day our group
20 has made its report to the authorities of these terrible
21 conditions. They have tightened up and issued orders;
22 still each day brings its atrocities."

23 I omit January 4th and January 5th and
24 January 6th and resume on Page 9, January 7th.

25 "There is still a corpse in our compound at

1 Peh Hsia Road: another on the first floor of our South
2 Gate Womens' Building, and one in the Plopper's
3 compound -- all having met their fate about Dec. 13.
4 In the Prince's yard is a little baby about six months
5 old. It cried while a soldier was raping its mother.
6 The soldier smothered it by putting his hand over its
7 nose and mouth." I omit the remainder of that
8 paragraph and the next paragraph.

9 "January 8th: Some newspaper men came to
10 the entrance of a concentration camp and distributed
11 cakes and apples, and handed out a few coins to the
12 refugees, and moving pictures were taken of this kind
13 act. At the same time a bunch of soldiers climbed
14 over the back wall of the compound and raped a dozen
15 or so of the women. There were no pictures taken out
16 back.

17 "The constructive group want to restore
18 electricity and water. The day before the final
19 arrangements were made through Rabe to get the workmen
20 back on the job, a military detachment headed by a
21 non-commissioned officer went to the British Export
22 Co's factory, and picking out a group of Electric
23 Light Co's employees, 43 of them, lined them up and
24 machine-gunned them. The Light Co. was a private
25 corporation. The soldiers, without investigation,

1 claimed they were government employees. That is
2 the general condition after a month's time and there
3 is little hope of improvement."

4 I omit the next two paragraphs on that
5 page, omit January 11th and January 12th, the entire
6 page 10; the first paragraph -- I omit the first
7 paragraph on page 11, read only the date "January
8 13th;" omit the rest of the remainder of page 11
9 and the first two paragraphs on page 12, resuming
10 at the beginning of the third paragraph on page 12.
11 The date is now January 13th.

12 (Reading): "Conditions have improved, but
13 horrible things still go on. Two days ago I went
14 into the dispensary and saw a fifteen year old boy
15 on the table with part of his stomach and some of his
16 intestines protruding. The wound was two days old.
17 He lives out near the Wu Ting Meng Gage. The soldiers
18 had taken him as a laborer to carry vegetables. When
19 he had finished his work they went through his clothing
20 and robbed him of the sixty cents which they found,
21 then stuck him several times with bayonets.

22 "Our British Embassy friends have had a
23 difficult time hearing our stories. They are too raw
24 for them to take so we have had to tone them down
25 considerably. But they have been bumping into some

1 pretty terrible things on their own and getting it
2 first hand. They went on a tour of inspection of the
3 British property and near the A.P.C. at Ho Ping Men
4 they found the body of a woman who had had a golf
5 club forced up internally; a part of it was protruding.
6 Now you know why the people are still in the refugee
7 camps and why they are still terrified. We have
8 been able to protect them on American property when
9 we have been present, but what we have been able to
10 do has been a mere drop in the bucket."

11 I omit the remainder of the diary. It is
12 verified by the affidavit of James H. McCallum made
13 before Vice-Consul of the United States at Nanking.

14 THE PRESIDENT: Well, I think this is a
15 convenient break. We will recess for fifteen minutes.

16 (Whereupon, at 1045, a recess was taken
17 until 1100, after which the proceedings were
18 resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Captain Brooks.

4 MR. BROOKS: Mr. President, on the objection
5 that I made on this last statement of reading of the
6 notes, diary, I had been under the feeling that the
7 duty of the prosecutor was such as is familiar to us
8 American attorneys, and from the statement of the Court
9 several of us are under the apprehension that it is
10 otherwise. To clarify this matter, I wanted to respect-
11 fully request of the Court for a ruling in the effect
12 that while his primary duty is to prosecute, that any
13 act such as conscious suppression of evidence favor-
14 able to the defense, inconsistent with the genuine
15 desire to have the full truth revealed, is prohibited
16 by this Court.

17 THE PRESIDENT: Now, this is an attempt to
18 review a decision or to secure a review of a decision
19 just given. We will not do so. If a similar point
20 arises later you may bring the matter up then. We
21 cannot allow our decisions to be reviewed, to be
22 brought up for review immediately after they are given.
23 We will hear you no further, Captain Brooks.

24 MR. BROOKS: A review is not asked, your
25 Honor. I hadn't finished. A review is not asked of

1 the former decision, but we had another matter which
2 we had not raised because of the Court's decision
3 which we wish to bring up now.

4 THE PRESIDENT: Just state what you are ask-
5 ing so I won't have to wait until the end of your
6 statement to find out what it is.

7 MR. BROOKS: The point that I am making is that
8 the prosecution should be under the instruction that
9 his primary duty, while it is to prosecute, any act
10 inconsistent with a genuine desire to have the whole
11 truth revealed is prohibited, and it is based upon
12 similar conditions and directions as are found in
13 military justice procedure manuals for all United
14 States military justice courts.

15 THE PRESIDENT: That is an attempt to secure
16 a review of a decision of ours. You want us to give
17 a direction to the prosecution inconsistent with some-
18 thing that was said in the course of giving the decision.
19 We won't hear you any further. I could add to that
20 decision but I won't. That would amount to an explan-
21 ation, and not merely an explanation of it but a
22 justification of it.

23 Major Furness.

24 MR. FURNESS: If the Court please, reading
25 the diary the prosecutor ended the second sentence on

1 page 6 says that, "The people in the southeast portion
2 of the city are a terrified lot, surrounded by Jap-
3 anese soldiers." The very next sentence states that
4 they were a decently behaved group of soldiers, from
5 his observation, and the remainder of the paragraph
6 goes on to show that.

7 THE PRESIDENT: That is the same point as we
8 have already decided, isn't it? That is in evidence.
9 Let it be understood, let everybody in court know that
10 is in evidence and you can use it when your time comes
11 to present your evidence. The only question that is
12 raised here is when you should use it. You want to
13 use it in the course of the prosecution's case. You
14 may use it in the course of your own if it is relevant.

15 MR. FURNESS: I assume we can also use it in
16 argument on motions at the close of the prosecution's
17 case.

18 THE PRESIDENT: Subject to what the Charter
19 says, perhaps you can.

20 MR. SUTTON: May it please the Tribunal, the
21 prosecution next tenders in evidence its document
22 1718, dated April 7, 1946, the statement of Sun Yuen
23 Cheng, concerning atrocities witnessed by him follow-
24 ing the fall of Nanking.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 1718B will be marked exhibit No. 310.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 310 and received in evidence.)

6 MR. SUTTON: (Reading):

7 "Statement of Sun Yuen Cheng.

8 "I was raised in Nanking and am forty years
9 old, married, and was a rice merchant at the time of
10 taking of Nanking. I was in refugee camp, and was
11 taken from the camp by the Japanese because the Japs
12 thought I was a soldier. I was identified as a civilian
13 to the satisfaction of the Japs, and put to work in
14 labor work for the Japs. I was put in an army kitchen
15 to boil water, and while there I saw a massacre of
16 people in Nanking. The Japs visited the refugee camps,
17 and inspected passes. The Japanese military camp was
18 near the Nanking Railroad Station. People were asked
19 to get passes at Japanese military headquarters. The
20 first time they came over they were detained, also the
21 second time. These were the people who were massacred.
22 The people were lined up on the bank of the river (men
23 and women), having been asked to go there for a roll
24 call, and trucks came up with machine guns and the
25 Japanese soldiers in the trucks opened fire on the

1 people. Fifteen to twenty Japanese soldiers were in
2 each truck. There were Japanese officers present, and
3 each truck had in it an officer wearing a sword. I
4 was in the kitchen about 40 from the people who were
5 being fired upon. This lasted some sixty minutes or one
6 hour. I estimate there were 10,000 people shot down
7 by machine guns as above stated while I was looking
8 on. The names of the witness."

9 Then they appear in Chinese in the original.

10 "The girl and man whose names are stated above
11 also saw the above sight and were working in the
12 kitchen with me. Most of the bodies were thrown in
13 the river, and I saw the Japanese soldiers throw these
14 people in the river. Some were left on the bank. A-
15 bout 400 soldiers were engaged in throwing bodies in
16 the river, for about a half hour. The bodies were
17 about 20 feet from the river. Some of the bodies were
18 left on the bank, and remained there for several months.
19 The sound of the machine gun fire so close to me
20 deafened somewhat the left ear, which is still affect-
21 ed. I worked three months more, then escaped, but was
22 wounded in escape. This was translated to me by Colonel
23 TU of the Chinese Army and is correct. The massacre
24 happened December, 1938."

25 Signed in Chinese and witnessed by Colonel
Tu Ying-Kuang, Colonel Thomas H. Marrow.

1 The prosecution next tenders in evidence its
2 document 1729, the statement of Lee Tih Sung, dated
3 April 7, 1946.

4 THE PRESIDENT: What is it about?

5 MR. SUTTON: Relative to the action of the
6 Japanese soldiers in Nanking following the fall of
7 that city.

8 THE PRESIDENT: Do tell me that in the future
9 without having to be asked.

10 Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1729 will be marked exhibit 311.

13 (Whereupon, the document above referred
14 to was marked prosecution's exhibit No. 311 and
15 received in evidence.)

16 MR. SUTTON: (Reading)

17 "Statement of Lee Tih Sung, Nanking, living
18 at Tsoong Soo Hong No. 7. Age 28. Married.

19 "About the 15th of December 1937, at about 8
20 o'clock in the morning I came out of a grocery store
21 at North Tsu Sze An No. 46, and I saw two Jap soldiers
22 coming towards me. The Japs were drafting Chinese
23 civilians into a labor gang and I could see that they
24 already had gathered up a gang of about 30 Chinese
25 civilians. The Japs ordered me to stop, at the time

1 I had a rice bowl in my hand and I stooped over to
2 lay the bowl on a plank,- the Japs did not like my not
3 stopping at once and they slapped me in the face and
4 made me join the labor gang. We were marched to Hsing
5 Chung Gate, Shakwan, and ordered to remove the sand
6 bags that had been piled up in front of the gate by
7 the Government Troops during the war, to block the way
8 of the Japs. The first day passed without anything
9 happening. On the second day I went to work again
10 and there I saw three of civilians working in the gang
11 shot to death by the Japs, because they did not under-
12 stand very well what the Japs had ordered them to do.
13 Then I made up my mind to run away after I had finished
14 the day's work.

15 "On the next day, I was in the refugee zone and
16 again I was drafted by the Japs along with three others.
17 We were ordered to carry luggage on a bamboo pole for
18 the Japs. One of us was not strong enough to carry the
19 load and he asked the Japs if he could be sent home.
20 The Japs ordered him to kneel down and they beat this
21 poor fellow to death with the bamboo pole.

22 "On about the 23rd of December I was living
23 in a house on Peiping Road, and at about 9 o'clock
24 in the morning two Jap Officers and a few other Jap
25 soldiers came to our street with a Chinese and had this

1 Chinese do the talking for them. The Japs ordered all
2 of the people in the neighborhood to come out of their
3 houses and then had this Chinese tell them that they
4 were all required to take out residence certificates
5 from the Japs. These people were also told that those
6 that had previously worked for the Chinese Army and
7 those who were fit to do some military service and
8 those who had been drafted into the Chinese labor gangs
9 should step forward, they were told that these people
10 would be taken care of by the Japs. They could work
11 for the Japs and that they would be paid for their
12 work, provided with shelter and would be allowed to
13 go home at any time they wanted to quit the services
14 of the Japs. About fifty to sixty persons then stepped
15 forward in the line. Most of these people were home-
16 less and jobless and thought the Japanese would do what
17 they had promised to do. I then went to my home and
18 watched from an upstairs window. I saw the Japs
19 march these fifty or sixty men to the other end of the
20 street known as" -- it is skipped in this translation.
21 "All of these fifty or sixty men were lined up in a
22 vacant lot alongside of a pond of water. They were
23 all machine gunned to death. I saw one still alive
24 and struggling and then the Japs **sprayed** gasoline on all
25 of them and burned them all.

1 "On or about the 27th of December at 10 o'clock
2 in the morning I was walking on Shanghai Road and I
3 saw a Jap soldier walk past a Chinese policeman attached
4 to the International Refugee Zone. The Policeman
5 saluted the Japanese as he passed and the Jap ordered
6 him not to move, the policeman was then bayoneted in
7 the abdomen and died on the spot.

8 "This statement was translated to me in
9 Chinese by Henry Chiu and it is correct.

10 Signed: Lee Tih Sung.

11 "Witnessed by John J. Crowley, Henry Chiu."

12 The prosecution next tenders in evidence
13 its document No. 1739, statement of Mr. Loh Sung Sze,
14 dated April 6, 1946, relative to the murder of her
15 husband by Japanese troops in Nanking in December, 1937.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 1739 will be marked exhibit No. 312.

19 (Whereupon, the document above referred
20 to was marked prosecution's exhibit No. 312 and
21 received in evidence.)

22 MR. SUTTON: (Reading)

23 "I am now resident of Nanking and a widow 45
24 years old. About December 21, 1937, a group of Japanese
25 soldiers came to my home across the river from NANKING

1 in the town named LOH HUK. My husband was a teacher.
2 The soldiers, about twenty in number, asked for women,
3 and eight of them surrounded me and tried to take me
4 away. They however did not do it because my four
5 children were crying at the time and the Japanese be-
6 came impatient and left the house. This happened
7 about six or seven --

8 THE PRESIDENT: Seven or eight.

9 MR. SUTTON: (Continuing) "-- in the evening.
10 A little while later about five or six Japanese came
11 again (another group) in the" -- the name is in Chinese
12 on the original -- "Regiment. They took away my hus-
13 band with the intention to put him in a labor gang.
14 The Japanese asked him to assume a burden of cereal on
15 his back, but because he did not do the job well, the
16 Japanese got rid of him by bayoneting him to death in
17 several places about a hundred yards away. I saw this
18 because I was following him to see what they did with
19 him. The body was buried the next day.

20 "He was bayoneted in the neck, kidney, fore-
21 head, and altogether in seven places. After seeing
22 him bayoneted, I fled home.

23 "I went home with my father, who also saw
24 this also, and is also living in Nanking. Also other
25 persons saw this. SUNG SOONG YEN is my father's name.

1 "This Statement was translated by Henry Chiu,
2 and is correct."

3 Signed by fingerprint. Witnessed by Colonel-
4 Morrow, J. J. Crowley, Henry Chiu.

5 MR. BROOKS: If the Tribunal please, the
6 defense would like to have the names in these blanks,
7 the witnesses they have named in Chinese and the
8 regiment. It might be very material and we would
9 like to have those put into the record if it is
10 possible for the Chinese translation to be made at the
11 time. Just not say it is a Chinese name or Chinese
12 character.

13 THE PRESIDENT : You can inspect the original,
14 Captain Brooks. We are not going to have the proceed-
15 ings delayed for a thing like that.

16 MR. BROOKS: If the Court please, the defense
17 does not have Chinese translators.

18 THE PRESIDENT: There is one at the table I
19 am sure will help you.
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1 MR. SUTTON: The prosecution next tenders in
2 evidence its document 1732, dated April 7, 1946, state-
3 ment of Woo King Zai with regard to the killing of five
4 civilians by Japanese soldiers in Nanking in December
5 1937.

6 THE PRESIDENT: Admitted subject to the usual
7 terms.

8 DEPUTY CLERK OF THE COURT: Prosecution docu-
9 ment No. 1732 will be marked exhibit No. 313.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 313, and was received in evidence.)

13 MR. SUTTON: (Reading) "Statement of Woo
14 King Zai. Age 26. Native of Nanking. Living at Dong
15 Zung Kai, No. II.

16 "I had already moved into the refugee zone
17 before the Japs came into the City on December 13, 1937.
18 On about December 17th the Japs were searching the
19 houses on the street I lived on. They were also plun-
20 dering as they searched. When they reached the house
21 where I was living the Japs ordered me to carry their
22 loot for them; they had already gathered up several
23 Chinese to carry their loot for them."

24 "On the way to Moo Foo Hill where the Japs
25 were living a few other civilians were drafted into

1 the gang to carry more things for the Japs which they
2 continued to loot from houses along the way. After
3 reaching Moo Foo Hill all of us were ordered to stay
4 there and wait on them. On about the 20th of December
5 at about 7 o'clock in the evening the Japs examined the
6 palms of all the civilians who they took along to work
7 for them. Five among the civilians were found to have
8 callouses on their hands and so they were bayoneted to
9 death by the Japs. I saw this because I was there and
10 my hands were also examined. As the Japs were taking me
11 to Moo Foo Hill I saw many dead Chinese lying along the
12 road and elsewhere. I would say that I saw about two
13 hundred dead Chinese among them many children. Most of
14 them had been bayoneted to death, including the children.

15 "This statement was translated to me in Chinese
16 by Henry Chiu and it is correct."

17 Signed in Chinese. Witnessed by John J.
18 Crowley and Henry Chiu.

19 The prosecution next tenders in evidence its
20 document No. 1719, a joint statement of Chu Yong Ung
21 and Chang Chi Hsiang relative to the **murder** of four
22 persons by Japanese soldiers in Nanking following the
23 occupation of that city by Japanese troops.

24 THE PRESIDENT: Admitted on the usual terms.

25 DEPUTY CLERK OF THE COURT: Prosecution

1 document No. 1719 will be marked exhibit No. 314.

2 (Whereupon, the document above
3 referred to was marked prosecution's exhibit
4 No. 314, and was received in evidence.)

5 MR. SUTTON: (Reading) "We were living near
6 together on the same street called Chuen Pen Hong.
7 The first day the Japanese came into the city these
8 two persons with their families fled into a suburb
9 named (omitted), and there lived. The Japanese accused
10 us of being Chinese troops. There were fourteen (two
11 families), in the one house, and Japanese soldiers
12 came, and killed the son of CHU YONG UNG (the son was
13 thirty, also the daughter who was twenty-seven years
14 and was then pregnant). The daughter was kicked to
15 death, and the son was shot. We both saw this. We
16 were lined up in front of the house, and two others
17 were killed, the father of CHANG CHI HSIANG, who was
18 then 13" -- obviously a typographical error on this --
19 "and the uncle of CHANG CHI HSIANG. There were about
20 eighty Japs. The father was shot and the uncle shot
21 and bayoneted. We were both eyewitnesses to this. We
22 were all kneeling to the Japanese at the time.

23 "After the shooting and bayoneting, the rest
24 of us escaped. None of the men were soldiers and all
25 were residents of NANKING.

1 "This statement has been read to both of us,
2 and translated by Henry Chiu, and the statement is
3 correct.

4 "(Signed) Chu Yong Ung; Chang Chi Hsiang.

5 "Witnessed by: Thomas H. Morrow and
6 J. J. Crowley."

7 The prosecution next tenders in evidence its
8 document 1741, statement of Mrs. Wong Kiang Sze, dated
9 April 6, 1946, relative to murder committed by Japanese
10 soldiers in Nanking following the fall of that city.

11 THE PRESIDENT: Admitted on the usual terms.

12 Major Furness:

13 MR. FURNESS: Might I inquire whether these
14 are affidavits? They do not appear to be so in the
15 form submitted. In translation they appear to be just
16 statements.

17 THE PRESIDENT: The Charter covers any signed
18 statement.

19 It goes to weight, not to admissibility.

20 MR. FURNESS: Might I request, then, that when
21 they are introduced they be referred to as statements
22 rather than affidavits. I think they were referred to
23 as affidavits.

24 MR. SUTTON: Those which are statements have
25 heretofore been referred to as statements.

1 I should like, with the privilege of the Court,
2 to add that I am advised that there is no such thing in
3 Japanese law and procedure -- in Chinese law and proce-
4 dure as an affidavit, and that a statement signed and
5 witnessed is admissible in the courts in China.

6 MR. FURNESS: So the record may be clear, may
7 it show that the defense objected to the admission of
8 statements as it did to affidavits, and that the
9 defense's objection was overruled.

10 THE PRESIDENT: Yes. Now, that interruption
11 was wholly unnecessary.

12 DEPUTY CLERK OF THE COURT: Prosecution docu-
13 ment No. 1741 will be marked exhibit No. 315.

14 (Whereupon, the document above
15 referred to was marked prosecution's exhibit
16 No. 315, and was received in evidence.)

17 MR. SUTTON: The prosecution next tenders
18 in evidence its document 1724, statement of Hu Tu Sin
19 relative to the murder of a civilian by Japanese troops
20 in Nanking following the fall of that city.

21 THE PRESIDENT: Admitted on the usual terms.

22 DEPUTY CLERK OF THE COURT: Prosecution docu-
23 ment No. 1724 will be marked exhibit No. 316.

24 (Whereupon, the document above
25 referred to was marked prosecution's exhibit

1 No. 316, and was received in evidence.)

2 MR. SUTTON: (Reading) "I am a resident of
3 Nanking and was born there. Am 27 years old and have
4 lived there since birth. I am a civilian.

5 "On 14th of December I saw a Japanese shoot a
6 civilian and kill him because he had callous marks on
7 his right hand. They claimed that this indicated he
8 was a soldier, and the callous came from handling a
9 rifle. However, the man was a civilian who made **noodles**.
10 I was examined for the same reason, but had no callous
11 marks on my hands. The shooting happened in the yard
12 of a house where I was staying at the time.

13 "I saw a Chinese woman dragged into a house
14 by two Japanese soldiers. She was crying at the time,
15 and attempted to resist. I also saw a Japanese some
16 two weeks later dragging a girl about thirteen years
17 old into a house and was told afterward that the girl
18 had been raped there.

19 "I have had--

20 THE PRESIDENT: No, you do not need those
21 formal things in the record. They are in evidence.
22 Do not read them.

23 MR. SUTTON: I beg your pardon?

24 THE PRESIDENT: Do not read the signatures.
25 They are in evidence. We do not want that stuff in

1 the record simply because it is being repeated over
2 the IBM in Japanese, if that is the case.

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1 MR. SUTTON: The prosecution next tenders in
2 evidence its document No. 1737, statement of Wong Chen
3 Sze relative to the murder of her husband by Japanese
4 troops while he was trying to protect her from being
5 raped.

6 THE PRESIDENT: Admitted on the usual terms.

7 DEPUTY CLERK OF THE COURT: Prosecution docu-
8 ment No. 1737 will be marked exhibit No. 317.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 317, and was received in evidence.)

12 MR. SUTTON: (Reading) "(41 years of age,
13 native of Nanking, a widow.)

14 "My husband was killed by the Japanese on
15 December 26, 1937 four Japanese soldiers came to my
16 home (No. 1 Yang Chu Hong) about four in the after-
17 noon. They were about to rape me and three of them
18 forcibly unclotted me, as to upper part of my apparel,
19 and at that time my husband came to protect me and he
20 was instantly kicked to death. My children were in
21 the same room, and were crying. My children were 2
22 months and 4 years of age. They did not rape me after
23 killing my husband but left the house. I had this
24 translated to me by Henry Chiu."

25 The prosecution tenders in evidence its

1 document No. 1738, statement of Wu Zah Tsing concerning
2 the murder of her brother by Japanese troops in Nan-
3 king.

4 THE PRESIDENT: Admitted on the usual terms.

5 DEPUTY CLERK OF THE COURT: Prosecution docu-
6 ment No. 1738 will be marked exhibit No. 318.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 318, and was received in evidence.)

10 MR. SUTTON: (Reading) "The Japanese soldiers
11 ordered my brother to kneel down before them and because
12 he did not do so at once, and the Japanese soldiers
13 bayoneted him in the left chest. My brother was not
14 armed at the time. This was done in the presence of
15 my brother's sister-in-law, his wife and his mother,
16 and myself.

17 "My brother had a civilian suit over his uni-
18 form. He died instantly. This happened in a village
19 near Nanking January 1938. Henry Chiu has translated
20 this for me and the statement is correct. I saw on the
21 same afternoon the bodies of many other civilian Chinese
22 people who were bayoneted and beaten to death, both
23 men and women. Translated by Henry Chiu."

24 The prosecution next tenders in evidence its
25 document No. 1722, dated March 7, 1948, the statement

1 of Yien Wang Sze relative to murder committed by Jap-
2 anese troops at Nanking in 1937.

3 THE PRESIDENT: Admitted on the usual terms.

4 DEPUTY CLERK OF THE COURT: Prosecution docu-
5 ment No. 1722 will be marked exhibit No. 319.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 319, and was received in evidence.)

9 MR. SUTTON: (Reading) "Statement of
10 Mr. Yien Wang Sze, 47 years of age, a native of
11 Nanking, of 457 Ching Cheu Road.

12 "My brother Wang Shin Ying was a member of
13 the local Volunteer Corps, was caught by the Japanese
14 when they first captured Nanking in 1937, and was bay-
15 oneted on the forehead about three times and several
16 times on the spine. I saw this personally. He was
17 in civilian clothes at the time, and was acting as a
18 refugee. We were living at a refugee camp at the time
19 of the incident, situated Ying Yang Ying. He died almos
20 immediately. The Volunteer Corps were raised to prevent
21 looting. I saw the bodies of other Chinese civilians
22 nearby when this happened. The Corps was not a military
23 body, but was raised in city."

24 THE PRESIDENT. That will do. Stop there.

25 MR. SUTTON: The prosecution tenders in

1 evidence its document 1731, statement of Wong Pan Sze,
2 dated April 7, 1946, relative to rape and other atroc-
3 ities committed by the Japanese troops in Nanking,
4 December 1937.

5 THE PRESIDENT: Admitted on the usual terms.
6 This is a long document, and, moreover, you have not
7 provided copies for the Judges -- I understand they
8 have just been received.

9 DEPUTY CLERK OF THE COURT: Prosecution docu-
10 ment No. 1731 will be marked exhibit No. 320.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 320, and was received in evidence.)

14 MR. SUTTON: (Reading) "Statement of Wong
15 Pan Sze, 24 years of age. Native of Nanking, living
16 at Kiu Erh Yuen No. 40.

17 "At the time the Japanese entered the city on
18 December 13, 1937, I and my father and my sister had
19 already removed to live in a house on Shanghai Road
20 No. 100 which was in the refugee zone. There were
21 about 500 persons living in that house, and I often
22 saw the Japs come to the house asking and searching
23 for women. On one occasion one woman was raped in the
24 open yard. This happened in the night, and all of us
25 could hear her cry while she was being raped. But when

1 the Japs left we could not find her, they had taken
2 her away with them. Twice I saw the Japs' truck come
3 to the house and round up women living at the house.
4 These women were taken away by the Japs and none of them
5 returned with the exception of one girl who managed to
6 get back home after having been raped by the Japs, and
7 she told me that all the girls who had been taken in
8 the truck had been raped many times by the Japs, one
9 after the other. This one girl who managed to get back
10 to the house told me that she had seen one other girl
11 raped, and after being raped the Japs stuck weeds into
12 her vagina, and the girl had died from this treatment.
13 At this time I was about 15 years of age. I hid every
14 time a Jap came near the house, and that is why the
15 Japs never caught me.

16 "My grandmother and my three uncles were living
17 in a mat shed not far from the place where I lived on
18 Shanghai Road. On about the 16th of January 1937, at
19 about 1 o'clock in the afternoon, I went over to see my
20 grandmother in the mat shed. While I was there, three
21 Jap soldiers came and took away one woman from the shed.
22 This woman had been living in the same mat shed with her
23 husband and mother-in-law. The husband followed them
24 trying to stop them, and the Japs grabbed him, stuck
25 wire through his nose, and then tied the other end of

1 the wire to a tree, just like one would tie up a bull.
2 The Japs then bayoneted this man many places over the
3 body. This man's mother also came out and rolled on
4 the ground crying. The Japs did not like this so they
5 continued to bayonet the son. They told the mother to
6 go into the house or they would kill her. The son died
7 from his wounds on the spot. I saw it all as I was
8 standing in the door watching the whole affair."

9 THE PRESIDENT: We will adjourn now until
10 half past one.

11 (Whereupon, at 1200, a recess was
12 taken.)
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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now in
7 session.

8 THE PRESIDENT: Mr. Sutton.

9 MR. SUTTON: If the Tribunal please, prose-
10 cution offers in evidence its document 1730, the
11 statement of Mrs. Woo Chang Sze, relative to the
12 atrocities committed by Japanese troops in Nanking
13 following the fall of that city.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 1730 will be marked exhibit No. 321.

17 (Whereupon, prosecution's exhibit
18 No. 321 was received in evidence.)

19 MR. SUTTON: (Reading)

20 "About two weeks after the Japanese entered
21 Nanking Mrs. Woo Chang Sze, then still unmarried went
22 with her family to a house opposite the American Em-
23 bassy which had previously been occupied by a German
24 doctor. There were a lot of Chinese people living
25 in this house at the time because they thought it

1 was a rather safe place as it was near the American
2 Embassy. One day in the afternoon, can not remember
3 the date, at about 3 o'clock in the afternoon, three
4 Japanese soldiers came to the house, all of the people
5 in the house fled to the upper part of the house, ex-
6 cept one girl of about 18 years of age. This one
7 girl was caught by the Japs before she could get up-
8 stairs and was raped by the three Japanese in turn,
9 one after one another. This young girl died soon
10 after she had been raped. After the Japanese left
11 the rest of the people came down-stairs and found
12 the girl dead, and bleeding, the lower part of her
13 body. The body was buried right away by the dead
14 girl's father who was employed by the German doctor
15 as the gate keeper of that house."
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1 The prosecution next offers in evidence its
2 document No. 1740, statement of Mrs. Chang Kia Sze,
3 dated April 6, 1946, relative to the action of the
4 Japanese soldiers in Nanking following the fall of
5 that city.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1740 will be marked exhibit No. 322.

10 (Whereupon, prosecution's exhibit
11 No. 322 was received in evidence.)

12 MR. SUTTON: (Reading)

13 "The first date the Japanese entered NANKING,
14 they fired and burnt our home, and we were proceeding
15 to the refugee camp. There were the following in
16 the party, my mother-in-law, my brother and his
17 wife, two children of mine, and my brother-in-
18 law's two children, aged 5 and 2 years of age.

19 "As we were proceeding and came to a place
20 called LAO WONG FOU, in Nanking City, we were met
21 by twelve Japanese soldiers, including some officers,
22 who wore swords. One of the soldiers wearing a
23 sword, whom I thought was an officer, grasped my
24 sister-in-law, and raped and then killed in the
25 presence of her husband and children, who were

1 killed at the same time. The husband was killed
2 for trying to defend his wife and the two children
3 were killed because they wept when their mother
4 was being raped. The five year girl was suffocated
5 by having her clothing stuffed in her mouth, and
6 the boy was bayoneted. Their father and mother
7 were both bayoneted and thereby killed. My
8 mother-in-law was also bayoneted and died twelve
9 days later. I fell to the ground, and escaped
10 later with my two children. This all happened
11 about 10 o'clock in the morning, and in broad
12 daylight on the streets of Nanking. I was an
13 eye witness of all this. I went to the refugee
14 camp, and on the way saw many corpses women and
15 civilian men. The women had their apparel pulled
16 up, and looked like they had been raped. I saw
17 about twenty, mostly women."

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1 The prosecution next offers in evidence its
2 document 1744, being excerpts from documents of the
3 Nanking Safety Zone, edited by Shuhsi Hsu, published
4 by Kelly & Walsh, Limited, Shanghai-Hong Kong-
5 Singapore, 1939.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1744 will be marked exhibit No. 323.

10 (Whereupon, prosecution's exhibit
11 No. 323 was received in evidence.)

12 MR. SUTTON: With the permission of the
13 Court, I shall read into the record only portions
14 from this document, beginning on page 4.

15 (Reading)

16 "LIST OF INTERNATIONAL COMMITTEE FOR THE
17 SAFETY ZONE

18	<u>Name</u>	<u>Nationality</u>
19	"1. Mr. John H. D. Babe, Chairman	German
20	"2. Dr. Lewis S. C. Smythe Secretary	American
21	"3. Mr. P. H. Munroe-Faure	British
22	"4. Rev. John G. Magee	American
23	"5. Mr. P. R. Shields	British
24	"6. Mr. J. M. Hansen	Danish
25	"7. Mr. G. Schultze-Pantin	German

- 1 "8. Mr. Iver Mackay British
2 "9. Mr. J. V. Pickering American
3 "10. Mr. Eduard Sperling German
4 "11. Dr. M. S. Bates American
5 "12. Rev. W. P. Mills American
6 "13. Mr. J. Lean British
7 "14. Dr. C. S. Trimmer American
8 "15. Mr. Charles Riggs American

9 "Number 7

10 "LETTER TO MR. FUKUDA

11 "December 16, 1937

12 "My dear Sir:

13 "As pointed out by the Major we inter-
14 viewed with you at the Bank of Communications
15 yesterday noon, it is advisable to have the city
16 return to normal life as soon as possible. But
17 yesterday the continued disorders in the Safety
18 Zone increased the state of panic among the
19 refugees. Refugees in large buildings are afraid
20 to go even to nearby soup kitchens to secure the
21 cooked rice. Consequently, we are having to deliver
22 rice to these compounds directly, thereby compli-
23 cating our problem. We could not even get coolies
24 out to load rice and coal to take to our soup
25 kitchens and therefore this morning thousands

1 of people had to go without their breakfast.
2 Foreign members of the International Committee
3 are this morning making desperate efforts to get
4 trucks through Japanese patrols so these civilians
5 can be fed. Yesterday foreign members of our
6 Committee had several attempts made to take their
7 personal cars away from them by Japanese soldiers.
8 (A list of cases of disorder is appended.)

9 "Until this state of panic is allayed,
10 it is going to be impossible to get any normal
11 activity started in the city, such as: telephone
12 workers, electric plant workers, probably the water
13 plant workers, shops of all kinds, or even street
14 cleaning.

15 "In order to improve this situation quickly,
16 the International Committee respectfully suggests
17 that the Imperial Japanese Army take the following
18 steps at once:

19 "1. Have all searching done by regularly
20 organized squads of soldiers under a responsible
21 officer. (Most of the trouble has come from
22 wandering groups of three to four soldiers with-
23 out an officer.)

24 "2. At night, and if possible also in
25 the daytime, have the guards at the entrances of

1 the Safety Zone (proposed by the Major yesterday)
2 to prevent any stray Japanese soldiers from enter-
3 ing the Safety Zone.

4 "3. Today, give us passes to paste on
5 the windshields of our private cars and trucks
6 to prevent Japanese soldiers from commandeering
7 them. (Even under the stress of defense of the
8 city the Chinese Army Headquarters supplied us
9 with such passes and the cars that were taken
10 before we got the passes were returned to the
11 Committee within 24 hours after our reporting
12 the cases. Furthermore, even in that difficult
13 situation, the Chinese Army assigned to us three
14 trucks to use for hauling rice for feeding civil-
15 ians. Certainly the Imperial Japanese Army in full
16 control of the city, with no fighting going on,
17 and with much greater amount of equipment, can-
18 not do less for the Chinese civilians that have
19 now come under their care and protection).

20 "We refrained from protesting yesterday
21 because we thought when the High Commander arrived
22 order in the city would be restored, but last
23 night was even worse than the night before, so
24 we decided these matters should be called to the
25 attention of the Imperial Japanese Army, which

1 we are sure does not approve of such actions by
2 its soldiers.

3 "Most respectfully yours,

4 "LEWIS S. C. SMYTHE

5 Secretary"

6
7 "Number 8

8 "CASES OF DISORDER BY JAPANESE SOLDIERS
9 IN THE SAFETY ZONE

10 "Filed, December 16, 1937

11 "Note: These are only sample cases we
12 have had time to check upon more carefully. Many
13 more have been reported to our workers.

14 "1. Six street sweepers of the second
15 division of the Sanitary Commission of the Safety
16 Zone were killed in the house they occupied at
17 Kulou and one seriously injured with a bayonet
18 by Japanese soldiers on December 15. There was
19 no apparent reason whatever, as these men were
20 our employees. The soldiers entered the house.

21 "2. A carriage loaded with rice was
22 taken on December 15 at 4 p.m. near the gate of
23 Ginling College by Japanese soldiers.

24 "3. Several residents in our second
25 sub-division were driven from their homes

1 on the night of December 14 and robbed of every-
2 thing. The Chief of the sub-division was himself
3 robbed twice by Japanese soldiers.

4 "4. On the night of December 15, last
5 night, seven Japanese soldiers entered the Univer-
6 sity of Nanking library building and took seven
7 Chinese women refugees, three of whom were raped
8 on the spot. (Full details of this case will be
9 filed by Dr. M. S. Bates, Chairman of the Univer-
10 sity of Nanking Emergency Committee).

11 "5. On the night of December 14, there
12 were many cases of Japanese soldiers entering
13 Chinese houses and raping women or taking them
14 away. This created a panic in the area and
15 hundreds of women moved into the Ginling College
16 campus yesterday. Consequently, three American
17 men spent the night at Ginling College last night
18 to protect the 3,000 women and children in the
19 compound.

20 "6. About 30 Japanese soldiers with no
21 apparent leader, on December 14, searched the
22 University Hospital and the nurses' dormitory.
23 The staff of the Hospital were systematically
24 looted, the objects taken were: six fountain
25 pens, \$180, four watches, two hospital bandages,

1 two flashlights, two pair of gloves, one sweater.

2 "7. Yesterday, December 15, everyone
3 of our large refugee camps in public and insti-
4 tutional buildings reported that the Japanese
5 soldiers had been there and had robbed the refu-
6 gees several times.

7 "8. On December 15, the American Ambassa-
8 dor's residence was broken into and searched and
9 some small personal articles taken.

10 "9. On December 15, the faculty house
11 of Ginling College was entered by Japanese soldiers
12 who climbed over the back fence and smashed in a
13 door. Since every movable thing had been taken
14 out of the building since December 13, nothing
15 could be stolen.

16 "10. At noon, December 14, on Chien Ying
17 Hsiang, Japanese soldiers entered a house and took
18 four girls, raped them, and let them return in two
19 hours.

20 "11. Our Ninghai Road rice shop was
21 visited on December 15 in the afternoon by Japanese
22 soldiers who bought three bags of rice (3.75 tan
23 or piculs) and only paid \$5. The regular price
24 of rice is \$9 per tan, so the Imperial Japanese
25 Army owes the International Committee \$28.75 for this.

1 "12. At 10 p.m. on the night of December
2 14, a Chinese home on Chien Ying Hsiang was enter-
3 ed by 11 Japanese soldiers who raped four Chinese
4 women.

5 "13. On December 14, Japanese soldiers
6 entered the home of Miss Grace Bauer, an American
7 missionary, and took a pair of fur-lined gloves,
8 drank up all the milk on the table, and scooped
9 up sugar with their hands.

10 "14. On December 15, the Japanese soldiers
11 entered the garage of Dr. R. F. Brady (American)
12 at 11 Shuan Lung Hsiang, smashed a window in his
13 Ford V8, later came back with a mechanic and
14 tried to start the car.

15 "15. Last night, December 15, Japanese
16 soldiers entered a Chinese house on Hankow Road
17 and raped a young wife and took away three women.
18 When two husbands ran, the soldiers shot both of
19 them.
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1 "Number 10

2 "LETTER TO JAPANESE EMBASSY

3 "December 18, 1937."

4 With a footnote: "Marked 'For the kind
5 attention of Mr. Kiyoshi Fukui, Second Secretary.'"

6 "Dear Sirs:

7 "We are very sorry to trouble you again but
8 the sufferings and needs of the 200,000 civilians for
9 whom we are trying to care make it urgent that we try
10 to secure action from your military authorities to
11 stop the present disorder among Japanese soldiers
12 wandering through the Safety Zone.

13 "There is no time or space here to go into
14 the cases that are pouring in faster than we can type
15 them out. But last night Dr. Bates of our Committee
16 went to the University of Nanking dormitories to sleep
17 order to protect the 1,000 women that fled there
18 yesterday because of attacks in their homes. He
19 found no Gendarmerie on guard there nor at the new
20 University library building. When at 8 p.m. Mr. Fitch
21 and Dr. Smythe took Rev. W. P. Mills to Ginling
22 College to sleep in a house near the gate (as one or
23 more of us have been doing every night since the 14th
24 in order to protect the 3,000 women and children,
25

1 yesterday augmented to 4,000 by the panic), we were
2 seized roughly by a searching squad and detained for
3 over an hour. The officer had the two women in charge
4 of Ginling College, Miss Minnie Vautrin and Mrs. Chen,
5 with a friend, Mrs. Twinen, lined up at the gate and
6 kept them there in the cold and the men pushed them
7 around roughly. The officer insisted there were
8 soldiers in the compound and he wanted to find them
9 and shoot them. Finally, he let us go home but would
10 not let Rev. Mills stay so we do not know what happen-
11 ed after we left.

12 "This combined with the marching off of the
13 men at the Ministry of Justice on December 16 (see
14 separate "Memorandum"), among which were several
15 hundred civilian men to our positive knowledge and
16 50 of our uniformed police, had made us realize that,
17 unless something is done to clear up this situation,
18 the lives of all the civilian men in our Zone are
19 at the mercy of the temperament of searching contains.

20 "With the panic that has been created among
21 the women who are now flocking by the thousands to
22 our American institutions for protection, the men are
23 being left more and more alone. (For instance there
24 were 600 people in the old Language School at
25

1 Siao T'ao Yuen up till December 16. But because so
2 many women were raped there on the night of December
3 15, 400 women and children moved to Ginling College,
4 leaving 200 men.) These public institutional build-
5 ings were originally listed to accommodate 35,000
6 people; now, because of panic among the women, this
7 has increased to 50,000, although two buildings have
8 been emptied of men: the Ministry of Justice and the
9 Supreme Court.

10 "If this panic continues, not only will our
11 housing problem become more serious but the food
12 problem and the question of finding workers will seri-
13 ciously increase. This morning one of your representa-
14 tives, Mr. K. Kikuchi, was at our office asking for
15 workers for the electric light plant. We had to reply
16 that we could not even get our own workers out to do
17 anything. We are only able to keep rice and coal
18 supplied to these large concentrations of people by
19 Western members of our Committee and Staff driving
20 trucks for rice and coal. Our Food Commissioner has
21 not dared leave his house for two days. The second
22 man on our Housing Commission had to see two women
23 in his family at 23 Henkow Road raped last night at
24 supper time by Japanese soldiers. Our Associate Food
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1 Commissioner, Mr. Sone (a Theological Professor),
2 has had to convey trucks with rice and leave the
3 2,500 people in families at his Nanking Theological
4 Seminary to look out for themselves. Yesterday, in
5 broad daylight, several women at the Seminary were
6 raped right in the middle of a large room filled
7 with men, women, and children! We 22 Westerners can-
8 not feed 200,000 Chinese civilians and protect them
9 night and day. That is the duty of the Japanese
10 authorities. If you can give them protection, we
11 can help feed them!

12 There is another matter that is in the minds
13 of the Japanese officers searching the Zone: they
14 think the place is full of 'plain-clothes soldiers.'
15 We have notified you several times of the presence
16 of soldiers who, disarmed, entered the Zone on the
17 afternoon of December 13. But now we can safely as-
18 sure you that there are no groups of disarmed Chinese
19 soldiers in the Zone. Your searching squads have
20 cleaned out all of them and many civilians along with
21 them.

22 "For the good of all concerned, we would beg
23 to make the following constructive suggestions."
24
25

1 "1. CONTROL OF SOLDIERS.

2 "1. We repeat our request of yesterday
3 for patrols of Gendarmerie for the Zone night and day.

4 "2. In our letter of December 16, we asked
5 that guards be placed at entrances to the Zone to keep
6 out wandering soldiers at night. This has not been
7 done. But we hope the Japanese Army will find some way
8 to prevent soldiers from robbing, raping and killing
9 the civilian population, especially at night when
10 soldiers might be confined to their barracks.

11 "3 Until general order can be restored among
12 the soldiers will you please station sentries at the
13 entrances to our 18 larger concentrations of refugees.
14 These sentries should be instructed to be responsible
15 for preventing soldiers climbing over the walls of the
16 compounds as well. (See list of 'Refugee Camps'
17 attached.)

18 "4. We would also respectfully request that
19 a proclamation in Japanese be put at each of these
20 refugee camps describing what they are and ordering
21 Japanese soldiers not to molest these poor people.

22 "11. SEARCHING.

23 "1. Since our refugee camps seem to be
24 misunderstood by captains of searching squads, we
25 suggest that today we will be glad to have a high

1 officer of the Japanese Army accompany one of our
2 housing men to each of the 18 refugee camps and see
3 them in daylight.

4 "2. Since we know there are no groups of
5 disarmed soldiers in the Zone and there has been no
6 sniping in the Zone at any time, and since,
7 furthermore, search of both Refugee Camps and private
8 houses has been carried out many times and each time
9 means robbery and rape; we would venture to suggest
10 that the Army's desires to prevent any former Chinese
11 soldier's hiding in the Zone can now be accomplished
12 by the patrol of the Gendarmeries mentioned above.

13 "3. We venture to make these suggestions
14 because we sincerely believe that if the civilian
15 population is left alone for two or three days, they
16 will resume their normal daily life in the Zone, food
17 and fuel can be transported, shops will open, and
18 workers will appear looking for work. These workers
19 can then start the essential services of electricity,
20 water and telephones.

21 "111. POLICE THAT HAVE BEEN TAKEN AWAY.

22 "Yesterday we called your attention to
23 the fact that 50 uniformed police had been taken from
24 the Ministry of Justice, and that 46 'volunteer
25 police' had also been marched off. We now must add

1 that 40 of our uniformed police stationed at the
2 Supreme Court were also taken. The only stated
3 charge against them was made at the Ministry of
4 Justice where the Japanese officer said they had
5 taken in soldiers after the place had been searched
6 once, and, therefore, they were to be shot. As
7 pointed out in the accompanying 'Memorandum on the
8 Incident at the Ministry of Justice,' Western members
9 of our Committee take full responsibility for having
10 put some civilian men and women in there because they
11 had been driven out of other places by Japanese
12 soldiers.

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1 "Yesterday, we requested that 450 uniformed
2 police assigned to the Zone be now organized into a
3 new police force for the city under Japanese direction.
4 At the same time, we trust the above mentioned 90
5 uniformed police will be restored to their positions
6 as policemen and that 46 volunteer police will either
7 be returned to our office as workers, or we be in-
8 formed of their whereabouts. We have on file a com-
9 plete list of the 450 uniformed police assigned to
10 the Zone, so can help you in this process.

11 "Trusting that you will pardon our venturing
12 to make these suggestions, and assuring you of our
13 willingness to cooperate in every way for the welfare
14 of the civilians in the city, I am

15 "Most respectfully yours,

16 "JOHN H. D. RABE

17 "Chairman."
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1 Enclosing the "Memorandum on Incident at
2 the Ministry of Justice and List of Refugee Camps in
3 Safety Zone.

4
5 "Number 14

6 "LETTER TO JAPANESE EMBASSY

7 "December 19, 1937

8 " 5 p.m.

9 "Dear Sirs:

10 "I am very sorry to have to present to you
11 herewith a continuation of the 'Cases of Disorders by
12 Japanese Soldiers in the Safety Zone,' being cases
13 numbered 16 to 70. As indicated in the note, these
14 are only a part of the cases that have come to our
15 attention. Mr. Sperling (our Inspector-General), Mr.
16 Kroeger, Mr. Hatz, and Mr. Riggs spend a good deal of
17 their time escorting Japanese soldiers out of houses.
18 These men do not have time even to dictate most of
19 their cases.

20 "I am also very regretful to have to report
21 that the situation today is as bad as ever. One
22 officer did come over in our area near Ninghai Road
23 and cuff a large number of soldiers that were committing
24 disorders. But that does not stop it.

25 "Mr. Rebe asked me to apologize for his not

1 coming at this time, but he has 300 women and child-
2 ren who have sought safety in his yard and felt he
3 could not leave them.

4 "We sincerely trust that the sentries will
5 be placed at the 18 Refugee Camps we listed to you
6 yesterday and at the University Hospital, as re-
7 quested by Dr. Wilson this morning. This will pro-
8 vide at least 19 places of safety in a sea of dep-
9 redation and protect one-third or one-fourth of the
10 population.

11 "With kindest personal regards, I am

12 "Most respectfully yours,

13 "LEWIS S. C. SMYTHE

14 "Secretary."
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"Number 15"

"CASES OF DISORDER BY JAPANESE SOLDIERS
IN THE SAFETY ZONE"

"Filed December 19, 1937"

We read only certain ones of these several cases that were appended to that letter.

"18. On the night of December 15 a number of Japanese soldiers entered the University of Nanking buildings at Tao Yuen and raped 30 women on the spot, some by six men. (Sone)

"20. On the night of December 16 seven Japanese soldiers broke windows; robbed refugees; wounded University staff member with bayonet because he had no watch or girl to give them; and raped women on the premises. (Bates)

"22. On the night of December 16 Japanese soldiers beat several of the Zone policemen near the University of Nanking, demanding that they provide girls for the soldiers from among the refugees. (Bates)

"28. At 4 p.m. on December 16 Japanese soldiers entered the residence at 11 Moka Road and raped the woman there. (Fitch)

"33. On December 17 Japanese soldiers went into Lo Kia Lu No. 5, raped four women and took one bicycle, bedding and other things. They disappeared

1 quickly when Hatz and myself appeared on the spot.
2 (Kroeger)

3 "41. On December 17 near Judicial Yuan a
4 young girl after being raped was stabbed by a bayonet
5 in her abdomen. (Wang)

6 "42. On December 17 at Sian Fu Wua a woman
7 of 40 was taken away and raped. (Wang)

8 "43. On December 17 in the neighborhood of
9 Kyih San Yuin Lu two girls were raped by a number of
10 soldier.. (Wang)

11 "45. From a primary school at Wu Tai Shan
12 many women were taken away and raped for the whole
13 night and released the next morning, December 17.
14 (Wang)

15 "60. December 19 at 11:30 a.m. Mr. Hatz
16 reports that he found two Japanese soldiers in a dug-
17 out at the house next door to our Headquarters on
18 Ninghai Road, who were trying to rape some of the
19 women. There were about 20 women in the dugout.
20 Hearing the women yelling for help, Mr. Hatz went
21 into the dugout and chased these honorable soldiers
22 out. (Hatz)"
23
24
25

"Number 16

"LETTER TO JAPANESE EMBASSY"^a

"December 20, 1937

"Dear Sirs:

"Herewith is the sad continuation of the story of disorders by Japanese soldiers in Nanking, cases Nos. 71 to 96. You will note that of these 26 cases reported to us since yesterday, 14 of them occurred yesterday afternoon, night and today. Consequently there does not seem to be much improvement in the situation.

"Although rape by Japanese soldiers occurred in Ginling College last night while one of your Consular Guards was at the gate, there was no trouble on the main campus at the University of Nanking. Since no other method has worked to date, we earnestly hope that the sentries may be placed tonight and henceforth at the 18 Refugee Camps and University Hospital, and in the daytime at our soup kitchens at Wutaishan, opposite Ginling College and on the University athletic field.

"We wish that much more stringent measures could be taken at once to stop this disorder among Japanese troops. The number of military police you have are not going to be enough to cope with the situation.

^aMarked 'For the kind attention of Mr. Tanaka.'

1 "With kindest personal regards, I am

2 "Most respectfully yours,

3 "JOHN H. D. RABE

4 "Chairman"

5
6 "Number 17

7 "CASES OF DISORDER BY JAPANESE SOLDIERS IN SAFETY ZONE

8 "Filed December 20, 1937"

9 We read only a part of those which were
10 reported with this letter:

11 "81. December 20. This morning about 3,
12 two Japanese soldiers got into building No. 500 at
13 Ginling Women's College and raped two women even
14 though a Japanese Consular officer was at the gate
15 on guard. (Twinem)

16 "86. December 17. Three girls belonging
17 to Mr. Y. H. Shaw's family (Executive Secretary of
18 the Y.M.C.A.) were taken from the Military College,
19 where they had removed from 7 Yin Yang Ying for
20 safety. They were taken to Kwoh Fu Lu, raped, and
21 sent back at midnight by Japanese soldiers. (Chen
22 Shih-yu, Y.M.C.A. secretary)

23 "90. December 20. Today a blind barber
24 came into the University Hospital. He was carrying
25 his child on the 13th in South City. When the Japanese

1 soldiers came in they asked him for money and he had
2 none, so they shot him through the chest. (Wilson)

3 "94. On the night of December 17, 11
4 refugee women were taken from the Ginling College
5 Campus by Japanese soldiers while an officer in charge
6 of a searching party had the staff lined up at the
7 front gate for over an hour. (Vautrin) The officer
8 tore up the letter certifying the institution had
9 been searched before.

10 "95. On the 17th the daughter-in-law of a
11 refugee family living on the Ginling College Campus
12 was raped in her room. The daughter of one of the
13 teachers was carried off by Japanese soldiers. (Vautrin)"

14
15 "Number 18

16 "LETTER TO JAPANESE EMBASSY

17 "December 21, 1937

18 "Dear Sirs:

19 "Herewith are cases 97 to 113 for your informa-
20 tion. Because Dr. Bates is filing the cases he has
21 secured separately, they are not included here as we
22 have done heretofore. All the cases but the first
23 occurred since yesterday afternoon. We have some
24 older cases on file, but will send them later.

25 "It should be borne in mind that some of these

1 women who have daily been raped in our Zone are the
2 wives of pastors, Y.M.C.A. workers, college instructors,
3 and others who have always lived a self-respecting
4 life.

5 "The continued danger to private homes such as
6 shown in these cases has increased the refugees in
7 camps to 77,000. The original estimate for these
8 places was less than 35,000.

9 "Trusting that your military authorities will
10 take prompt and strict action, I am

11 "Respectfully yours,

12 "LEWIS S. C. SMYTHE

13 "Secretary

14 "Later note:--After sending this letter it was
15 found that the figure of 77,000 was too large due to
16 an error in tabulation. It should be 68,000."

17
18 "Number 20

19 "LETTER TO JAPANESE EMBASSY

20 "December 21, 1937

21 "Dear Sirs:

22 "We come to petition in the name of humanity
23 that the following steps be taken for the welfare of
24 the 200,000 civilians in Nanking:

25 "1. That the burning of large sections of the

1 city be stopped and what remains of the city be
2 spared from either reckless or systematic burning.

3 "2. That the disorderly conduct of Japanese
4 troops in the city, which has caused so much suffer-
5 ing to the civilian population for one week, be
6 immediately stopped.

7 "3. In view of the fact that the looting and
8 burning have brought the business life of the city
9 to a standstill and consequently reduced the whole
10 civilian population to one vast refugee camp, and in
11 view of the fact that the International Committee
12 has reserve food supplies to feed these 200,000 people
13 one week only, we most earnestly beg you to take
14 immediate steps to restore normal conditions of
15 civilian life in order that the food and fuel supply
16 of the city may be replenished.

17 "The present situation is automatically and
18 rapidly leading to a serious famine. We plead for
19 the bare essentials of normal life: housing, security
20 and food.

21 "THE FOREIGN COMMUNITY OF NANKING

22 "Most respectfully submitted,"

23 (Signed by the names of 22 foreign residents.)
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25

1 "Number 24

2 "LETTER TO JAPANESE EMBASSY

3 "December 26, 1937

4 "Dear Sirs:

5 "We present herewith cases numbered 137 to 154.
6 We are glad to report that cases are declining and
7 conditions are much improved. But effort is still
8 needed to clean up the situation.

9 "There are three places that have been having
10 trouble at night, especially: (1) the Bible Teachers'
11 Training School Refugee Camp where seven soldiers
12 have come to rape girls the last four nights, last
13 night even spending the night there: (2) Hankow Road
14 Primary School Refugee Camp; and (3) the Wutaishan
15 Primary School Refugee Camp.

16 "Mr. Fitch and I called at your Embassy this
17 afternoon about this matter and asked that military
18 police be stationed at these three places for at
19 least a few nights so as to clear up this situation.

20 "Thanking you for your strenuous efforts to help
21 in these matters and for the improved situation in the
22 Zone, I am

23 "Most respectfully yours,

24 "LEWIS S.C. SMYTHE

25 Secretary."

"Number 29

"LETTER TO JAPANESE EMBASSY^b

"January 2, 1938

"Dear Sirs:

"We appreciated very much your statement to us on the 29th that wandering Japanese soldiers had been ordered to stay out of the Safety Zone. This has improved the situation a great deal. But yesterday and today there seems to be some letting down on this matter. A number of entrances are not guarded and many groups of five or six soldiers without armbands are wandering about the Zone.

"This return of wandering soldiers to the Zone is accompanied with an increase in cases of disorder as shown in the accompanying list. The last five cases, Nos. 171 to 175, all occurred at places we know yesterday afternoon. (See attached list of cases, Nos. 155-175.)

"This morning Mr. Fitch and Mr. Smythe called at Nos. 64 and 69 Peiping Road to see if the girls taken by Japanese soldiers on the afternoon of the 30th from these two places had been returned. They have not come back. (See cases 164, filed December 30, and 169 herewith.)

"^bMarked 'For the kind attention of Mr. Fukui.'

1 "Thanking you for your good help in this matter
2 and trusting you are having a Happy New Year's
3 celebration, I am

4 "Respectfully yours,

5 "JOHN H. D. RABE

6 "Chairman."

7 "Number 31

8 "LETTER TO JAPANESE EMBASSY

9 "January 4, 1938

10 "11 a.m.

11 "Dear Sirs:

12 "We are sorry to trouble you about another case,
13 but since there are five other women involved there
14 may be a chance of rescuing them. You will note in
15 the short list of cases herewith presented (Cases
16 176-179) that case No. 178 is that of six women taken
17 from one of our refugee centers. This woman has been
18 brought to the University Hospital and you may see
19 her there.

20 "Would you be willing to go with some of us to see
21 her and if possible learn more carefully about the
22 location of the other five? Then your military
23 police might investigate and save the others.

24 "Thanking you for your kind cooperation in these
25 matters, I am

1 "Respectfully yours,

2 "JOHN H.D. RABE

3 "Chairman."

4 The remainder --

5 "Number 58

6 "NOTES ON PRESENT SITUATION

7 "February 1, 1938"

8 "Released noon, February 2, 1938"--

9 These detailed cases, if the Tribunal please,
10 I shall not read. I would like to state that these
11 seventy seven separate reports, which are set out here,
12 give instances of seventy five separate cases of rape,
13 four cases of murder and thirteen cases of robbery.
14 These are all reported to have occurred during the
15 last week of January, 1938.

16 The prosecution next offers in evidence its
17 document No. 1702; the report of the Chief Prosecutor
18 of the District Court of Nanking, dated January 20,
19 1946, giving the facts which his investigation of the
20 situation in Nanking, following the fall of that city,
21 had disclosed.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 1702 will be marked exhibit No. 324.

25 (Whereupon, prosecution's exhibit

1 No. 324 was received in evidence.)

2 MR. SUTTON: There appears on the first
3 page of the English copy a summary of the "Estimated
4 Number of Victims of Japanese Massacre in Nanking."
5 The total shown is approximately 260,000 dead.

6 With the permission of the Court I will not
7 read the entire of pages two and three of the English
8 copy; only summarize that the chart shows burying
9 of victims by Tsung-shan-tang Teams in Nanking.
10 Pages two, three and four of the English copy shows
11 that the total number buried by this organization
12 in the vicinity of Nanking from December 26, 1937 to
13 April 20, 1938 were 112,266.

14 The chart showing victims of burying by the
15 Red Swastika Society at Nanking listing the places
16 at which they were buried, where the corpse was found
17 and where it was buried, and the number by men, women
18 and children shows that the total buried by this
19 organization was 43,071.
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1 MR. SUTTON: I resume at the top of page 10
2 of the English copy.

3 (Reading): "STATEMENT MADE BY MR. LU SU TO
4 THE PROCURATORATE OF THE DISTRICT COURT OF NANKING.

5 "Upon entry of Nanking, Chinese civilians of
6 both sexes and of all ages, as well as retreating sol-
7 diers, totaling 57,418, were interned by Japanese in
8 the villages at Mu-Fu hill. Many died since neither
9 water nor food was given. Many were frozen to death.
10 In the evening of Dec. 16th, 1937, those who were still
11 alive were marched off to Tsao-Shie-Chia, at Shia-Kuen,
12 in a column of four, while each two were bound together
13 by lead wire. There they were machine-gunned, follow-
14 ed by repeated bayonet thrusts. Corpses were burnt
15 by kerosene and, at last, the remains of the burnt
16 corpses were thrown into the river.

17 "In this large-scale massacre were two men who
18 escaped alive, one by the name of FONG, Sergeant of
19 Training Head Corps, the other by the name of KUO, a
20 police of the Pacification Corps. Fong and Kuo managed
21 to loosen the wire bound, then they fell on the ground,
22 pretending death, and dragged corpses to cover themselves.
23 But Fong was wounded in his left arm by bayonet, and Kuo
24 had his back burned black.

25 "Fong and Kuo escaped to Ta-Mao-Tung, at

1 Shang-Yuen Gate, where I, Lu Su, found plain cloths
2 for them to change into, after which, they slipped
3 away by crossing the river at Pa-Kwa-Chun. (I was then
4 working in the Police Office. During street fighting,
5 a shell wounded my leg. When hiding at Ta-Mao-Tung,
6 at Shang-Yuen Gate, very near the scene of massacre,
7 I was therefore able to witness this tragedy.)"

8 I shall not read the remaining of the report
9 other than to mention the fact that on the last page
10 appears the statement of Mr. Wu, Chang-Teh, who has
11 heretofore testified as a witness in this court. He
12 testified on the 26th of July, and his evidence appears
13 in the record, pages 2603 to 2607.

14 If it please the Court, documents Nos. 1703
15 and 1704 are being distributed to defense counsel.
16 Document 1703 is a chart showing the burying of vic-
17 tims by the Tsung-Shan-Tang Teams, and document 1704 is
18 the chart which shows the burying of victims by the Red
19 Swastika Society. Both of these were included in the
20 Procurator's Report, which was the last exhibit filed
21 in this case, and therefore it is not necessary that
22 we encumber the record with these two additional docu-
23 ments.

24 THE PRESIDENT: You will tender them, but they
25 will not be read?

1 MR. SUTTON: We will tender them in evidence,
2 but it will not be necessary to read them.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution document
5 No. 1703 will be marked exhibit No. 325; prosecution
6 document 1704 will be marked exhibit No. 326.

7 (Whereupon, prosecution's exhibits
8 Nos. 325 and 326 were received in evidence.)

9 MR. SUTTON: The prosecution next tenders in
10 evidence its document 1706, "Summary Report on the
11 Investigations of Japanese war crimes committed in
12 Nanking, prepared by the Procurator of the District
13 Court, Nanking."

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document No.
16 1706 will be marked exhibit No. 327.

17 (Whereupon, prosecution's exhibit
18 No. 327 was received in evidence.)

19 MR. SUTTON: With the permission of the Court
20 I shall read only a portion of this document.

21 (Reading): "Summary Report on the Investiga-
22 tions of Japanese war crimes committed in NANKING, pre-
23 pared by the Procurator of the District Court, NANKING.

24 "I. The Progress of the Investigations.

25 "As soon as the orders for the investigation

1 of Japanese war crimes were received, the people were
2 notified of three official proclamations, and the
3 following 14 organizations in NANKING were notified:
4 Central Bureau of Statistics; Bureau of Statistics of
5 the Military Affairs Committee; NANKING Municipal
6 Government; Metropolitan Police; Branch Headquarters
7 of the KUOMINTANG; Branch Headquarters of the Military
8 Police; NANKING Chapter of the Three People's Rights
9 Youth Organization; Merchant's Association; Agri-
10 cultural Association; Industrial Worker's Association;
11 Lawyer's Association; Doctor's Association; NANKING
12 Chapter of the KOMANJI Association (translator's note:
13 a religious organization); and the Procurator of the
14 District Court."

15 I will omit the next paragraph.

16 "The situation being such, over 500 cases
17 were investigated with extreme difficulty, especially
18 in the case of the Great Massacre of NANKING, which is
19 not only one of the most disgraceful affairs on record,
20 but also the most important of the list of crimes com-
21 mitted by the enemy troops. This was investigated
22 thoroughly with the utmost care, by means of various
23 interviews and inquiries. Vitally important evidence
24 on the mass murders, as much as could be obtained, was
25 examined thoroughly. As a result of the investigations,

1 over 300,000 victims were reported, and it is believed
2 that over 200,000 more are yet to be confirmed."

3 I omit the next paragraph.

4 "II. Classification of Japanese War Crimes.

5 "The classification of Japanese war crimes may
6 be summarized as follows:

7 "A -- Facts Regarding the Massacres."

8 I omit the next paragraph.

9 "After NANKING was taken, about 50,000 to
10 60,000 persons, including young and old men and women,
11 were captured at the villages in the vicinity of MO-FU-
12 SHAN, they were not given anything to eat or drink. On
13 the night of the 16 March -- "

14 The word there reads "March"; I am told it
15 should correctly read, "16," and not "March."

16 " -- they were tied with wires, two at a time,
17 and the group was divided into four smaller groups.
18 After being taken to TS'AO-HSIEH-HSIA, they were swept
19 by machine-gun fire, and stabbed mercilessly with
20 bayonets. The corpses were then doused with kerosene
21 and burned. The bodies that remained, were thrown into
22 the YANTZE River. Then again, in the refugee district,
23 our soldiers and citizens were tied up with ropes and,
24 they, too, were killed by machine-gun fire. Since the
25 day the enemy entered the city, more than 200,000 were

1 murdered, and those who had not retreated were killed
2 wherever they encountered the enemy. Those who tried
3 to hide were captured and killed with swords. Moreover,
4 in order to assemble the prisoners for odd jobs, they
5 were forcibly taken away in trucks to unknown places,
6 and nothing has been heard of them for about eight
7 years. The manner in which they were probably killed
8 is still unknown."

9 I omit the next sentence.

10 "B. Particulars Regarding Injuries.

11 "The enemy's military police, at their own
12 discretion, arrested civilians arbitrarily charged with
13 being soldiers. The prisoners were tied with steel wire
14 or ropes, and dealt heavy blows and struck mercilessly
15 with iron clubs, inflicting terrible physical injuries.
16 After suffering such torments, they were forced to con-
17 fess their guilt. Moreover, there were incidents where
18 water or kerosene was forced into the victim's nose and
19 mouth, frequently leaving the victim at the point of
20 death. The military police forbade the victims to
21 moan or cry out in pain, any infraction leading to mass
22 beating. The prisoners were beaten with long clubs,
23 just for amusement, and while being beaten they were
24 forbidden to dodge the blows. If any one were to
25 attempt to dodge the blows, he was immediately beaten

1 to death."

2 I omit the remainder of this paragraph.

3 "The enemy arrested anybody at will, and
4 exposing them to freezing temperature, or forcing the
5 prisoners to run along a road carrying heavy loads on
6 their shoulders. Prisoners who fell behind were im-
7 mediately whipped. Such treatment is much worse than
8 that received by horses and cattle. When the mili-
9 tary police assaulted the people, they struck with
10 both fists and kicked. This method was called 'the
11 triple attack.' Such was the beating received by
12 the Chinese living in enemy-occupied area.

13 "C. Particulars Concerning Rape.

14 "The victims of rapes ranged from young
15 girls to old women 60 to 70 years old. The forms of
16 assaults are as follows:

17 "One woman would frequently be assaulted by
18 a number of soldiers. A woman was killed for refus-
19 ing intercourse. For amusement, a father was forced
20 to assault his daughter. In another case, a boy was
21 forced to assault his sister. An old man was forced
22 to assault his son's wife. Breasts were torn off, and
23 women were stabbed in the bosoms. Chins were smashed,
24 and teeth knocked out. Such hideous scenes are un-
25 bearable to watch.

1 "D. Particulars Regarding Plunder.

2 "Shops and residences were searched for
3 clothes, utensils and treasures. Goods found were
4 all carried away.

5 "E. Particulars Regarding Destruction.

6 "In the course of entering the city, the
7 enemy not only destroyed planes and weapons, but also
8 set fire to houses everywhere. Great damage was in-
9 flicted, and the losses of the citizens are too numer-
10 ous to be counted."

11 THE PRESIDENT: We will recess now for
12 fifteen minutes.

13 (Whereupon, at 1445, a recess was
14 taken until 1500, after which the proceed-
15 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Sutton.

4 MR. SUTTON: (Reading)

5 "Particulars Regarding Other Atrocities.

6 "The enemy's TAMA Detachment carried off
7 their civilian captives to the medical laboratory,
8 where the reactions to poisonous serums were tested.
9 This detachment was one of the most secret organiza-
10 tions. The number of persons slaughtered by this
11 detachment cannot be ascertained."

12 I omit the next three sentences.

13 (Reading) "The materials investigated up to
14 this time discloses more than 300,000 persons killed,
15 more than 4,000 houses burnt or destroyed, 20 - 30
16 persons raped or killed for refusing intercourse, and
17 184 persons missing. The rest of the material is
18 still in the process of investigation."

19 I omit to "Evidence of Mass Murders," near the
20 bottom of page 4 of the English copy.

21 THE PRESIDENT: Are you going to give us
22 any further evidence of these alleged laboratory
23 tests for reactions to poisonous serums? That is
24 something entirely new, we haven't heard before. Are
25 you going to leave it at that?

1 MR. SUTTON: We do not at this time an-
2 ticipate introducing additional evidence on that
3 subject.

4 (Reading) "The following nine names are
5 those of the units which committed wholesale murders
6 at the fall of NANKING: NAKAJIMA, HATANAKA, YAMAMOTO,
7 HASEGAWA, MINOURA, INOKI, TOKUGAWA, MIZUNO, and ONO.

8 "The number of victims killed totaled" --
9 I wish to say there is a typographical error there.
10 The number should read 278,586 -- "of which 2,873
11 were killed in the HSIN-HO District. (This evidence
12 furnished by SHENG Shih-Cheng and CH'ANG K'ai-sing,
13 who buried the bodies.) More than 7,000 were killed
14 in the neighborhood of the Army Arsenal just outside
15 the South Gate of NANKING and in HUA-SHEN-MIAO.
16 (This evidence submitted by JUI Fang-yuan, CH'ANG
17 Hung-ju, and YANG Tu-t'sai, who buried the bodies.)
18 Approximately 57,418 persons were killed in the
19 TS'AO HSIER-HSIA District (this evidence submitted
20 by a victim, LU Sia). More than 2000 were killed
21 in the HAN-CHUNG-MEN District. (This evidence sub-
22 mitted by two victims who later recovered, WU Chang-te
23 and CH'EN Yung-ts'ing.) More than 3,000 were killed
24 in LING-KU-SZU. (This evidence submitted by KAO
25 Kuan-wu, a traitor, and also obtained from an epitaph,

1 WU-CHU-KU-SI-PEI, meaning 'a tombstone extolled by
2 nobody.') Furthermore, the total number of bodies
3 buried by the CH'UNG-SHAN-T'ANG (Translator's note:
4 a charity institution.) and the HUNG WAN TZU HUI
5 (Translator's note: A religious organization)
6 totaled more than 155,300. The foregoing facts are
7 shown on attached papers."

8 I omit the remainder of this document, which
9 is under the seal of the Head Procurator of the
10 Nanking District Court.

11 THE PRESIDENT: Captain Brooks.

12 MR. BROOKS: If the Tribunal please, I think
13 that on this document, this reference to the reaction
14 to poisonous serums tested, we would like to inquire
15 into prosecution if this does not consist of a series
16 of vaccinations of these people. It would go to the
17 weight to place upon this report, which shows on page
18 2 that it was made years afterwards by an investigating
19 committee requested by the prosecution. It shows here
20 on the 17 November 1945, 1400, the first meeting was
21 held, and if they didn't know the difference between
22 vaccination and the statement as set out in here, I
23 think it would be very material to this Court in con-
24 sidering the weight of this evidence, which is a
25 summary of testimony which has already been given.

1 THE PRESIDENT: Mr. Levin.

2 MR. LEVIN: Mr. President, I believe the
3 defense ought to have some protection against the use
4 of a document of this character. There has been a
5 great deal of evidence, practically uncontradicted
6 in some respects, except as I indicated one time in
7 Chambers that the defense would offer some testimony
8 in relation to the Rape of Manking and the atrocities
9 which had been committed there. It seems to us that
10 the Court has gone to great length to help the pro-
11 secution present its case in permitting the use of
12 affidavits and permitting the use of summaries.

13 THE PRESIDENT: You must not criticise the
14 Tribunal, Mr. Levin.

15 MR. LEVIN: I am not. Mr. President, I am not
16 in the least intending to criticise the Tribunal in
17 any way. I simply mean that the Court has permitted
18 the prosecution to proceed in the manner which it has.
19 What I am trying to say largely is this, that the
20 prosecution, having the right to submit affidavits,
21 having the right to submit summaries, and having the
22 right to present the case in the manner in which the
23 Tribunal has permitted it to present it, it ought
24 not to have in these documents evidence of the charac-
25 ter which is in this exhibit. The Court has indicated

1 that at some time the evidence becomes cumulative,
2 and if that situation develops the Court would act,
3 and it seems to me that with the evidence that is
4 already in that this evidence is cumulative, and the
5 defense, in view of the fact that the affidavits
6 are permitted to be read in, has no manner or way of
7 protecting itself with reference to improper portions
8 of those affidavits.

9 THE PRESIDENT: Well, now, you are entitled
10 to be there only to object to a certain bit of evi-
11 dence, and the evidence I take you to be objecting
12 to is that referring to tests on Chinese apparently
13 with poisonous materials. Subject to what my colleagues
14 think, that appears to me to be a mere assertion
15 unsupported by any evidence.

16 MR. LEVIN: In addition to that, Mr. Presi-
17 dent, I would like to call the attention of the Tri-
18 bunal to page 4, the first line of paragraph -- of
19 the last paragraph, which states, "The number of
20 victims killed totaled 2,179,586."

21 THE PRESIDENT: That was corrected, Mr. Levin.
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1 MR. LEVIN: Mr. Brooks calls my attention to
2 the fact that in another portion of the affidavit is
3 contained the statement that 300,000 were killed in
4 Nanking, and as I understand it the total population
5 of Nanking is only 200,000.

6 THE PRESIDENT: Well, you may have evidence
7 of that, but you cannot get it in at this stage.

8 MR. LEVIN: No, I do not want to, Mr. Presi-
9 dent.

10 THE PRESIDENT: The Judges will be just as
11 vigilant as the defense to see that evidence which is
12 indefinite or vague, or sweeping assertions which are
13 not supported by evidence, are rejected. You need no
14 protection against the Judges.

15 MR. LEVIN: Mr. President, we are sure of that.
16 We do not want to be captious in calling attention to
17 minor errors that appear. However, we do feel that
18 the prosecution does owe the Tribunal a duty, it owes
19 a duty to us, and it owes a duty to the public. And
20 it seems to me that where the evidence has been fully
21 covered, that they ought to exercise some discretion
22 and care in the presentation of matters of this kind.

23 THE PRESIDENT: Well, in the result the state-
24 ment to which the defense objects, namely that there
25 were tests with poisonous materials on Chinese, is

1 rejected as evidence.

2 Yes, Mr. Sutton.

3 MR. SUTTON: If it please the Tribunal, the
4 prosecution next tenders in evidence its document
5 1906, being certain telegrams and dispatches from the
6 files of the American Embassy at Nanking in 1938 rela-
7 tive to the situation in Nanking in December 1937 and
8 the year 1938.

9 THE PRESIDENT: Admitted on the usual terms.

10 DEPUTY CLERK OF THE COURT: Prosecution's
11 document No. 1906 will be given exhibit No. 328.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 328, and was received in evidence.)

15 MR. SUTTON: With the permission of the Tri-
16 bunal, I shall read only certain portions from this
17 document. (Reading) "American Consulate General,
18 Shanghai, China. January 5, 1938. Confidential.
19 Subject: Flag Incident at Wuhu and Conditions There
20 and In Nanking After the Japanese Occupation. THE
21 HONORABLE THE SECRETARY OF STATE, WASHINGTON. SIR:--"

22 THE PRESIDENT: The Flag Incident is not evi-
23 dence of any war crime so you need not read the exhibit
24 so far as it relates to the Flag Incident.

25 MR. SUTTON: If it please the Tribunal, it

1 couples the Flag Incident with the disregard of Amer-
2 ican property at Wuhu.

3 I shall, with the permission of the Tribunal,
4 begin with the middle of page 2, the part about "Copies
5 are enclosed of a memorandum written by Dr. Cyril Bates,
6 professor of sociology and history in Nanking Univer-
7 sity, concerning conditions in Nanking after the Japan-
8 ese occupation. A copy of the memorandum was handed
9 to an officer of this Consulate General by Mr. Archi-
10 bald Steele, correspondent of the Chicago Daily News.
11 Mr. Steele and other newspaper correspondents who were
12 in Nanking when the Japanese captured the city con-
13 firmed in general the information presented in
14 Dr. Bates' memorandum.

15 "On December 22 Mr. HIDAKA, Counselor of the
16 Japanese Embassy, and Mr. OKAMOTO, the Japanese Consul
17 General in Shanghai, called at this office. Mr. HIDAKA
18 said he had returned from Nanking where he had been
19 for about twenty-four hours during the formal entry
20 of the Japanese military and naval commanders..."

21 I will omit several sentences and resume at
22 the sentence beginning "On December 21, the day before
23 Mr. HIDAKA and Mr. OKAMOTO called, a letter was
24 addressed to Mr. OKAMOTO informing him that reports
25 had been received that Japanese soldiers had several

1 times attempted to enter the property of the American
2 Embassy at Nanking, that they had entered and pillaged
3 other American property at Nanking and disregarded
4 notices on American property describing it as such.
5 Mr. OKAMOTO was requested to bring the matter to the
6 attention of the Japanese military authorities and to
7 have them issue strict instructions to cease such
8 activities and to see that American property was
9 properly protected. Respectfully yours, C. E. Gauss
10 American Consul General."

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1 With the permission of the Tribunal, I will
2 read the letter which appears as an enclosure with this
3 official communication from Wuhu to Consul General
4 Gauss, on page 3 of the English copy.

5 (Reading) "Since the arrival of Japanese
6 troops on the 10th there has been established a ruthless
7 reign of terror which has far exceeded anything ever
8 achieved by any Chinese soldiers in my experience. From
9 the hospital windows we have seen them stop unarmed
10 civilians on the road, search them, and finding nothing
11 calmly shoot them through the head. We have seen them
12 firing at fleeing civilians as a hunter would at rabbits.
13 We have had case after case brought into the hospital
14 slashed with sabers or stabbed with bayonets because
15 they had nothing more to give the robbers, having
16 already been robbed many times, or because they did not
17 produce some of their women folks on demand. This
18 morning such a pathetic case was brought to us with his
19 head half severed from the neck at the back, his throat
20 cut through the trachea in the front, and his left
21 cheek slashed through to the mouth, all because he did
22 not produce any women on their demand.

23 "During this war Chinese soldiers have not
24 entered foreign property in Wuhu, but the Japanese have
25 not hesitated to invade foreign property flying the

1 American flag and with Japanese posters on the gate for-
2 bidding them to enter. On the 13th they pulled down
3 the American flag from a junk belonging to this hospi-
4 tal and threw it in the river. I rescued the flag and
5 took it to two Japanese commanders. They 'expressed
6 regrets.'"

7 THE PRESIDENT: Pausing there, I think you can
8 use the flag incident as showing a truculent attitude
9 of the Japanese when disregarding the proprietary rights
10 of the Americans. That aggravates the offense. But
11 only in that way can you use it.

12 MR. SUTTON: May I now proceed?

13 THE PRESIDENT: Yes.

14 MR. SUTTON: (Reading) "About the same day
15 they broke into our Methodist mission residence at Green
16 Hill, ramsacking the house and taking what they wished.
17 On the 15th they went to the Wuhu Academy, an American
18 mission school, and ordered the caretaker to haul down
19 the American flag, then disregarding a Japanese military
20 poster forbidding them to enter, went in and searched
21 the buildings and blasted open the school safe. They
22 have treated the British flag and property in the same
23 way. So far there has been no attack or injury to
24 foreign nationals. I have contacted the Japanese mili-
25 tary authorities and they have assured me that they do

1 not allow their soldiers to do these things.

2 "A Japanese consul arrived yesterday on a
3 naval plane. He called on me and we hope that he may
4 do something to help restore order and give protection.
5 There has been no police or postal service in the city
6 since the 5th, and no electric lights since that date.
7 The hospital depends entirely on its own light and
8 other service utilities. The Japanese plane which
9 brought the Japanese consul said they would like to
10 take Messrs. Marshall, Vince, and Hodge back to Shang-
11 hai, as the men were eager to get there. The Japanese
12 had plenty of photographers at the plane to 'record
13 the rescue of these Americans from the Chinese.'

14 "I have continued to drive about the city in
15 my car when necessary, and have made many trips to
16 bring in Chinese women whom we have learned about.
17 They are living in daily and nightly horror of being
18 discovered. Many of them of course have been discovered.

19 "We now have something over 1,000 on the
20 hospital hill for whom we are trying to provide pro-
21 tection. I will list herewith the Americans still at
22 Wuhu helping to carry on the work. . ."

23 I shall omit the entire portion of page 4, the
24 entire portion of page 5, shall omit the entire portion
25 of page 6, resuming near the top of page 7 of the

1 English copy.

2 Communication from Gauss to the American
3 Embassy, dated November 20, 1938 -- January 20, 1938.

4 (Reading) "Following from Tokyo '40 January 19,
5 7, p.m. Nanking's twenty-seven January 18, 3, p.m.
6 Illegal entry into American property.

7 "(one) I sent Dooman to see Yoshizawa and
8 to read to him the telegram above mentioned. Dooman
9 then reenforced in the strongest possible terms the
10 statement which I made to the Minister for Foreign
11 Affairs (see my thirty-four January 17, 1, p.m.)

12 "(two) Yoshizawa said that the Minister for
13 Foreign Affairs had yesterday laid before the Cabinet
14 the note mentioned in my 34, and that a drastic measure
15 to assure compliance by forces in the field with
16 instructions from Tokyo is being considered. He said
17 that he would probably be in a position tomorrow to
18 inform us of the measure to be taken.

19 "Repeated to Shanghai for relay to Peking,
20 Nanking and Hankow Grew."

21 (Reading) "American Embassy, Nanking.
22 January 21, 12 noon. Following from Tokyo:

23 "'39 January 19, 12 noon. Confidential. My
24 British Colleague has given me for my confidential
25 information a paraphrase of a telegram dated January 15

from the British Embassy at Shanghai reporting actions
1 of Japanese troops at Nanking. As we have had no
2 detailed reports on this subject from Shanghai or else-
3 where I am cabling the text which was furnished to me
4 as follows: 'I have been supplied confidentially with
5 two separate and (apparently) reliable reports from an
6 American missionary at Nanking and missionary doctor at
7 Wuhu who remained at their posts when the Japanese
8 entered these cities regarding the atrocities committed
9 by the Japanese army. Reports 'approximately one hun-
10 dred authenticated cases of rape in the American Uni-
11 versity buildings in Nanking in the first part of the
12 occupation.'

13 "The Reverend Boynton of the National Christian
14 Council who brought me these reports stated that the
15 Japanese Embassy officials who reached Nanking shortly
16 after the entry of the Japanese troops were horrified
17 when they saw the orgy of drunkenness, murder, rape
18 and robbery which was going on openly in and around
19 the refugee zone. Failing to make any impression on
20 the military commander, whose attitude of callous
21 indifference makes it probable that the army was delib-
22 erately turned loose on the city as a punitive measure,
23 and despairing of getting cables through to Tokyo owing
24 to army control, Embassy officials had even suggested
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1 to the missionaries that the latter should try and get
2 publicity for the facts in Japan so that the Japanese
3 government would be forced by public opinion to curb
4 the army.

5 "I have been promised eyewitness reports from
6 Soochow and Hangchow where the behavior of the Japanese
7 troops was equally bad and stories, apparently authen-
8 ticated, regarding their behavior in the neighborhood
9 of Shanghai are now coming in.' Repeated to Peiping
10 for relay to Hankow.'

11 "Please let me have any information available
12 to you in connection with the above report. Sent to
13 Nanking repeated to Shanghai."

14 Signed "Johnson."

15 (Reading) "Nanking, January 25, 1938.

16 Subject: Communication from John M. Allison,
17 Third Secretary of Embassy, to Nelson Trusler Johnson,
18 American Ambassador, Hankow, China.

19 "I have the honor to submit the enclosed report
20 by Vice-Consul Espy on the conditions at Nanking since
21 its capture by the Japanese army on December 13, 1937.
22 The information given is based on the investigations
23 the Embassy staff and the accounts of American residents
24 who have remained here since the fall of the city. A
25 brief account is given of the happenings in this city

1 from the time that the victorious Japanese armies
2 entered it; observations of the present situation of
3 the city; and a summary report of the work of the
4 American residents and the 'International Committee for
5 Nanking' to ameliorate the effects of the military occu-
6 pation and their efforts to protect lives and property
7 within the city."

8 The report is from James Espy, American Vice-
9 Consul, has the approval of John M. Allison, Third
10 Secretary of Embassy.

11 (Reading) "Date of Preparation: January 15-24.

12 "Date of Mailing: February 2, 1938.

13 "On our arrival at the Embassy at Nanking on
14 the morning of January 6th we were greeted by the two
15 Chinese members of the Embassy staff, Mr. Teng and
16 Mr. Wu, who had remained here since the capture of
17 Nanking by the Japanese armies. . ."

18 I omit the reading of the remainder of that
19 paragraph.

20 "We were immediately called upon by the
21 fourteen American residents who had remained in
22 Nanking. Although they had been subjected to some
23 unpleasant incidents none of them nor of the other
24 fourteen foreigners still here was harmed and all
25 were well. Their every thought seemed to center

1 about what had occurred to Nanking and they related
2 to us a series of most appalling stories of the
3 horrors and atrocities that Nanking had been through
4 since the entry of the Japanese armies. They felt
5 that the worst had passed but advised that incidents
6 were continuing to happen and that the situation in
7 the city was still bad.

1 "The picture that they painted of Nanking
2 was one of a reign of terror that befell the city
3 upon its occupation by the Japanese military forces.
4 Their stories and those of the German residents tell
5 of the city having fallen into the hands of the Japan-
6 ese as captured prey, not merely taken in the course
7 of organized warfare but seized by an invading army
8 whose members seemed to have set upon the prize to
9 commit unlimited depredations and violence. Fuller
10 data and our own observations have not brought out
11 facts to discredit their information. The civilian
12 Chinese population remaining in the city crowded the
13 streets of the so-called 'safety zone' as refugees,
14 many of whom are destitute. Physical evidences are
15 almost everywhere of the killing of men, women and
16 children, of the breaking into and looting of property
17 and of the burning and destruction of houses and
18 buildings.

19 "In subsequent sections of this report the
20 representations to the Japanese authorities concerning
21 the violations of American property made by the Inter-
22 national Committee for Nanking and by the Embassy and
23 the representations of the International Committee
24 regarding the conditions of the city are submitted
25 and present in greater detail the occurrences in Nanking.

1 There are also submitted the requests and petitions
2 made by the International Committee for the moderation
3 of the actions of the Japanese military in their deal-
4 ings with the city. But a summing up of these requests
5 and petitions which in themselves reflect the condi-
6 tions in the city is made here to bring out in relief
7 the situation in Nanking.

8 "Thus, at the end of our first meeting with the
9 American residents they were asked what--setting aside
10 the past occurrence as things that had happened and
11 could not now be obviated--they particularly desired
12 be brought to the attention of the Japanese authorities
13 regarding the conditions in Nanking. Their reply was:
14 'To have the Japanese authorities get their soldiers
15 under control and put an end to the horrors and atroc-
16 ities now occurring.' Or, the meaning of such a state-
17 ment may be more specifically given as: In the name
18 of humanity, the Japanese authorities should put an
19 end to the disorderly conduct of their soldiers, stop
20 the killing, looting and burning and restore normal
21 conditions of civilian life to the city.

22 "According to available information..."

23 THE PRESIDENT: You will have to stop, Mr.
24 Sutton. It is now four o'clock. We will adjourn now
25 until half past nine tomorrow morning.

1 (Whereupon, at 1600, an adjournment
2 was taken until Friday, 30 August 1946, at 0930.)
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