

1 had been previously captured by the Japanese and made  
2 to carry loads came through and I joined these laborers.  
3 About thirty civilians of our group were killed. There  
4 were two other survivors beside myself who joined the  
5 same group of laborers, and began working with them  
6 carrying lumber and taking it to the river bank and  
7 doing other work during that night, and the next day  
8 I saw over 1,000 bodies, mostly civilians, along the  
9 road. I carried water from the river up to the  
10 officers quarters the next day. The Chinese soldiers'  
11 bodies appeared to have been stabbed with bayonets.  
12 The bodies of the civilians were usually in rows or  
13 groups. They had been shot.

14 "In the afternoon of that day I saw four  
15 Japanese soldiers take two women into the hills and  
16 when the women came back they were both crying. They  
17 told me that they had been raped.

18 "On the third day I managed to escape  
19 along with some local men who knew the roads in that  
20 vicinity.

21 "In witness whereof I have herewith set my  
22 hand and seal this 18th day of June 1946."

23 (Signed) "G. J. Hsu."  
24  
25

1 MR. SUTTON: Defense may cross-examine the  
2 witness.

3 MR. BROOKS: No cross-examination, if the  
4 Court please.

5 (Whereupon, the witness was excused.)

6 MR. SUTTON: The prosecution desires to call  
7 as its next witness, Dr. M. S. Bates.  
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1 MINER SEARLE BATES, called as a wit-  
2 ness on behalf of the prosecution, being first  
3 duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. SUTTON:

6 Q Dr. Bates, will you please state your full  
7 name?

8 A Miner Searle Bates.

9 Q When and where were you born?

10 A At Newark, Ohio; May 28, 1897.

11 Q Where did you receive your education?

12 A At Hiram College, Hiram, Ohio; at Oxford Uni-  
13 versity in England; and in later years graduate work  
14 in history at Yale and Harvard universities.

15 Q Where is your residence?

16 A At Nanking, China.

17 Q How long have you been a resident of China?

18 A Since 1920.

19 Q What is your business in China?

20 A Professor of history in the University of  
21 Nanking.

22 Q Were you connected with any of the committees  
23 which were organized in the late fall of 1937 at Nanking?

24 A Yes. I was a member, a founding member, of  
25 the International Committee for Safety Zone in Nanking.

1 Q Will you please tell when this committee was  
2 formed, and its function?

3 A This committee was set up in the last days  
4 of November, 1937, anticipating the attack of the  
5 Japanese Army upon Nanking.

6 Following the example of the international  
7 committee organized by Father Jacquinet, a French  
8 priest in Shanghai, which was of considerable help to  
9 a large body of Chinese civilians there, we attempted  
10 in Nanking to do something similar in our very different  
11 conditions.

12 This committee was organized at first with a  
13 Danish chairman, with German, British, and American  
14 members. But because foreign governments withdrew  
15 almost all of their nationals from the city, there were  
16 at the time of the Japanese attack only Germans and  
17 Americans remaining upon it.

18 The chairman was a distinguished German mer-  
19 chant, Mr. John Raabe. This committee was assisted to  
20 get into touch with the Chinese and Japanese commanding  
21 officers through the communications and good officers of  
22 the American, German, and British embassies. The  
23 purpose was to provide a refuge in a small, non-  
24 combatant zone where civilians might escape the dangers  
25 of the fighting and actual attack.

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Q Who was the secretary of this committee?

A Professor Lewis Smythe, professor of sociology in the University of Nanking.

Q Did this committee make reports from time to time?

A The committee expected that its chief duties would be to provide housing and if necessary some food during a period of a few days or possibly of a few weeks when the city was under siege and when Chinese civilian authority might have disappeared but Japanese military authority would not yet have been established.

The actual event was very different, because the Japanese attack and seizure of the city was swift. But then the troubles began. The treatment of civilians was so bad that the chairman and secretary of the committee went regularly to any Japanese officials who could be reached and soon began to prepare daily reports of the serious injuries to civilians that occurred within the safety zone. Over a period of several weeks a total of several hundred cases, many of them compound cases, involving groups and large numbers of individuals, were thus reported in writing and orally to Japanese officials. They were later published under the editorship of Professor Shu-hsi Hsu, of Nanking University, by the British firm of Kelly and Walsh, in Shanghai, in

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the year 1939 or 1940.

Q By whom were most of these reports in writing that were made -- change the question. Just disregard the question. I will change it, please.

Whose signature appeared to most of these reports that were made in writing by the International Committee for the Nanking Safety Zone to the Japanese authorities?

A Most of them were signed by Professor Smythe, as Secretary, though part of them were also signed by Mr. Raabe, as Chairman.

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Q Was there any resistance on the part of the Chinese troops or any resistance on the part of the Chinese people against the Japanese forces in the city of Nanking after December 13, 1937?

A Greatly to the disappointment of the Chinese population, and to the surprise of the small group of foreign residents, there was no resistance of any kind within the city. In the many conferences which Mr. Raabe, Professor Smythe, and I had with Japanese officials on the matter of atrocities, we found that the Japanese officials never in any way alleged that there was resistance or gave any such excuse for the attacks upon civilians. One case only, about ten days after the entrance in the city, involved a single sailor on the river.

Q Did you conclude your answer?

A The answer to that question?

MR. McMANUS: Mr. President, Members of the Tribunal, may I point out at this time that, in lieu of an objection to this testimony, that -- to call the Court's attention that no conspiracy has been established as yet. Not one of these accused has been tied in in any way to a conspiracy charge so far. So, in view of that, if your Honor pleases, how do these atrocity stories affect the accused? I ask your

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Honors, and I think that such testimony as this should not be permitted until the time that one of these men -- or at least a semblance of a prima-facie case is established.

THE PRESIDENT: We are all of the opinion that the link can be established at any stage of the trial. Of course, if it isn't established, why, there is no case in conspiracy. But the order of evidence isn't that you must give evidence of a conspiracy first.

We have already given a decision on this point, if my recollection serves me rightly.

MR. McMANUS: Thank you, your Honor.

THE PRESIDENT: The objection is overruled.

Q What was the conduct of the Japanese soldiers toward the civilians after the Japanese were in control of the city of Nanking?

A The question is so big, I don't know where to begin. I can only say that I, myself, observed a whole series of shootings of individual civilians without any provocation or apparent reason whatsoever; that one Chinese was taken from my own house and killed. From my next door neighbor's house two men, who rose up in anxiety when soldiers seized and raped their wives, were taken, shot at the edge of

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the pond by my house, and thrown into it. The bodies of civilians lay on the streets and alleys in the vicinity of my own house for many days after the Japanese entry. The total spread of this killing was so extensive that no one can give a complete picture of it. We can only say that we did our best to find out, in checking up carefully upon the safety zone and adjoining areas.

Professor Smythe and I concluded, as a result of our investigations and observations and checking of burials, that twelve thousand civilians, men, women and children, were killed inside the walls within our own sure knowledge. There were many others killed within the city outside our knowledge whose numbers we have no way of checking, and also there were large numbers killed immediately outside the city, of civilians. This is quite apart from the killing of tens of thousands of men who were Chinese soldiers or had been Chinese soldiers.

Q What were the circumstances under which the former soldiers or alleged soldiers were killed?

A Large parties of Chinese soldiers laid down their arms, surrendered, immediately outside the walls of the city and there, within the first seventy-two hours, were cut down by machine gun fire, mostly

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upon the bank of the Yangtze River.

We of the International Committee hired laborers to carry out the burials of more than thirty thousand of these soldiers. That was done as a work relief project inspected and directed by us. The number of bodies carried away in the river, and the number of bodies buried in other ways, we cannot count.

Within the safety zone a very serious problem was caused by the fact that the Japanese officers expected to find within the city a very large number of Chinese soldiers. When they did not discover the soldiers, they insisted that they were in hiding within the zone and that we were responsible for concealing them. On that theory, Japanese military officers and non-commissioned officers were sent among the refugees in the safety zone day after day for about three weeks attempting to discover and seize former soldiers. It was their common practice to require all able-bodied men in a certain section of the zone, or in a certain refugee camp, to line up for inspection and then to be seized if they had callouses upon their hands or the marks of wearing a hat showing on the skin of the forehead.

I was present throughout several of these

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inspections and watched the whole process. It was undoubtedly true that there were some soldiers -- former soldiers among these refugees, men who had thrown away their arms and uniforms and secured civilian clothes. It was also clearly true that the majority of the men so accused or seized -- and seized were ordinary carriers and laborers who had plenty of good reasons for callouses on their hands. The men so accused of having been soldiers were seized, taken away, and, in most cases, shot immediately in large groups at the edges of the city.

In some cases a peculiar form of treachery was practiced to persuade men to admit that they had been soldiers. Using the proclamation issued by General MATSUI before the Japanese Army took Nanking, and distributed widely by airplane, the proclamation which declared that the Japanese Army had only good will for peaceful citizens of China and would do no harm to those who did not resist the Imperial Army, Japanese officers tried to persuade many Chinese to come forward as voluntary workers for military labor corps. In some cases these Japanese officers urged Chinese men to come forward, saying, "If you have previously been a Chinese soldier, or if you have ever worked as a carrier or laborer in the Chinese

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Army, that will all now be forgotten and forgiven if you will join this labor corps." In that way, in one afternoon, two hundred men were secured from the premises of the University of Nanking and were promptly marched away and executed that evening along with other bodies of men secured from other parts of the safety zone.

Q What was the conduct of the Japanese soldiers toward the women in the city of Nanking?

A That was one of the roughest and saddest parts of the whole picture. Again, in the homes of my three nearest neighbors, women were raped, including wives of University teachers. On five different occasions, which I can detail for you if desired, I, myself, came upon soldiers in the act of rape and pulled them away from the women.

The safety zone case reports, to which we have previously referred, and my own records of what occurred among the thirty thousand refugees on the various grounds and in the building of the University of Nanking, hold a total of many hundreds of cases of rape about which exact details were furnished to the Japanese authorities at the time. One month after the occupation, Mr. Raabe, the Chairman of the International Committee, reported to the German authorities

that he and his colleagues believed that not less than twenty thousand cases of rape had occurred. A little earlier I estimated, very much more cautiously and on the basis of the safety zone reports alone, some eight thousand cases.

Every day and every night there were large numbers of different gangs of soldiers, usually fifteen or twenty in a group, who went about through the city, chiefly in the safety zone because that's where almost all the people were, and went into the houses seeking women. In two cases, which I remember all too clearly because I nearly lost my life in each of them, officers participated in this seizing and raping of women on the University property. The raping was frequent daytime as well as night and occurred along the roadside in many cases.

On the grounds of the Nanking Theological Seminary, under the eyes of one of my own friends, a Chinese woman was raped in rapid succession by seventeen Japanese soldiers. I do not care to repeat the occasional cases of sadistic and abnormal behavior in connection with the raping, but I do want to mention that on the grounds of the University alone a little girl of nine and a grandmother of seventy-six were raped.

Q What was the conduct of the Japanese soldiers with regard to the personal property of Chinese civilians in the City of Nanking?

A From the very hour of entry, the soldiers took anything, at any time, from any place.

THE PRESIDENT: The witness must not hold back anything because he thinks it is too horrible to tell us.

THE WITNESS: I hardly know how to respond to that invitation; but, unless I am questioned, I believe I will let it go because my own personal knowledge does not include any great number of the sadistic cases.

In the first days of the occupation the soldiers, whom we roughly guessed to be about fifty thousand in number, took a great deal of bedding, cooking utensils and food from the refugees. Practically every building in the city was entered many, many times by these roving gangs of soldiers throughout the first six or seven weeks of the occupation. In some cases the looting was well organized and systematic, using fleets of army trucks under the direction of officers. The vaults in the banks, including the personal safe deposit boxes of German officials and residents, were cut open with acetylene torches. On one occasion I observed a supply column, two-thirds of a mile long, loaded with

high-grade redwood and blackwood furniture.

After some months a few foreign residents were given the opportunity to recover pianos taken from their own houses, and they were led to a place where more than two hundred pianos were in one storage hall.

The foreign embassies were broken into and suffered robbery, including the German Embassy and the personal property of the Ambassador. Practically all commercial property of any noticeable value was taken.

Q What was the conduct of the Japanese soldiers toward the real estate, the buildings in the City of Nanking after they were in complete control of that city?

A On the very night of the entry the Japanese forces placed adequate and effective guards upon the Sun Yat-Sen tomb and upon the government and party buildings. With the exception of one or two minor fires, apparently started by drunken soldiers, there was no burning until the Japanese troops had been in the city five or six days. Beginning, I believe, on the 19th or 20th of December, burning was carried on regularly for six weeks. In some cases the burning followed the looting of a line of stores, but in most instances we could not see any reason or pattern in it.

At no time was there a general conflagration, but the definite firing of certain groups of buildings each day. Sometimes gasoline was used, but more commonly chemical strips, of which I secured samples.

The other major problem in regard to real property was the seizure of private property in order to supply incoming Japanese residents. I leave aside the taking of buildings for military purposes and offices, and refer only to the fact that during 1938 and part of 1939 any Japanese merchant coming to Nanking would receive a commercial and a residential property taken from the Chinese by the gendarmerie or the special service. I have again and again seen in the streets outside their house a Chinese family put out on twelve hours' notice. These included some dozens of my own friends of many years.

Q Were the buildings of the Russian Embassy burned by Japanese soldiers?

A Yes, they were burned at the beginning of 1938. Also, just to illustrate the range of burning, the Y. M. C. A. building, two important church buildings, the two chief German commercial properties with the Swastika flying upon them, were among those burned.

Q Did you personally make to the Japanese authorities reports as to the conduct of the soldiers

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1 in the City of Nanking?

2 A Yes. On four or five occasions I accompanied  
3 Mr. Raabe and Dr. Smythe in their interviews with the  
4 officials in the Japanese Embassy, who were sent there by  
5 the Gaimusho in an effort to provide cushions between  
6 this little group of foreign residents and the Japanese  
7 military. Furthermore, because the University of  
8 Nanking was immediately adjoining the Japanese Embassy,  
9 and because it was a very large and important test case  
10 of American property with the American flag, and this  
11 large number of refugees, it was agreed between Mr.  
12 Raabe and myself that I should make supplementary  
13 reports on behalf of the University. Almost daily  
14 for the first three weeks I went to the Embassy with a  
15 typed report or letter covering the preceding day, and  
16 frequently had also a conversation with the officials  
17 regarding it. These officials were Mr. T. FUKUI, who  
18 had the rank of consul, a certain Mr. TANAKA, vice-  
19 consul, Mr. Toyoyasu FUKUDA. The latter is now secre-  
20 tary to the Premier YOSHIDA. These men were honestly  
21 trying to do what little they could in a very bad situa-  
22 tion, but they themselves were terrified by the military  
23 and they could do nothing except forward these communi-  
24 cations through Shanghai to Tokyo.

25 THE PRESIDENT: We recess now for fifteen minutes.

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1 (Whereupon, at 1045, a recess was taken  
2 until 1112, after which the proceedings were  
3 resumed as follows:)

4 MARSHAL OF THE COURT: The Tribunal is now  
5 resumed.

6 THE PRESIDENT: Mr. Sutton.

7 BY MR. SUTTON (Continued):

8 Q I believe you had not completed your answer  
9 to the last question.

10 A I should like to read a few sentences from  
11 these daily typewritten reports given to the officers  
12 in the Japanese Embassy. I will do this from my own  
13 notes made last month from the carbon copies of the  
14 originals. These copies are on file in the American  
15 Embassy at Nanking. The originals are in my own  
16 baggage which I believe to be on board ship between  
17 the United States and China at this time.

18 MR. McMANUS: Mr. President, I think the  
19 witness is capable of testifying himself without  
20 offering any notes, particularly copies. He said  
21 he has the originals, are not here, and he is very  
22 capable of testifying himself. I don't see why any  
23 notes should be offered to the Court.

24 THE PRESIDENT: Well, if the strict rules of  
25 evidence applied, he would have to refresh his memory

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1 if he needed to do so, from notes made at the time.  
2 But they don't apply, and substantially your position  
3 is not affected. There is no reason why, if he needs  
4 to refresh his memory, he should not use these copied  
5 notes that he made from the original. The objection  
6 is overruled.

7 MR. McMANUS: Mr. President, if the witness  
8 uses these notes, may we examine them?

9 THE PRESIDENT: The Tribunal will allow you  
10 to peruse the notes if you have any doubt about them.

11 THE WITNESS: If the Court pleases, my purpose  
12 is only to state with a little more accuracy exactly  
13 what I reported to the Japanese officers in the Japanese  
14 Embassy.

15 A (Continuing): In the letter of December 16th  
16 I complained of many cases of abduction of women from  
17 the University's properties and of the rape of thirty  
18 women in one University building the previous night.

19 In the letter of December 17th, besides detailing  
20 the specific cases by rote, the reign of terror and  
21 brutality continues in the plain view of your buildings  
22 and among your own neighbors.

23 In the letter of December 18th I reported that  
24 on the previous night rape had occurred in six different  
25 buildings of the University of Nanking. For three days

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1 and three nights many of the thousands of women on  
2 our property had not been able to sleep and, in the  
3 hysterical fear that was developing, violent incidents  
4 might occur. I reported the saying common among the  
5 Chinese that where the Japanese Army is, no house  
6 or person is safe.

7 In a letter of December 21st, I complained that  
8 many hundreds of refugees had been taken away for  
9 forced labor. My own house had just been looted for  
10 the fourth time by Japanese soldiers and, indeed,  
11 every University house was being regularly entered.  
12 I also reported that for the second time the American  
13 flag had been torn down from the American school and  
14 trampled by Japanese soldiers who issued a threat of  
15 death to anyone who would put up the flag again.

16 I may say in passing, this was not in this par-  
17 ticular letter, that the American flag was torn down  
18 six times from the University of Nanking and six times  
19 we put it up again.

20 THE PRESIDENT: That is not evidence of any  
21 war crime.

22 A (Continuing): On Christmas Day I reported  
23 that in one building of the University about ten  
24 cases per day of rape and abduction were continually  
25 occurring.

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On the 27th of December, after a long list of individual cases, I wrote: "Shameful disorder continues and we see no serious efforts to stop it. The soldiers every day injure hundreds of persons most seriously. Does not the Japanese Army care for its reputation."

THE PRESIDENT: He is not refreshing his memory from his notes. He is just reading them.

THE WITNESS: These are sufficient to show the nature of the reports and the way in which they were clearly or even strongly stated.

THE PRESIDENT: This sort of thing is only provoking the defense which I am saving time by anticipating it.

Q How long did the conduct on the part of the Japanese soldiers which you have detailed continue following the fall of the City of Nanking on December 13th, 1937?

A The terror was intense for two and one-half to three weeks. It was serious to a total of six to seven weeks.

Q What measures did the Japanese military authorities take to control the troops?

A We were assured by the civil officials in the Embassy that on several occasions strong orders

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were sent from Tokyo to restore order in Nanking. We saw no significant results of such orders until the coming of some kind of high military deputation about the fifth or sixth of February. At that time, as slightly indicated in the newspapers and more fully by foreign diplomats and by a Japanese friend who accompanied the deputation, I learned that a high military officer called together a large body of lower officers and non-commissioned officers, telling them very severely that they must better their conduct for the sake of the name of the Army.

Prior to that time we saw and heard of no instance of effective discipline or penalty inflicted upon soldiers who were seen by high officers in the very act of murder and rape. On three or four occasions, Mr. Raabe and other members of the committee were in the presence of high officers when they saw the shooting or bayoneting of a civilian or an act of rape. In each case the soldier was required to give an extra salute to the officer and an oral reprimand was administered but the name of the soldier was not taken nor was there any other indication of discipline. It was impossible for us neutral observers to report the names of individual criminals because there was no name or number worn upon the outside of the uniform

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and, during the first weeks of the occupation, there was not even an indication of the unit to which a soldier belonged.

The several officers in the Embassy declared that one great reason for difficulty was the small number of military police or gendarmes available which, at the moment of occupation, they declared to be seventeen in number. After, three days after the entry, the civil officials secured from high officers of the gendarmerie certain small posters or proclamations to be put up at the entrance to foreign property ordering all soldiers to keep away. Not only did the soldiers daily disregard these proclamations from the gendarmerie headquarters but they also frequently tore them down. I took several of these torn proclamations to the Japanese Embassy for transmission to the gendarmerie. After February sixth or seventh there was a noticeable improvement in the situation and, although many serious cases occurred between then and summer, they were no longer of a mass and wholesale character.

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Q Who was the commanding general of the Japanese forces at the time of the capture of the City of Nanking during the remainder of December, 1937, and January, 1938?

A We were not aware of any one local commander at Nanking, since each detachment or butai seemed to be independent. However, the official proclamations and the general statements of the newspapers, including the Japanese newspapers, indicated that General Iwane MATSUI was in command for the Shanghai-Nanking region.

Q Were the Chinese allowed to conduct private business following the occupation of the City of Nanking by the Japanese soldiers?

A There was no general prohibition of Chinese private business, although as a matter of fact so many of the business men lost their commercial property by looting and burning and lost their store buildings by confiscation for the use of Japanese merchants that there were dealt very heavy blows at the beginning. Then monopolies and exclusive controls were set up which reserved transportation, banking, the wholesale trade in rice, cotton, metals, and building materials for Japanese concerns.

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MR. McMANUS: Mr. President, may I enter an objection at this time as to the relevancy of this particular type of testimony, and also an objection on the ground that the testimony now is becoming repetitious, and I am requesting the Court to permit me to make that objection.

THE PRESIDENT: I take the evidence to be directed to the provisions of The Hague Convention, requiring belligerents to respect property rights. It rests with the prosecution, of course, to establish the connection between the accused and this conduct which is testified to. I fail to notice any repetitious evidence here. The objections are overruled.

THE WITNESS: A further difficulty was caused by the pressure put upon many Chinese business men to accept Japanese partners. In many cases this was done by the direct instruction of the gendarmerie or the special service. In other cases it was done by the threat that the Chinese business man could not receive permits, or carry on his business freely unless there was a Japanese whose name could be used to secure such permission. Among my friends were many such business men who were required to admit Japanese partners, men

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who invested no capital but were given influence of control and a share of the profits in return for that power to get permits from the controlling military authorities. The controls were employed in a way desperately injurious, not only to Chinese business men but also to producers and consumers as well. For example, on behalf of the International Relief Committee, I tried during a period of three months to purchase rice outside of the City of Nanking for the use of that committee. At that time the price of rice within the city was held by the monopoly at 18 to 22 dollars per picul. In producing areas 40 miles west on the Yangtze River the price was held by the monopoly to 8 and 9 dollars per picul. At the same time the monopoly was transferring rice to Shanghai to be sold at 35 dollars per picul and to Chinan in Shangtung to be sold at 45 dollars per picul. Our committee applied to the food control office of the municipal government for permission to make these purchases in the producing area and so save half the cost of rice to be distributed in relief work. We met with the standard reply of those years, "this matter can be done only through the colonel of the special service," and then we tried to approach him through the

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Japanese Embassy. The civil authorities approved our efforts and tried to assist this relief enterprise, but they could not persuade the military monopoly to give up its profits even for that purpose. I have given this case merely because it shows from my own experience the typical situation of the working of the controls.

Q Did you have occasion to report these facts to the Japanese authorities?

A I reported them in full in the course of three months of conversations and letters over this effort to secure permits to buy rice outside the city. The other more general facts regarding the monopolies in the list of commodities and enterprises which I previously named were reported in an economic survey that I undertook on behalf of the International Relief Committee. I sent that report to the Japanese Consul General and later published it within the occupied areas.

Q Have you had occasion, Dr. Bates, to make special studies in connection with the opium and narcotic problem in the occupied area?

A Yes. My attention was drawn to the startling developments in the use of opium and Heroin while carrying on relief work in the Summer

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and Autumn of 1938. We found that many poor refugees were being approached by peddlers who urged the use of opium, saying, "if you take this your stomach won't hurt you any more." Slightly later but similarly Heroin was peddled with the statement, "if you take a little of this you won't be so tired and you will feel as if you could jump over mountains." In a short time the rapidly expanding trade in narcotics became a public enterprise, set up outwardly by the puppet government. When public stores, that is, government stores, were opened and when advertisements of opium dens began to appear in the one newspaper of Nanking, the official newspaper, I then decided the matter must be investigated.

Q Were your investigations made on your own behalf or on behalf of the United States Government?

A The United States Government had no connection with them in any way and did not know about them until after the reports were published.

Q What was the situation in Nanking with regard to the sale of opium and narcotics prior to the Japanese occupation in December, 1937?

A There was no open and notorious sale or use of opium for some ten years before the Incident of 1937. Opium was used in back rooms, chiefly by

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1 older men of the gentry and merchant types, but there  
2 was no open parading of it before young people, and  
3 indeed, in my residence there from 1920 to 1937 I  
4 never saw opium or learned to recognize its odor  
5 or appearance.

6 THE PRESIDENT: We will adjourn now until  
7 half past one.

8 (Whereupon, at 1200, a recess was  
9 taken.)

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## AFTERNOON SESSION

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

3 M I N E R S E A R L E B A T E S, called as a wit-  
4 ness on behalf of the prosecution, resumed the  
5 stand and testified as follows:

## DIRECT EXAMINATION (Continued)

6 THE PRESIDENT: Captain Brooks.

7 MR. BROOKS: If the Tribunal please, I believe  
8 that this questioning he is developing on the opium is  
9 only -- the evidence that the witness is giving is only  
10 cumulative and could be objected to on that ground. And  
11 I think that it would be quite possible to eliminate a  
12 lot of this matter on the opium situation if, and I feel  
13 that the Tribunal could take judicial notice that opium  
14 is an old and great evil in China, and that the Chinese  
15 people are inclined to fall into the habit of using it  
16 more than any other important group.

17 THE PRESIDENT: Well, you do not suggest that  
18 we could take judicial notice that the Japanese have  
19 greatly increased the sale of opium and have sold opium  
20 quite openly? I am not saying that is the fact but it  
21 is the evidence.

22 MR. BROOKS: I believe that the Court could go  
23 further and say that the potential demand there is

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1 enormous for the sale of opium, and in the past hundreds  
2 of years various private and official elements, Chinese  
3 and foreign, have at times supplied and developed the  
4 narcotic trade. If the Tribunal can take such notice,  
5 and since previous witnesses have testified along these  
6 lines, I think that any further testimony is objection-  
7 able as only being cumulative.

8 THE PRESIDENT: The evidence only becomes cumu-  
9 lative in that sense when quite a number of witnesses  
10 will necessarily testify to the same thing. The objection  
11 is overruled.

12 BY MR. SUTTON:

13 Q Dr. Bates, you may continue your answer.

14 A Investigation of the narcotic business was not  
15 easy because it was done -- although it was done by open  
16 sale yet the information as to their management and  
17 finances were kept well behind the scenes, and naturally  
18 there were no clear or honest official reports.

19 In the Autumn of 1938, in November of 1938, I,  
20 with the help of several old friends under my direction,  
21 visited several of the opium stores and a considerable  
22 number of the opium dens. We also secured copies of the  
23 regulations which the official monopoly made for the use  
24 of dealers under it, and tax slips and tax reports which  
25 they made to the monopoly. At that time the regular

BATES

DIRECT

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1 system provided for 175 licensed smoking dens and for  
2 30 stores which distributed to and through those dens.  
3 The official sales were set at 6,000 ounces per day,  
4 which figure the dealers reported to be exceeded because  
5 the demand from the country districts outside Nanking  
6 was so great. The sales price was eleven Chinese dollars  
7 per ounce which worked out then, in the 6,000 ounces per  
8 day, at almost exactly two million dollars per month.

9 A Chinese agent in the Special Service reported  
10 to us that the sales of Heroin under the direction of  
11 the Special Service reached three million dollars per  
12 month at that same period. Although the figures of the  
13 narcotic section of the municipal police were much higher,  
14 my investigation concluded conservatively that fifty  
15 thousand persons were using Heroin, one-eighth of the  
16 population at that time. The increase of robbery by  
17 hundreds upon hundreds of Heroin addicts became a serious  
18 matter for everyone, including the University of Nanking.

19 The officials connected with the opium monopoly  
20 attempted to pull the Heroin users to the use of opium  
21 by arresting and prosecuting them in the courts.

22 I transmitted the completed report to the Japan-  
23 ese Consul General, asking for any comments or correc-  
24 tions in matters of fact; and then some ten days later  
25 I published it in Shanghai without any objection or