

ANIMOSITY TOWARD COUSENS DENIED

Tokyo Woman Still In Box

A declaration that at no time had she had the slightest animosity or ill-will toward Major Charles Cousens was made by Miss Foumy Saisho, 37-year-old Japanese journalist, who spent her third day in the witness box in Central Court yesterday, when the hearing of charges of high treason against Cousens was continued before Mr. Farrington, S.M.

Miss Saisho was in Tokyo Radio during the war, and one of her jobs was the checking of Cousens's radio scripts. Her evidence was still unfinished when the Court adjourned until this morning.

Production of photostat copies of a diary kept by an American prisoner-of-war gave a new turn to the hearing.

The allegation against Cousens is that he aided the Japanese by broadcasting and preparing propaganda for them, and by instructing the staff of Tokyo Radio.

The Court again was crowded.

The diary that came into Court was said to be that of Lieutenant-Commander Henshaw, of United States Naval Intelligence, who, according to the diary, was a fellow prisoner-of-war with Cousens.

Miss Saisho, when questioned by Mr. Shand, K.C., for Cousens, denied any knowledge of a number of incidents of brutality, starvation, and other coercion against the prisoners related in the diary.

Miss Saisho also denied any knowledge of dossiers, said to have been given by Cousens to the Americans, including one which described her as easy to deceive.

After Miss Saisho had repeated that it was true that, to her knowledge, the Japanese had offered no duress to Major Cousens, Mr. Shand asked her if she knew a Japanese called Umo, and she said she did.

Mr. Shand: Do you swear you didn't hear him threaten Major Cousens and other prisoners with a firing squad and the tortures of a Gestapo dungeon if anyone questioned any order of his?

any order of his?

Miss Saisho: I never heard of such a thing.

"DIARY REEKS OF COERCION"

Mr. Shand then produced in Court a large bundle of photostats, and said it was the diary of Lieut.-Commander Henshaw, of American naval intelligence.

Mr. Shand said Mr. Dovey, K.C., senior counsel for the prosecution, in opening the case, had told the Court that it was not within the power of the Crown to produce any evidence of coercion of Cousens.

"This diary is reeking of it," said Mr. Shand, "and this witness could be brought here in a day."

Mr. Dovey: I do not know what is in the diary, and it is not within my knowledge that this witness could be brought here.

Mr. Shand: We have a letter saying where Henshaw is. I will show the Court in this diary 50 passages where duress was offered them.

Mr. Dovey: I said we knew of no evidence available to call in these proceedings; we represent the Commonwealth Government, not the Government of the United States. Since these proceedings started this document has come into our hands. I don't know what is in it. It is some document, made by someone we don't know, under circumstances we don't know, and we don't know whether it is true or false. It is within the power of the defence, at the proper time, to produce a witness to say that what is written there is true. Mr. Shand is not speaking to the Court but to the gallery.

Mr. Shand: If the Crown authorities have not read what is available and in their possession in a document from a high officer of American intelligence, and particularly read what happened to Major Cousens, they have failed deplorably in their duty.

Mr. Dovey: The fact that you think that does not matter one scrap.

REBUKE FROM BENCH

Mr. Shand: It is not difficult for the Government to try to bring a witness they know is available. It can only be because there is a determination to support, at all hazards, a hopeless case and endeavour to get a conviction.

Mr. Farrington: That remark, Mr. Shand, ill becomes you.

Mr. Shand: This is an important matter. The gravest charge that could be brought is against this man, and he should be provided with all facilities.

Mr. Dovey said the diary had only arrived as a micro-film after the proceedings started, and it was only now being read by Detective-Sergeant Wilks to see if there was anything in it relevant to Major Cousens.

Mr. R. Chambers, junior counsel to Mr. Dovey, said the microfilm had been sent to Australia by the American authorities, and not because Australia asked for it. Neither Mr. Dovey nor he had seen a word of it. When Mr. Dovey opened the case he had no idea what was in the document.

Dovey opened the case he had no idea what was in the document.

Mr. Shand: I accept that.

Mr. Dovey: Perhaps you will withdraw what you said.

Mr. Shand: About the diary, yes. But not in reference to your statement that there was no material to back up Cousens.

Mr. Shand, resuming his cross-examination, asked Miss Saisho, if she had never heard Umo (second in charge of radio broadcasting prisoners-of-war) threaten Cousens for trying to get extra food for some American prisoners of war. Miss Saisho said she had not.

You knew Major Cousens collapsed in June, 1944, from starvation and heart trouble?—No. It was not starvation.

Miss Saisho said she did not know some prisoners were accused of writing double meanings into their broadcast scripts. She did not know of Major Cousens interceding with the Japanese on behalf of fellow-prisoners accused of trying to deceive.

Mr. Shand: Do you maintain that you did not know that Major Cousens was suspected by the Japanese of sabotage in his work in the broadcasting station?

Miss Saisho: I did not know of that.

She agreed she was friendly with a man called John Holland; she knew him fairly well. She denied Holland had visited her house. She said she gave a report on Holland to the American authorities after the occupation.

Miss Saisho said she did not know whether Major Cousens and the other prisoners in Tokyo were moved into a prisoner-of-war camp as soon as there was one available.

She said she had not heard Major Tsenuishi say to Major Cousens, "You will broadcast for the Japanese," nor had she heard Cousens reply, "My Government will only allow me to broadcast names of men and messages." Neither had she heard Tsenuishi reply, "You will obey the orders of the Imperial Japanese Army or be shot."

REVOLVER TALK NOT HEARD

Miss Saisho told Mr. Shand she had never heard Major Cousens say then, "I cannot broadcast Japanese propaganda," or go on, "If that is what you want, then, as one officer to another, give me a revolver and one round of ammunition and leave me alone for five minutes."

Mr. Shand: Will you deny that you knew of this—that Major Cousens was presented with a broadcast involving a violent attack on President Roosevelt and ordered to broadcast it?

Miss Saisho: I think it was possible. Do you know that he refused, in writing, to broadcast something?—No.

Did you know that there had been objection by the Japanese authorities to enemy subjects wearing uniform in the streets?—Yes, something of that kind.

It was after that that Major Cousens and the others were dressed in civilian clothes?—I suppose so.

You heard at different times Cousens, Ince, and Rayles talking together, and calling each other by their Christian names?—Yes.

Was it after that you called Major Cousens by his nickname "Bill"?—Yes.

And you told him he was at liberty to call you "Foumy"?—Yes.

DOSSIERS WANTED

Mr. Shand asked if the Crown would produce dossiers, given by Cousens to the American authorities, on everyone connected with Radio Tokyo.

Mr. Dovey said he would inquire about them.

Miss Saisho told Mr. Shand she had no knowledge of these dossiers.

Mr. Shand: The Americans read to you Major Cousens's report on you?

Miss Saisho: No.

Weren't you told by the American authorities that Major Cousens had reported, amongst other things, that, while you considered yourself remarkably clever, you were in fact one of the easiest to deceive?—I have no knowledge of that whatsoever.

I suppose you appreciate that it might have been possible that Major Cousens was deceiving you—

Mr. Dovey: In what way?

Mr. Shand: Generally. How do you think a prisoner of war would deceive an enemy national?

Miss Saisho: I never gave any thought to that matter.

Mr. Shand: Never entered your head?—No.

Either in relation to what Cousens said or did?—No.

It didn't enter your head in relation to any of his activities?—No.

One of his activities was writing commentaries?—No.

Mr. Farrington: Are you listening to the questions?

Miss Saisho: Yes.

Mr. Shand: Then writing commentaries wasn't one of his activities?

Mr. Shand: Then writing commentaries wasn't one of his activities?

COUNSEL CLASH

Mr. Dovey objected to Mr. Shand's question, and Mr. Shand said to him, "There is no need for you to assist this enemy national."

"And no need to adopt your typical sneering style," Mr. Dovey retorted.

"Something has to be done against this persecution of your own national," replied Mr. Shand.

Mr. Shand then asked Miss Saisho if writing commentaries was one of Major Cousens's activities, and she replied, "Of course it was."

"So you now wish to change your evidence?" Mr. Shand asked.

This brought another objection from Mr. Dovey, which Mr. Shand said was made only to help the witness.

WITNESS LEAVES COURT

Miss Saisho was sent out of Court while Mr. Dovey and Mr. Shand argued this point before Mr. Farrington.

Mr. Dovey said the line of Mr. Shand's questions was obviously calculated to trap the witness into thinking his last question meant to ask if Cousens was deceiving her in his commentaries.

Mr. Shand: That is crude.

Mr. Dovey: About as crude as your general manner.

Mr. Dovey said it was perfectly plain that Miss Saisho was intelligent, and no one could for one minute think she was negating, in one sentence, something she had been deposing to all along. Mr. Shand's question, asking if she wanted to alter her evidence, was just insulting and intended to antagonise and anger the witness.

Miss Saisho was then recalled to the witness-box.

Mr. Shand (to Miss Saisho): Have you understood perfectly all my questions?

Miss Saisho: Yes.

Mr. Shand then referred to a statement alleged to have been made previously by Miss Saisho, in which it was stated, "There were three girls who used the name of Tokyo Rose."

Miss Saisho said there were several passages in that statement which did not express her exact meaning. The terms she used were in a very general sort of way.

Mr. Shand: Was this one of those passages which you now say are not very accurate—"I think he sensed danger and was always afraid something might happen"?

Miss Saisho: It is one of them.

That one seems to say something in his favour, doesn't it?—It is possible.

Can I have your agreement to this: Any of the passages in your statement

Have you the slightest interest in the result of these proceedings?—No.

Have you now or at any time had the slightest animosity or ill-will towards Major Cousens?—No, not at any time.

The prosecution then began the reading of 51 commentaries, written by Cousens, that are to be presented in evidence.

Miss Saisho, at the end of each reading, said whether she had actually heard it broadcast or not, and named the announcers for those she did hear. By the end of the day's proceedings 10 of the 51 had been read.

Mr. Dovey, K.C., Mr. Barwick, K.C., and Mr. R. C. Hambers, by the Commonwealth Crown Solicitor, prosecuting. Mr. Bradley, K.C., Mr. Shand, K.C., and Mr. J. Smyth, by Messrs. McFadden and McFadden, for Cousens.

you now think are a little inaccurate are passages which might be considered in his favour?—That is not so. It is entirely wrong.

Not entirely. I have just pointed out one to you?—It happened to be so.

Mr. Dovey, in his re-examination of Miss Saisho, asked if she had handed anything other than Major Cousens's commentaries to the Americans.

Miss Saisho: Yes, those of John Holland.

Questioned concerning Major Cousens's alleged suicide threat, Miss Saisho said: "When I said to Major Cousens that it was easier to die than to live, I said it to discourage him from the act of suicide which he said he would commit."

Mr. Dovey: Since you learned you were to come to Australia, have you endeavoured to apply your mind as closely as you could to the incidents you have been asked about?

Miss Saisho: Yes.

Have you the slightest interest in the result of these proceedings?—No.