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The witness stated that there was no official records of Cabinet meetings. What he meant by records of the Cabinet meetings, are the expenses of the Manchurian Incident and the official wires received by the foreign office.

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The witness stated that with respect to documents, there are two kinds - -- (1) those which are sent to the Chief Secretary of the Cabinet and those which are placed at the disposal of the Prime Minister. The witness stated with respect to his affidavit in which he said he handled all problems before they were presented to the Cabinet, he meant that before matters were presented, meetings and discussions were held between his father and Mr. MORI. He attended these meetings on occasion and if he did not hear it from his father, he would hear it from the Chief Secretary and if there was anything his father found difficult to disclose to MORI, he would tell him about it. There were also occasions when MORI spoke to him about matters, which he thought it difficult to speak directly about to his father.

To state his conclusions on the matter, he could not say that he had seen all the documents without exception. However, if it is a question of whether he had heard directly or had been informed of various discussions and arguments - then he could say that he had.

The witness stated that there may have been some exceptions to his statement when he spoke of his father discussing all matters with him, but he would say that on many and most all important matters, his father asked for his opinion.

The witness stated - that he might have been mistaken when he said that YAMAGATA was Vice Minister of War. It may have been General HUGIYAMA, but KOISO was Chief of the Military Affairs Bureau.

The witness stated that there was no leakage of official secrets by his father discussing matters with him because to maintain secrets is one of the most important duties of a private secretary to a Prime Minister and that the two private secretaries of the War Ministers before and after the INOKAI government also discussed matters of secrecy. This was an established custom.

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NARRATIVE SUMMARY OF THE RECORD
(June 27, 1946)

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CROSS-EXAMINATION BY MR. ITOI

The witness stated he was 51 years old; that when Sun Yat Sen came to Japan for the first time he was three years old and heard him several times until the time he was ready to enter the primary school. What he had stated about Sun Yat Sen is what his father had told him from time to time. The witness stated he had been a member of Parliament since 1930 to the present time.

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Among the positions held by him were 1931 - private secretary to the Prime Minister; 1937 - Parliamentary Counsellor of the Ministry of Communications; 1945 - Parliamentary Vice Minister of Foreign Affairs; and at the present time he is President of the General Affairs Committee of the Progressive Party.

His statement that he kept his father's papers straight and handled his correspondence was correct. The witness stated that he recalled the Incident in February 1928 when Mr. IMUYI was shot; the March Incident when Baron IMAI was shot and the May 15th 19th Incident, the official residences of his father, the Premier, the Minister of the Imperial Household, the Lord Keeper of the Privy Seal and Headquarters of the Seiyun Club, the Metropolitan Police Board and the MITSUBISHI BANK were attacked.

GENERAL EXAMINATION BY MR. BROWNE

The witness stated were various why his father's attempt to have the Emperor order the Army to withdraw from Manchuria failed. One was the opposition of the Army, although he did not know that officer of influence in the Army was opposed to it or what young officers were difficult to hold down. Those who were concerned with the problem in the Army were, about December 1931, not of the opinion to establish a new state in Manchuria. The general atmosphere pointed toward a line of action for a more conciliatory and friendly talk or negotiations between his father and Chiang Kai-shek and the general attitude was to follow this policy of his father. Suddenly, in September, 1932, this tendency disappeared and was directed toward the establishment of a new state.

MEMORANDUM SUMMARY OFFICE RECORD
(June 27, 1946)

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The Emperor was a strong advocate of this and had a very strong desire for an equitable settlement of the Manchurian Incident. That is what he meant to say in his affidavit and he doesn't think any change is required. He just didn't get around to the point. He was very happy to make a statement with respect to the Emperor's position because he thinks it is an important question so far as our country is concerned.

CONFIDENTIAL - INFORMATION BY CAPTAIN KIKUCHI

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The witness stated he didn't think the Privy Council had been consulted by the Emperor with respect to the matter of his father's request. This was due to the fact that his father was endeavoring to lay the groundwork for a Sino-Japanese reconciliation. The matter had not come to the point where it required presentation to the Privy Council. At that time the Privy Council had no authority or power regarding the withdrawal of the Army from Manchuria and the witness doubts whether there is such authority in the Privy Council. His father had done everything in his power to prevent and check the expansion of the Incident and made every effort to realize peaceful relations between Japan and China on the basis of equality. When his father had discussions with Sun Yat Sen he was a body and he had never had any discussions with him.

The witness stated he did not retain any memoranda or notes of discussions held in Cabinet meetings because in his family, they did not keep notes; they had been instructed to retain their memories. The witness stated that he had never been an official adviser to Wang Ching-wei, but he had given him advice with respect to general peace in China.

SHIHS-ING-SHIEN, CHIEF OF STAFF, TAIPEI.

The witness stated that during his father's tenure of office as Prime Minister and Foreign Minister, the Minister to China was SHIEN-SHIEN. He does not have any recollection of SHIEN-SHIEN's efforts to carry out that policy but he imagines he did follow his father's line of action. His reason for this was that when SHIEN-SHIEN was Minister to China, he was seriously

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wounded by a bomb and his father would frequently ask him whether he had received any messages or cables with respect to SHIGEMITSU's condition, being very much concerned. His father highly respected and trusted Mr. SHIGEMITSU's efficiency and ability. He imagined that SHIGEMITSU made every effort to carry out his father's policies.

JUNE 28th, 1946

EXAMINATION OF IMUKAI BY THE PRESIDENT:

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In response to the question of the President that the Court would like to hear more fully on the question of the Emperor's position in relation to the Manchurian Incident, the witness stated; It is the feeling of the Japanese people to avoid bringing the name of the Emperor into the argument, and in line with this feeling, he had been somewhat hesitant

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and gave only a rough explanation of the details of that Incident. In order to make clear certain matters of Japanese history, such as this, he would dare to include the name of the Emperor in his testimony. That when his father received the Imperial Command to become Prime Minister, before his actual installation, he went to call on Prince SAIONJI at the latter's invitation according to the custom that a Premier, before installation, should have a preliminary consultation with the elder statesman. Prince SAIONJI told his father that it was the Emperor's wish that Japanese politics should not be controlled solely by the Army and that politics in Japan should not develop to seem that only the Army was controlling everything. At that time, reports appeared in various publications that SAIONJI had urged the witness' father to form a coalition Cabinet, but this was not true. After his father had been installed and had his audience with the Emperor, he told the witness that the Emperor likewise had spoken to the same effect. The witness stated that he did not believe his father would lie to him in an important matter such as this and that later Baron HARADA, who was secretary to Prince SAIONJI, told him the same thing.

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The witness' father had later told SAIONJI what had happened during his audience with the Emperor, and according to HARADA, the witness' father had spoken

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From his own impression, the witness believes that his father would have staked his life in following out the Imperial wishes. At this time, the Manchurian Incident had already spread and it seemed that the superior officers in the War Ministry and the General Staff had no power to control the Army.

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It seemed to the witness that in order to stop the affair, a very decisive step would have to be taken. Two ways were open after the solution--first was to have an audience with the Emperor and obtain the Imperial Command that the movements of the Japanese Army should cease except as limited by treaties, and that the Japanese Army should gradually withdraw from Manchuria--that is the Japanese Armies which had entered Manchuria from areas outside, should return to their original stations, i.e., the Korean Army should return to Korea and the Army originally stationed for the purpose of defending the South Manchurian Railway was to return to the limits of that zone.

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Premier INUKAI gave much thought of the matter of stopping the war and finally came to the conclusion that the Imperial Command was the only way out of the situation and he therefore consulted Minister of State MAEDA who was the legal expert in the Cabinet. Mr. MAEDA confirmed this fact after Premier INUKAI's death. His father also held another conviction that the sovereignty of the Chinese Republic over Manchuria should not be questioned but in actual practice, since his father considered that an actual state of war existed, it would be necessary for some outstanding Chinese statesman to come to Manchuria and clean up the after effects. The Premier gave deep consideration to the question of the type of Chinese statesman to be sent to Manchuria. He seriously considered at first Chang Hsueh Kiang who had been the actual leader in Manchuria and who had entered Kuomintang.

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The witness believed that there were three necessary requirements for this Chinese Statesman-- (1) He be a member of the Kuomintang; second, that he be sent with the approval of Chiang Kai-shek; (3) that he be prepared to resign and return to Nanking whenever the Nanking government desired him to do so.

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In line with this opinion, the Premier held an audience with the Emperor and gave his opinion that Manchuria should not be made an independent state and second, that the Japanese Army should return to its former stations. The witness was not sure whether he had asked the Emperor * directly or through the Lord Privy Seal to issue the Imperial Command or whether he had merely consulted MAEDA and refrained from asking the Emperor directly. In any case the witness was convinced that his father intended to ask for the Imperial Command as soon as all preparations had been made and that such preparations were already 90% complete. At that audience the Emperor asked the Premier "what will you do if the Army is against what you advocate?". After the audience his father told him that he had replied to this question "Even if the entire Army is against me I shall carry out this policy". During the audience, the Emperor frequently said he hoped the incident would be stopped as quickly as possible and before it spread any further, and that as soon as possible negotiations should be begun with the Chinese statesman in order to find some basis of eternal and fundamental peace.

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This happened * within ten days after INUKAI had become Premier, i.e., after December 13, 1931, because on December 20th the Premier's secret emissary, KAYANO, had already left for Nanking. The first point of his mission was that although it was planned to withdraw the Japanese Army since an actual state of war existed and both sides were highly excited, it was necessary that when the Japanese Army did withdraw, the Chinese Army would not pursue them. With respect to this point, it was necessary to obtain Gen. Chang's agreement; otherwise, the Premier would have felt that he had not carried out his responsibility to the Emperor. In other words, these negotiations were in preparation for an armistice between the Japanese Army and General Chang.

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The second point was to have consultations regarding the dispatch of a Chinese Special Ambassador to Manchuria with the agreement of General Chang.
* The secret emissary was kept a secret from the secretary of the Cabinet, MORI, and also from General ARAKI, War minister.

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The embassy was received with great courtesy by the Chinese and although it was in the midst of a war, he reached Peking safely and corresponded with the witness by telegram in code. According to KAYANO's telegram, General Chiang is highly satisfied with the Premier's proposal and proposed to send Chu Chen, the President of the Judicial Yuan, as a special Ambassador to Manchuria and requested the name of the Japanese proposed Ambassador. With the Premier's permission, the witness replied that the Ambassador would be TAMURA, Jowuro.

from about this time the telegram became very delayed and sometime did not reach the witness. At that time, the Chief Secretary, KOTI, stated to the witness that he knew that the Premier was carrying on negotiations with General Chiang which has been kept secret and that the Army was highly indignant. Around December of 1931, there was still the opinion within the General Staff and War Ministry that Manchuria should not be established as an independent state and that Japan should merely enjoy special opportunity with China. In January 1932, following personnel shifts within the Army, this opinion ceased and the Army's majority of the Army was convinced that Manchuria should be established as a separate state. As an example, one member chief in the General Staff who was sympathetic to the Premier's views, was transferred to Korea. At that time, KAYANO notified the witness that he had encountered great difficulty and would return to Tokyo at once. When he returned to Tokyo he advised the witness that he had learned that both Manchuria would be in great danger if they set foot in Manchuria.

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CRIME-EXAMINATION BY MR. JENNINGS:

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The witness stated that it was his father's responsibility that ANAKI was finally recommended as per KINDELAR.

DEVELOPMENT RECOMMENDATION BY MR. HALL:

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The witness stated that the development leading up to the final recommendation of ANAKI was different from the ordinary way in which a war KINDELAR was recommended. The ordinary method was that the three

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Army chiefs, namely, the out-going War Minister, the Chief of the General Staff, and the Inspector General of Military Education should select the new War Minister and hint of this to the Prime Minister, who following the hint, would usually recommend him. At the conference of the three Army chiefs, General ABE was mentioned as the one most likely to become War Minister.

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At that time a great number of officers of field rank were of the opinion that ARAKI should be the new Minister and very many of these officers often came to the headquarters of the Seyukai to recommend ARAKI's appointment. They recommended him because ABE had no sympathy or knowledge of the feelings of the younger officers so that if he became War Minister, he would be a mere robot, whereas ARAKI did know of these feelings and if he became the Minister, there would be no gulf between him and the younger officers.

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DIRECT EXAMINATION OF WAKATSUKI, Reijiro - Mr. Hahn

The witness stated that he was 81 years old according to the Japanese reckoning; that he had made the affidavit for use in this case and identified it. That at the time of reading it, he had made certain corrections which had been indicated on the affidavit. He identified the signature and stated that the facts contained therein were true. The affidavit was then admitted into evidence as Exhibit 162 and is as follows:

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*The witness was Prime Minister of Japan from April to December, 1931. It was the policy of his government to put into effect the budget prepared by the HAMAGUCHI Cabinet and the effect of this budget was to reduce the money allotted to the Army. When the Mukden Incident broke out on September 18, 1931, the first the Cabinet knew was on the 19th. At that time MINAMI reported that Chinese troops had fired on Japanese troops at Mukden and that their fire had been returned. The Cabinet agreed that this had elements of a very serious situation and expressed * the desire that the affair be terminated at once.

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To this MINAMI agreed. The next day the Cabinet met again and MINAMI reported that for strategic and tactical reasons it had been necessary for the Japanese Army to pursue the Chinese a certain distance into Chinese territory. That this was only a protective

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measure and would not be extended. The next day at another Cabinet meeting, MINAMI again reported further expansion but stated that it would not be enlarged upon. This was repeated on the 22nd, and on the night of September 22nd, HAYASHI, commander in Chief of the

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Kwantung Army moved his Army across the Yalu River into Manchuria. MINAMI reported this on the 23rd. He stated it was true that HAYASHI had moved without the Imperial sanction but that he had received an urgent request from the Kwantung Army for aid and had personally deemed the situation of such an emergent nature that it justified peremptory action on his part.

At that time it was the unanimous sense of the Cabinet that these operations must cease immediately and MINAMI agreed to put the policy into effect with the Army at once. However, day after day, expansion continued and the witness had various conferences with MINAMI. He was shown maps on which MINAMI would show the boundary which the Army in Manchuria would not go beyond and almost daily this boundary was ignored and further expansion was reported, but always with the assurance that it was the final move.

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At that time the Vice Minister of war was SHIYAMA, Chief of Staff, General KANAYA, Vice Chief of Staff, General HINGUICHI, and Chief of the Military Affairs Bureau, KOJICHI. The witness stated that he tried everything in an effort to control the situation but without success. His last move was to try to form a coalition Cabinet with the Seiyukai, hoping through the combined strength of both parties he would be able to control the Army in Manchuria, but various Cabinet members were unwilling to form the coalition, so the measure failed. At that time the situation stood as follows: The policy of the Cabinet had never varied on the question. They had unanimously opposed any expansion by the Army and day after day had been unceasing in its efforts to terminate aggressive operations. MINAMI had failed to control the Army in Manchuria and had not carried out the unanimous policy of the Cabinet. Therefore, the witness resigned as Premier.

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CROSS-EXAMINATION BY MR. OKAMOTO:

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The witness stated that his Cabinet followed the line of policy that had been laid down by the HAMAGUCHI Cabinet but since different happenings occurred at different times there may have been differences * with the line of policy -- but it was practically the same. The political party to which the HAMAGUCHI cabinet and the WAKATSUKI Cabinet belonged was the Minseito. Since the witness had resigned from the Cabinet for a long time and had been in retirement before he became Premier, he was not fully conversant with every detail of the party platform; that his Cabinet followed the line of policy set up by the HAMAGUCHI Cabinet but he cannot give the details of the platform unless he was asked specifically with reference thereto.

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with respect to the reduction of expenditures, *the budget had already been made up by the HAMAGUCHI Cabinet when the witness became Premier so that he accepted the budget without question. The financial policy of his Cabinet followed that of the HAMAGUCHI Cabinet, namely, one of retrenchment. The witness stated that MINAMI was War Minister in his Cabinet and went on to say, when asked whether MINAMI favored reduction in military expenditures, that the budget was drawn up in September, but was not submitted until January; that this was the practice in use at that time, so that the budget was never actually presented during his tenure of office as Premier. He had fixed the policy, however, in line with the retrenchment policy of the HAMAGUCHI Cabinet and had appointed a committee to study and draw up the budget, but it was not presented while he was Premier.

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It cannot therefore be said that his Cabinet necessarily carried out a reduction in the salary of government employees and military and naval men. MINAMI knew that a committee had been appointed and was investigating measures to be taken in connection with the retrenchment policy and he was not against any investigation, but the witness said he could not tell whether MINAMI was in favor of the results obtained by the committee or not.

The witness stated that he first heard of hostilities between Japan and China at Mukden on the

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morning of the day following September 18th, when he heard the report from the war Minister by telephone; he did not remember whether it was six or seven o'clock. The witness could not recall that MIYAMA had proposed an extraordinary session of the Cabinet. The meeting was held that morning but he did not recollect whether it was a regular or an extraordinary session; that the Cabinet did meet at 10:00 A. M. and decided upon this policy.

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In response to the question whether MIYAMA had telegraphed an order to the Kwantung Army notifying it of the Cabinet decision, the witness stated that the Army was to follow the line of policy adopted and he believed that MIYAMA acted accordingly. The policy was the unanimous decision of the Cabinet.

In response to the question whether he had any conversation with MIYAMA to the effect that in the Mukden area Japanese were short of forces and it was suggested that the Korean Army be dispatched, the witness stated that the matter did not come up at a Cabinet meeting; that he did not recall such a conversation although it may have been talked about at some time.

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The witness denied that on the 22nd of September at a special meeting it was unanimously decided that the Korean Army be dispatched to Manchuria and that a unanimous decision was made with respect to expenditures for that purpose.

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After the Korean Army had already gone into Manchuria, it was decided that unless the Army expenses were paid the Army would be in danger so it was decided to pay those expenses, but this was much later. The witness stated that he informed the Emperor that the Cabinet had decided to pay the expenses of the Army in Manchuria; that was much later and it was not the decision of the Cabinet that he reported to the Emperor. The Army Chief of Staff later requested the Imperial sanction but the witness does not remember the exact date. The witness said that in the affidavit he had set down dates which he definitely remembered but he could not speak of dates he doesn't remember, but he could say that Army Chief of Staff asked for

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Imperial sanction not many days after the Korean Army had invaded Manchuria.

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The witness stated that he had heard the story that MINAMI had ordered the Kempeitai or gendarmery to arrest younger officers in the middle of October.

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* This was told to him not at a Cabinet meeting but on October 17th at a ceremony performed at the Imperial Palace. While he didn't recall the matter exactly, the reason for the arrest was that the younger officers had contemplated an attempt on the witness' life and the Kempei-Tai had stopped this. This witness stated he had not heard of any reason why these younger officers intended to harm him. He stated that he didn't remember that on November 8th and November 24th, 1931, there were Chinese disturbances in Tientsin. * He stated that he did not remember that there had been repeated requests for the dispatch of Japanese troops from Tientsin and that MINAMI had flatly rejected it.

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He stated that he did not remember the exact date but he knew that around the middle of November the Japanese Army was approaching Chinchow and was practically about to enter the City. He was aware of the fact that the Army Chief of Staff had ordered the Japanese troops to stop its advance on Chinchow but he did not know whether MINAMI had ordered the Chief of Staff to order this or not. The Chief of Staff * had ordered that the Army should not advance one step further from its present position. He did not know whether he told the Army to withdraw to Hsingmingtung.

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The Cabinet was very much against the Japanese Army entering Chinchow and the Premier was very happy that the advance had been stopped but the witness did not recall whether or not he drank a toast with MINAMI about this.

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In November of 1931, military maneuvers were held in Kyushu; the witness could not remember whether MINAMI had declined the invitation to attend although he was supposed to be there.

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INAMI was present at every Cabinet meeting at which the Manchurian Incident was discussed and the witness believed that he was also opposed to the spreading of warfare in Manchuria.

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The witness stated that by the use of the words "aggressive operations" in his affidavit he meant that the Japanese Army continued to expand the Incident against the wishes of the government. The witness stated that before signing the affidavit he read it; that his knowledge of English is very limited -- he cannot say the English phrases used in the affidavit actually expressed his full meaning. He had read the Japanese affidavit and since he did not have the text with him he could not say whether the word "aggressive" was actually used in it or not. That when he read something, it is sufficient that he got the general drift and he did not study the exact meaning of the word.

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The witness stated that the Army had always said that its actions were an act of righteous self-defense and the War Minister had reported it to the Cabinet as such; that he did not know whether it was so or not. He had to accept this explanation at the time being and he therefore accepted its opinion; that he himself did not investigate the fact, and before his Cabinet had time to carry out the investigation and to take the proper corrective steps, it had to resign.

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He stated that the structure of government in Japan is such that the government may not interfere in the actions of the Army. Therefore the military were responsible for the actions in Manchuria. By the military he meant men who had to do with the Imperial prerogative of the Supreme Command and since the government does not know who is responsible for matters of the Supreme Command, he could not state whether the person responsible was the Chief of the Army General Staff.

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The witness stated that despite the Cabinet's policy, the Manchurian Incident had spread and expanded that this was a sad truth, but it was the truth and since it was his desire to bring the Manchurian Incident to a close as soon as possible, he exerted every effort. Various things were tried -- one of them being a coalition Cabinet which he hoped would be able to stop the action

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of the Army. That this did not materialize, and the Cabinet resigned.

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The coalition Cabinet idea was the witness' only hope but he could not say that if such a Cabinet had come about it would have been possible to have attained the idea hoped for. He tried various steps but without result and he thereupon came to the conclusion that if a coalition Cabinet was formed it would show that the people as a whole were opposed to the spreading * of the Manchurian Incident and the Army would naturally be controlled. This was his idea and he didn't know whether it was right or wrong.

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Finally, coming to the conclusion that the government, as at the time constituted - that is, only by the Minseito party -- was too weak and it would be necessary to include the Seiyukai party in order to show that it was the people's wish that the Incident be stopped and thus cause the Army to self-reflect, he asked ADACHI Home Minister, who well knew the political situation, to ascertain whether the Seiyukai were willing to join his Cabinet, and if so, how this should be accomplished. If such a Cabinet was to be formed it would be necessary to change a few Ministers, so while asking ADACHI to ask the opinions of the Seiyukai, the witness contacted one or two of his fellow Ministers and told them of his idea.

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They replied that such a coalition cabinet should be formed only after much deliberation because if the composition of the Cabinet was changed * the diplomatic and financial policies would necessarily have to change and this would not be good for Japan.

In view of this opposing opinion, the witness was forced to give his own judgment on the matter. He weighed the advantages and disadvantages and finally came to the conclusion that it would not be good for Japan and therefore asked ADACHI to stop his negotiations. Notwithstanding this, ADACHI continued to negotiate and rumors went around to the effect that the Cabinet was not united. The witness asked ADACHI to stop the negotiations but they continued anyway and as this gave rise to all kinds of rumors, the witness decided that all Cabinet Ministers should convey to the Home Minister that they were against continued negotiations.

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and ask him to attend a Cabinet meeting. The Home Minister refused to come to the meeting so finally the Cabinet was forced to ask him to resign. The Home Minister's reply was that he would not resign unless the Cabinet resigned as a whole. At this point the Cabinet showed complete disunity and the government could not continue. Therefore a resignation of the entire Cabinet was submitted. The witness stated that he had not called for the resignation of War Minister MIYAMAI and cannot say who did that.

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The direct cause of the collapse of the Cabinet was the action of Home Minister ARAOKI.

Since MIYAMAI always came to Cabinet meetings and never raised any objection to Cabinet policy, the witness believed that he did nothing in opposition to the policy of the Cabinet.

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In September, 1931, the Commander in Chief of the Kwantung Army was General HONJO. That it is the War Minister who is in charge of the administration of the Army and the Chief of the General Staff is in charge of strategic and operational matters; that the witness does not know the limits of what the Army considered "army administration."

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The witness stated that the name of the Chief of the Army staff at that time had slipped his mind-- that he did not know of matters concerning the Supreme Command but his understanding of the matter is that the War Minister has no authority to command the Chief of the General Staff. However, his knowledge of Army matters is insufficient and he is not sure that is really so.

ORAL EXAMINATION BY MR. PURNELL

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The witness stated that the foreign policy of his Cabinet with regard to China was the establishment of friendly relations between Japan and China as the most important means for the attainment of peace in Asia. That the policy was against interference in the affairs of China with respect to the sovereignty of China.

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During his tenure of office, the Minister to China was SHIGEMITSU. That during his tenure SHIGEMITSU made

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every effort to carry out this policy. With respect to diplomatic matters, he believed that SHIBEMITSU carried out the policy of the government.

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CROSS-EXAMINATION BY MR. BROOKS:

The witness stated that the Military Affairs Bureau is under the Minister of War and not the Army General Staff, and that KOISO was the Chief. It is concerned with political affairs and is not part of the General Staff. However, he did not know whether the Military Affairs Bureau could interfere in Army action which is connected with the Supreme Command. All he knows is that military administration is under the Minister of War and operational matters under the Supreme Command.

CROSS-EXAMINATION BY MR. TAKANO:

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The witness stated that his Cabinet favored a general policy of retrenchment and that in line with this policy a committee had been appointed to investigate financial affairs and carry out reductions. This might have resulted in a reduction of the Army budget but it had not progressed that far. Since INOUE had been Finance Minister in the preceding Cabinet and had continued in that post in the witness Cabinet, he believed he was in favor and carried out the policy.

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* He also believed that employees of the Minister of Finance cooperated with that policy. He believed that KAYA who was at that time attached to the Intendant Bureau was carrying out the duties of his office in line with the policy. The witness emphatically stated that his Cabinet was not carrying out an aggressive policy with regard to China as a whole and the Southern Regions.

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The Cabinet preceding had not passed on an aggressive policy and his Cabinet had not passed on to the succeeding Cabinet an aggressive policy. He had not discussed any public or even in secret the question of taking an aggressive policy.

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CRUCIAL EXAMINATION BY MR. LARSEN.

The witness stated he had never heard of any plan or conspiracy then in existence by the accused to plan and wage world aggression to conquer China and the Pacific Ocean and eventually the world.

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RE-DIRECT EXAMINATION BY MR. HENRY.

The witness stated that the Army was already in men churia, that unless the expense for that army were disbursed, the Army would be in danger. In view of that fact, he had decided to make the disbursement. When asked whether any member of the Cabinet had suggested it to him, he said the war Minister might have suggested it but he decided as the Prime Minister. The figures for this expenditure did not just come up by themselves -- they were compiled into the budget which was proposed in the next session of the Diet. The Ministry of war furnished these expenditures.

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The witness stated that his Cabinet tried to stop the expansion but failed. As to the succeeding Cabinet, he need not say.

The witness stated that he was 70 years of age; that he had made an affidavit for the purpose of the case and identified it and his signature. He further stated that upon looking at the Japanese translation of the affidavit, facts therein were correct. That his secretary had read the English copy to him and that generally there was no mistake. The affidavit of UYAKI, MITSUHIKO was admitted into evidence as Exhibit 163 and is summarized as follows:

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In 1924, the witness was a Lt. Gen. in the Japanese Army and held the portfolio of Minister of War. In accord with the government policy of reducing armaments and retrenching expenditures, he ordered and succeeded in reducing the size of the Army. He became War Minister again in the HAMAOKUCHI Cabinet and while occupying this position, in January or February, 1931, certain officers of the military policy reported that OKAMA was planning some kind of demonstration around the Diet Building when the Diet was in session.

Page

1606

The witness did not take this too seriously at the time. However, in March, 1931, he received a letter from OKAWA in which he suggested that the witness become head of his movement to establish the Showa Restoration. He continued to receive reports from officers in the General Staff about OKAWA and he conferred with the Chief of the Military Affairs Bureau, KOISO, * and Vice Minister of War, SUGIYAMA about them since they seemed to be more serious than he at first believed. They informed him that there was a plot by which OKAWA and others were to seize the reins of the government and that the witness was scheduled to become the head of this revolutionary government. KOISO and SUGIYAMA stated that OKAWA desired the aid of the Army in the execution of the plot. The witness immediately ordered both of them to stop all plans for carrying out this revolutionary coup by the use of the army and to so advise the conspirators. This was later known as the March Incident. The witness resigned with the HAMA GUCHI Cabinet on April 19, 1931 and voluntarily retired from the Army.

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In 1937, after the fall of the HIROTA Cabinet, the witness was ordered to form a Cabinet and attempted to do so. Under the laws then existing the Minister of War had to be a General or a Lt. General in active service. * Nominations were made by the * Inspector General of Military Education, SUGIYAMA, the Chief of the Army General Staff, NISHIC, then Vice Chief, and the retiring War Minister, General TERAUCHI. The military was opposed to him because of his previous activities as War Minister in the reducing of the size of the Japanese Army and because of his refusal to cooperate with the clique in the Army General Staff in carrying out the March Incident.

Although the Army triumvirate submitted to him the names of three persons to fill the post, all three refused the appointment and it became necessary to advise the Emperor of his inability to form a Cabinet. The witness then was handed the letter and stated that he recognized it and that it was the letter referred to UGAKI from OKAWA, was admitted into evidence as Exhibit 163, Part 2, and is summarized as follows:

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1610

It is rumored that by the 13th Premier HAMAGUCHI intends to resign, though it is not evident, yet it cannot be guaranteed that this will not happen. If it is so, the disturbance which will arise in the political world will be extremely great. All of the hopes of the nation are concentrated on UGAKI and those who really feel anxiety for the nation earnestly desire him to accomplish the great work of the Choua Renovation.

1611

At the same time, the members of the political party support UGAKI and intend to maintain their old influence. As the political situation is acute, there would undoubtedly be a vigorous conspiracy. The progress of the nation has rapidly changed with an increase in many difficulties and the nation's political path is now followed to the very brink. Signs of disorder are apparent; years of national vainglory fade in a moment; reckless and inactive industry falls into decay and useless planning collapses. The ready-made parties have entirely lost the confidence of Heaven. The people curse parliamentary politics. Who else can they seek to shoulder this burden of Imperial soil except UGAKI? The whole nation is irresolute. There are many with wisdom and tact - but none of them has the courage to carry out his belief according to righteousness. Relief is power and is the greatest power today. The whole world has lost self-confidence. If you stand up with a belief that never hesitates, forgetting trivial matters, thinking of great things only and bravely stand and commit yourself to the great cause of the Emperor and Fatherland, men of the same kind would respond everywhere and a great thing would be accomplished.

1612

The time is just ahead for a great mission to descend upon UGAKI. Cherish self-respect and unshrink your mind to be the head of a group which will accomplish a great work and do not be held down by us and political parties. Our comrades have been awaiting the approach of this day for 13 years and the life of the whole empire is pending on your decision. Do not let us fall into the abyss of despair. Under your leadership we will devote all the best part of our righteousness of the country.

PAGE

- 1613 Let the Imperial dignity be uplifted within and without the country and may the time come soon.
- 1614 CROSS-EXAMINATION BY MR. McCORMACK:
- The witness stated that during the HAMAGUCHI Cabinet the policy was eminent reduction. The Cabinet was formed in 1927 and the Foreign Minister was SHIDEMARU. The Cabinet was formed by the Minseito party. The witness stated that he did not know the interpretation of the word "Minseito" because they vary according to different people.
- 1615 The witness' interpretation is that it is the party which seeks happiness. The Seiyukai was some kind of a club made up of men who were interested in politics. One of the principal reasons for the policy of retrenchment was the compliance with the London Naval Treaty.
- In response to the question whether another reason was the financial depression of 1931, he stated that he did not recall. He did know that there was a depression and that he was one of the proponents of the policy of retrenchment. * That in retrenchment, he caused the disbanding of four army divisions out of 21. He did not believe that the budget reductions caused discontent among the young officers of the army because when the next year's budget was compiled, the same appropriations were considered and new equipment and installations were procured. He did not know of any discontent which was caused by budget reductions, but there were probably some who entertained dissatisfaction.
- 1616 The dissolution of the Cabinet was due to the death of HAMAGUCHI. The witness stated that he did not recall anything about a reduction in salary because there could have been an increase in salary for army officers in the light of the situation then prevailing; that the WAKATSUKI Cabinet was of the same political party as the HAMAGUCHI Cabinet. The War Minister was General MIYAMA -- the WAKATSUKI Cabinet generally continued the policy of the preceding one. The witness said that he did not necessarily recommend to MIYAMA as his successor to carry out the policy which he had started.

(UOAKI)

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He said he had participated in MIYAMAI's selection. He was already in Korea when MIYAMAI was war Minister and he is not familiar with the details whether MIYAMAI did everything he could to control certain discontented military officers. The witness stated, in answer to the question of the military personnel which were opposed to him in 1937, that war Minister TERAUCHI and Inspector General SUGIYAMA came to see him. He did not know the names of the militaristic men in the Army General Staff in 1931. He stated he knew who the triumvirate were who were to submit names to him for the war Minister. These were war Minister TERAUCHI, Inspector of Military Education, SUGIYAMA, and the representative of the Chief of Staff, General NISHIO.

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The witness stated that military movements and actions overseas come under the command of the Chief of Staff.

JULY 1, 1946

(Continued cross-examination of UOAKI, Mutsuhiko -
Mr. McCormick)

1623

Relating to matters of the Supreme Command, the Army Chief of Staff holds the highest position next to the Emperor. The duties of the war Minister are military administration.

During the witness' tenure of office as war Minister, with relation to Manchuria the situation was very tense between Japan and China. The governor of Manchuria violated Japanese rights and persecuted Japanese and Korean residents.

1624

After resigning as war Minister, the witness was Supreme War Councillor for three months and then went to Korea as Governor General. As Supreme War Councillor his duties were to advise the Emperor on questions regarding military affairs when asked. His duties as governor of Korea were more or less the same as the duties of governor-generals of colonies of any country and comprised all kinds of work except military matters. The witness was governor of Korea at the time of the Manchurian Incident.

(UGAKI - Cross)

Page

1625

As such governor, he had connections with the military so far as the defense of Korea was concerned but no other. As governor, he had no connection with the movements of troops from Korea to China and he received the communication with respect to that matter from the Commander in Chief of the Japanese Army in Korea.

CROSS-EXAMINATION BY MR. SAMPSONI.

The witness stated that the March 15 Incident was not an important one.

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In January and February of 1931, the witness felt that OKAWA was planning only an ordinary demonstration. * However, when he received the letter, he realized it was not an ordinary plot but something more drastic. He therefore called KOISO and SUGIYAMA and told them of his suspicions. After hearing their reports, he told them to abandon the plan. Their attitude was one of complete agreement and he concluded that they heartily accepted his advice because they raised no objection. He had educated them to express their own opinions against his own and judging from the fact that they did not say anything he concluded that they agreed with him. He did not believe the Incident had anything whatsoever to do with foreign affairs.

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CROSS-EXAMINATION BY MR. KANEKI:

The witness stated that a section of the Army was opposed to him when he received the command to form the Cabinet. * These were members of the military clique, who according to his interpretation, are those men in the Army who, in spite of the fact that they are on the active list, attempt to meddle with politics. The witness did not have the impression that HATA, Shunroku liked to meddle in politics. * He did not think he was a member of one of the factions.

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(OGAKI - Cross)

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CROSS-EXAMINATION BY MR. OHARA:

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The witness stated that on receiving OKAWA's letter he realized that the latter was trying to make him a figurehead in some political reform or re-orientation. He did not feel that this could be accomplished with OKAWA's power and therefore called KOISO and SUJIYAMA. They advised him that they wanted to use the Army to accomplish the plot and the witness advised them to immediately abandon the plan.

Party politics at the time were corrupt but the major part of the internal administration was not corrupt and required no fundamental or drastic renovation. The Gibatsu too, might have been corrupt but the witness was not aware of financial and economic problems and could not state definitely.

The witness did not leave active service upon his resignation from the HAMAOKUCHI Cabinet but went on the reserve list shortly thereafter.

• The reason for his leaving the Army was that he had been appointed Governor General of Korea and according to his principles, an army officer on the active list should not meddle with politics. The position of Governor of Korea is clearly a civilian position and involved in politics and the witness therefore decided to give up his military career. In the final analysis the March Incident stopped short of action because of the witness orders to SUJIYAMA and KOISO.

CROSS-EXAMINATION BY MR. HANAI:

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By the words "sufficient rank" in his affidavit he meant a full General of Lt. General in one active service who is suitable to fill the position. Those who were recommended were Generals MAKAMURA, KATSUKI and another one of whom he didn't remember the name.

At that time the witness, in trying to form the Cabinet, had the idea of recalling Generals on the reserve list and recommending them as Minister of War, but those who were acting as go-betweens interfered

**NARRATIVE SUMMARY OF THE RECORD
(July 1, 1946)**

Page 124

(USAKI-Cross)

Page

1634

and he gave up the attempt. The witness stated that if he had not been required to have men on the active list he would have been able to select as many Ministers of War and Navy as he wanted to from the reserve list. If he had had the right to ask the Emperor for a revision of the Imperial Ordinance Law, he would have been able to accomplish his purpose, but is required go-betweens for him to do that.

The witness said that he did not recall that advice had been given to him to the effect that under Article 9 of the Cabinet Regulations he could have temporarily filled the duties of the post of Minister of War and then called somebody on the reserve list to active service and installed him as Minister of War. -- There might have been such consultation.

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It was aware that Yonai was recalled to active service in KOLSO's Cabinet and became Minister of the Navy.

Exhibit 164 being the Official Record of the Japanese Government of the Black Dragon Society, the Kokuho-sha Society, the Society of the Emperor Jimmu and the Production Party of Greater Japan was offered and received in Evidence.

From this document the general principle of the Black Dragon Society was the expansion of the empire and the development of the Asiatic people. It was begun in 1901 to promote Anti-Russian and Anti-Korean agitation. It carried on activities for the emancipation of Korea and promoted the Chinese revolution. In 1923, it agitated against China and in 1924 held an Anti-American mass meeting. In May 1928, it held a mass meeting demanding the chastisement of China and sponsored other meetings.

In 1930 it held a meeting to discuss disarmament. In 1931 it began agitation in connection with the Manchurian and Mongolian incidents and is still active on this subject. In June, 1932, it held conferences with members of a peace mission which came to Japan to discuss immediate recognition of Manchuria.

(OGAKI-Cross)

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With respect to the KOFUJONSHA Society, it was founded on December 20, 1920. Its President was HIRAHARA and among its directors were KOISO, ANAKI, and its members were to foster the spirit of nationalism, to bolster the foundations of the state, to work for the dissemination of learning and morality and to exalt the national spirit. When organized it was in close touch with military circles and the Ministry of Justice. On June 5, 1925 it began the publication of The Foundation of the State Society Magazine, which campaigned against bolshevism.

With respect to the Society of the Emperor Jimmu, this organization was founded on February 11, 1922. The defendant, OKAWA, was its head. Its principle was to strive for the happiness and guidance of the people of Asia following the basic principles of Justice and humanity in the spirit of the Japanese Empire. Its platform was (1) to further the spirit of the Empire; to follow the national policies peculiar to the country; to aid the development of culture; to promote national interest and the people's welfare; and to aspire to the leadership of the people of Asia; (2) To crush the evils in existing political parties, to reform abuses; to achieve the realization of a government on nationalist lines. (3) to plan the control of industrial development on nationalist lines and to encourage the expansion of national power abroad.

With respect to the Production Party of Greater Japan, the principle of this Society is the conduct of the affairs of the nation by means of Greater Japan's policy. It was founded on June 28, 1931.

Exhibit 165, being the official document of the Japanese Government listing persons connected with threatening incidents was offered and received in evidence.

On page 2 of this document, it is shown that OKAWA was connected with the May 15th Incident. Further excerpts show that on his release from prison in 1937, he traveled through North China and Manchuria by plane and visited various people.

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NARRATIVE SUMMARY OF RECORD
(July 1, 1946)
(GOTO-Direct)

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1638

DIRECT EXAMINATION OF GOTO, Fumio-Mr. Helm:

The witness stated that he lived in Tokyo, Setagaya, Tamagawa, Nagasaki, no. 364, where his family lives. That he made an affidavit in the case and the paper shown to him was the affidavit; that he had signed it. It was not read to him in Japanese but the general meaning was told to him. He had read it in English and while certain points may be insufficient insofar as he was able to understand it, it was incorrect.

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The affidavit of GOTO, Fumio was admitted into evidence as Exhibit 166 and is summarized as follows:

The witness was Minister for Home Affairs in the OKADA Cabinet in 1936 and during that time the Army rebellion of 1936 occurred and an attempt was made to assassinate Prime Minister OKADA. The witness acted as Prime Minister for three days while OKADA was besieged. OKADA and his Cabinet experienced difficulties with the army. The highest officers in the Army at that time were General HANASHIMA, Minister of War; Prince KANIN, Chief of the Army General Staff, who was not very active; General SUKIYAMA, Vice Chief of the Army General Staff, General WATANABE, Inspector General of Military Education, General MINAMI, Commander in Chief of the Kwantung Army, General ITAGAKI, Chief of Staff of the Kwantung Army.

1640

In 1940 when Premier HONOME decided to set up the I.R.A.A. he asked for the witness to advise him with respect to forming the plans of the organization. The witness made many attempts with the preparatory committee of which HASEMOTO was a member. He later occupied a position in the General Affairs Committee and participated in the affairs of that organization.

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After the formation of the I.R.A.A. no other important organizations existed. The result was to create one important public organization which was controlled in its entirety by government officers who occupied high positions. It was subsidized by government funds to the extent of 8 million yen a year. It reached to every prefecture, ward and street.

NARRATIVE SUMMARY OF RECORD

(July 2, 1946)

(GOTO Cross)

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1641

ORCS - EXAMINATION BY MR. HAYAKAWA

The witness stated that he took part in the formulation of the I.R.A.A. -- its practical policy and also of its movement policy. He was one of the Directors of the I.R.A.A. and although he doesn't remember the exact number of the members of the Committee it was somewhere between thirty and forty.

1642 The organization was founded on October 10, 1940 and was dissolved during the STUKI Cabinet in 1945. By the words in the platform of the I.R.A.A. that "We shall become the moral leaders of the world" it meant that they endeavored to raise the moral standard of the nation and gain respect from other countries.

As to the words in the second article of the platform "that the society shall strive for the establishment of a new world order", the witness stated that the Society had no time to do it and foremostly never gained enough power to do it.

The witness stated that the object of the I.R.A.A. was nothing less than "the entire nation shall be one and shall fulfill their duties even in his own sphere, and establish a such an organization shall work in order that this organization shall function smoothly and in this way strive to fulfill their duties as subjects." There is not included in the purpose the idea of being the moral leader of the world and to work for the establishment of a new world order. By calling it a public organization, he meant it as one which is not a political organization. He stated that the organization was controlled by the government was used to operate the constitution so the the people might carry out their duties as subjects.

By carrying out the duties of subjects, he meant that the Japanese nation carries out duties which are incumbent upon the people of Japan, including duties of military service, payment of taxes and other legal and moral duties.

(GOTO - "ross)

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The I.R.A.A. was not formed to prepare the people for injunne and illegal war against Great Britain and America. There were somewhere between thirty and forty people on the preparatory commission. He could not state definitely whether these people all knew each other very well, but from his experience, he had met most of them before * although there were some he did not know well.

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Some of the Directors did not know each other before. HASHIMOTO resigned as Director after a little more than six months.

1651

With respect to OKADA's difficulty with the Army, it was chiefly during the latter period of his tenure of office. The difficulties were the budget question, and the fact that certain elements of the Army were hoping for internal reform. * He could not state definitely who these elements were, but the result was dissatisfaction with the OKADA Cabinet.

CROSS EXAMINATION BY MR. McMAUS:

1652

The witness stated that he is presently in Sugamo Prison and was incarcerated there when he signed the affidavit, which he signed at the War Ministry Building. He said that he had no special purpose for listing the highest ranking officers in of the prosecution. * There was no special connection between these officers and the Cabinet's difficulty with the Army.

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CROSS - EXAMINATION BY MR. FUJII:

The witness stated that he did not hear HIRANUMA's statement to the Diet on the nature of the I.R.A.A. but had seen it in the paper after the reopening of the Diet session in either February or March, 1941.

(GOTO - roas)

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In answer to a question that HIRAKAWA had stated that the Association was not a political one, but a public one - he did not remember the exact details of the matter but recalls that a hygienic organization was given as an example of a public organization.

CROSS-EXAMINATION BY MR. ITC:

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The witness reiterated that after the establishment of the I.R.A.A. there were no other important political parties left. He said he didn't say that the I.R.A.A. was a political organization. • Before the formation of the I.R.A.A. political parties were dissolved; after its formation many political organizations were also dissolved; there may have been some left. However, his statement was that no important organizations were left. He doesn't mean that from 1940 to 1945 there were no political parties or organizations in Japan but is describing the situation which prevailed immediately after the foundation of the I.R.A.A. and is fully aware of the fact that the

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I.R.A.P.S. was later formed and a subsidy was given to that organization for the first time. • He believed that political parties existed after the dissolution of the I.R.A.A.

CROSS-EXAMINATION BY MR. HANITOMI:

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With respect to the Preparatory Committee and the Directors of the I.R.A.A., some of the posts were filled by the same men. The number of men on the Preparatory Committee were less than the number of Directors. The witness did not meet SHIRATORI often; he knew he resigned later on but doesn't recall the fact. He didn't remember whether SHIRATORI was asked to become a member.

CROSS-EXAMINATION BY GABRIEL FLEIMAN:

The witness stated with respect to the distinction between public association and political association, that it requires an explanation from two viewpoints, the legal and the general. According to the Public Security Peace Law and other laws, there are two types of organizations -- pokutsuak and public.

Page

- 1605 Political organizations are those which center around activity in the Diet and which have a direct influence on the policies of the government by gaining public influence and making the people at large agree with their political views--organizations with a political purpose. All other organizations under this law are and other organizations. These are all grouped together as public organizations and organizations which lay particular stress on ideological problems fall into this category.
- 1666 From a legal standpoint, there is no distinction between political and partly political. The I.R.A.A. legally, was a public organization and not a political one.
- 1667 The witness stated that there was quite a lot of connection between the fact that the political parties disappeared with the advent of the I.R.A.A. and reappeared on the disappearance of that organization. Political parties were not dissolved as a result of the establishment of the I.R.A.A. Parliamentary political parties were dissolved before the Preparatory Committee had been assembled. There was a prevailing opinion that KONOYE was about to form one great political party and the witness believes that the leaders of the various parties were dissolving their parties with the idea of joining this one joint party. He might be mistaken, but the political parties were dissolved. KONOYE abandoned his original plan of forming one party; at the same time the trend of public opinion was that such an idea was not in accordance with Japanese national structure. In this atmosphere the Preparatory Committee met.
- 1668 KONOYE's ideal thus was to form an organization in which all strata of the Japanese people could be in agreement, even though they would have different political ideologies and political opinions. It was not one great political party with a definite platform and the ability to push it, but an organization in which all kinds of people of all kinds of opinions and trends could agree and cooperate. For these persons

(GOTO - Cross)

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who had desired a strong party, the Association was a disappointment. They had dissolved their parties so they could join the I.F.A.A. but they were greatly dissatisfied with its lack of political power.

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* The organization continued until 1945. However, the politicians felt the need of establishing a new political party which would have power so they resigned from the I.F.A.A. and formed the I.R.A.P.S. It was at this time that the KONOYE Cabinet declared in the Diet that the I.F.A.A. was a public organization, not a political one.

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* The I.R.A.A. carried on mainly movements of a spiritual kind, as to what the people of Japan should do and as to what their duties should be. It was mainly concerned with domestic movements; for instance, the increase of production and the regulation of national living. After the formation of the I.R.A.P.S. there was not much change in the functions; it continued its functions, whereas the I.R.A.P.S. indulged in parliamentary activities and the assertion of a political platform.

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* HIRANUMA was not a member of the I.R.A.P.S. as the regulations provided members of the Cabinet should be advisors to the Association. When the Cabinet changed, the advisors changed. The advisors had no say in the practical administration of the I.R.A.A.

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* The witness could not state that HIRANUMA had joined the KONOYE Cabinet to insure that the I.F.A.A. would not be a political association, but he had heard that HIRANUMA's idea was that the Association, should not be political, but purely public and had entered the Cabinet with this idea in mind.

The witness was not in the Cabinet at that time and did not meet HIRANUMA, but believes that he did believe in the rightfulness of parliamentary government.

(GOTO - Cross)

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Exhibit 167, being the Regulations of the Provincial Planning Committee of the I.R.A.A. was introduced and received in evidence.

This document states that the outline of the Practical Activities of the I.R.A.A. is in accordance with the policy of bringing about 'Hakko Ichiu' -- Japan aims to become the ethical leader of a glorious world and to establish a spiritual and physical united national structure. The outline of the Practical Activities is to endeavor to be, faithful, loyal subjects, to cooperate in the establishment of the Greater East Asia Coprosperity Sphere and to establish a new order in the world, to cooperate in the establishment of the I.R.A.A. political system, economic system, and cultural system and a new system of living. The document then goes on with the regulations of the I.R.A.A. movement setting up its governmental structure. The Propaganda Division is charged with the duty of investigating all matters pertaining to foreign information. The Asia Development General Headquarters is to popularize Asia Development ideology; train persons going overseas and Asiatic peoples residing in Japan; to perform liaison between the various organizations in the Greater East Asia Organization; collect and investigate, and conduct research on all materials. It sets up a whole organization for carrying out these ideas.

Exhibit 168, being the personnel list of the I.R.A.A. from 8 July 1942 until late 1945 was offered and received in evidence.

With respect to MATSUI, Iwane, it shows that he was a Vice President of the Greater Japan-Asia Prosperity Alliance, an advisor of the I.R.A.A. Headquarters Adult Corps, an advisor to the I.R.A.A. Peace Section. Certain members of the Asia General Headquarters were members of his clique.

As to HASHIMOTO, it shows that he was manager of the Bureau of Thought Control of the Japan-Asia Prosperity Alliance, Vice President and Headquarters Director, as well as section chief of the Guidance section of the Adult Corps of the I.R.A.A.; that he

On September 30, 1931, the Council of the League passed a resolution noting the failure of the Japanese Government and the Government of the Japanese Government to settle the Manchurian situation. It stated that it will withdraw its troops from the railway zone as soon as possible and that the Chinese Government will assume responsibility for the peace and safety of Japanese nationals outside of the zone as soon as the withdrawal is completed and that both governments are anxious to settle the matter as soon as possible.

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The attention of the Court was called to Exhibit 23, the Covenant of the League of Nations, and Exhibit 27, being the report of the Commission of Inquiry appointed by the League of Nations, known as the Lytton Report, pp. 1-12, showing the proceedings of the League as to the action taken by the League. This is summarized as follows: On September 21, 1931, a representative of the Chinese Government at Geneva wrote the Secretary General of the League asking him to bring to the attention of the Council the dispute between China and Japan as a result of the Mukden Incident and appealed to the Council under Article XI of the Covenant to take immediate steps to prevent further development of the situation.

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INTRODUCTION BY MR. DANIEL

MANCHURIAN AGGRESSION - 1931 TO 1945

III.

As to KIDDO, he was a member of the Liberator Committee of the Anti Comintern and members of the I.R.A., then treasurer.

was a Vice President and Chief of Headquarters and Chief of the Central Section of the Central Headquarters of the I.R.A.

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MAN WITH SO MANY OF RECORD (July 2, 1946)

(Manchurian Incident)

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to take all necessary steps to prevent any expansion of the incident or aggravation of the situation; requested both parties to hasten the completion of the mentioned undertakings; requested both parties to furnish full information at frequent intervals to the Council and fixed a meeting of the Council for October 14, 1931 to consider the situation with authority to the President to cancel it if he should decide after consultation that a meeting is no longer necessary.

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The Council held a further session for considering the dispute from October 19th to 24th. Unanimity could not be attained for the Resolution introduced at this meeting because of the opposition of the Japanese representative. The Council met on November 16th in Paris and devoted four weeks to a study of the situation. On November 21st, the Japanese representative proposed that a Commission of Enquiry should be sent to Manchuria and on December 10th, a Resolution was adopted in which the Council reaffirmed its previous Resolution, noted that the events have assumed a more serious aspect and that the two

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parties undertake to adopt all measures necessary to avoid further aggression; invited the two parties to keep the Council informed, and other members to furnish the Council with information received from other organizations, and decides to appoint a Commission of five members to study and report to the Council on any circumstances affecting international relations and which threaten to disturb peace between China and Japan. The governments of China and Japan will each have the right to nominate one assessor and will afford the Commission all facilities in obtaining information.

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It is further understood that the two parties should institute negotiations among themselves and that the Commission would not interfere with the military arrangements of either party.

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The appointment of the Commission is not to prejudice the undertaking given by the Japanese Government on September 30th with respect to withdrawal

(Manchurian Incident)

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of troops in the railway zone. The League retained jurisdiction of the matter.

Mr. Briand, President, declared that the resolution provides for action on two lines -- (1) to put an end to the immediate threat to peace and (2) to facilitate the final solution of existing causes of dispute between the two countries.

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The president explains each paragraph of the resolution. In accepting the resolution the Japanese representative made a reservation with respect to paragraph 2 on the understanding that the paragraph was not intended to preclude the Japanese forces from taking such action as might be deemed necessary to provide directly for the protection of the lives and property of Japanese subjects against the activities of bandits and lawless elements. The Chinese representative accepted the resolution and stated that certain reservations on points of principle be placed on record. (1) That China reserves all rights, remedies, jurisdiction positions to which she is entitled under the Covenant and under treaties and accepted principles of international law and practice; (2) That China regards the present arrangement as containing four elements (a) immediate cessation of hostilities, (b) liquidation of Japanese occupation of Manchuria within the shortest possible time; (c) neutral observation reporting from now on and a comprehensive inquiry into the entire Manchurian situation. (3) The first thing the Commission will do will be to inquire and make recommendations on the withdrawal of Japanese forces if this has not been done. (4) The arrangement has no effect upon the question of reparations and damages to China and her nationals. (5) China appreciates the efforts of the Council but it must be clearly pointed out that the injustice not to extend the matter should not be violated under the pretext of the existence of lawlessness caused by the state of affairs which it is the purpose of the resolution to do away with. Most of the lawlessness is due to the interruption of normal life caused by the invasion and the only way

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(Manchurian Incident)

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to restore a normal peaceful life is to hasten the withdrawal of the Japanese troops and allow the Chinese to assume the responsibility for peace and order.

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China cannot tolerate the invasion of her territory by any foreign country nor can she permit these troops to usurp police functions. * (6) China approves the system of neutral observation and reporting through representatives of other powers, and it will indicate localities to which it seems desirable to dispatch these representatives. (7) In accordance with the Resolution, Japan should withdraw her forces to the railway zone, and China in no way recedes from her position with respect to the maintenance of military forces in that zone. * (8) China would regard any attempt of Japan to bring about complications of a political character by promoting independence movements or utilizing disorderly elements for such purposes as a violation of the undertaking to avoid further aggression.

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The members of the Commission were selected by the president and his nominations were approved on January 14, 1932.

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The situation developed so that on January 29, 1932, the Chinese Government submitted a further appeal to the League under Articles 10, 11 and 15 of the Covenant. On February 12, 1932, China requested the Council to submit the dispute to the Assembly under Article 15, paragraph 9. No further instructions having been received, the Commission continued to interpret its mandate according to the Resolution of December 10th, which included an examination of the issues between the parties and a consideration of a possible solution.

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Before reaching Manchuria, contact was established by the Commission with the Governments of Japan and China and with representatives of various shades of opinion to ascertain the nature of the interests of the two countries. The Commission arrived in Tokyo on February 29th and was received by the Emperor

(Manchurian Incident)

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and spent eight days in Tokyo holding daily conferences with the Government, including the Premier, INUKAI, the Minister of Foreign Affairs, YOSHIKAWA, the Minister of War, HATAKI, the Minister of the Navy, Admiral CFUMI. In addition, interviews were held with bankers and business men and representatives of various organizations. The rights and interests of Japan in Manchuria and her historical associations with that country were learned. Also the Shanghai Incident was discussed. While in Kyoto, they learned of the establishment of the new state of Manchukuo. They also conferred with people in Osaka.

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The Commission reached Shanghai on March 14th and spent two weeks there learning as much as possible about the general matter and about the recent fighting and the possibility of an armistice. They paid a visit to the devastated areas and heard the statements of Japanese military men regarding recent operations. They interviewed members of the Chinese Government and various business and educational leaders.

On March 26th the Commission went to Hanking and during the following week was received by the President of National Government. On April 1st, they went to Hankow and some representatives visited Kiukiang, Ichang, Kashiien and Chungking.

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On April 9th, the Commission arrived at Peking where they held conferences with Marshal Cheng Hsueh Liang and other officials and they took evidence from the Chinese Generals in command of the barracks at Mukden on September 18th. The stay in Peking was prolonged owing to a difficulty regarding the entry into Manchuria of the Chinese assessor.

In going to Manchuria, the Commission divided into two groups, one group visiting Dairen in the railway area. The objection to Dr. Koo's entry was withdrawn after the Commission arrived in Changchun. The Commission remained in Manchuria for about six weeks visiting various cities. They did not visit Tsitsihar because of the existence of fighting and the Japanese military authorities were unable to

(Manchurian Incident)

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guarantee the safety of the Commission. Some members visited that place by air.

While in Manchuria they wrote a preliminary report which was sent to Geneva on April 29th. They had conferences with General HENJO, Commander of the Kwantung Army, and other military officers. They visited the Chief Executive of Manchukuo, HANGRY RA YI, and interviewed members of the Manchukuoan Government, including Japanese officials and advisers. A delegation from the local population was received.

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In addition, they had private interviews with a great number of individuals, both Chinese and foreign. The Commission returned to Peking on June 5th where an analysis of the documentary material was begun. Conferences were held with Yang Ching-wei, President of the Executive Yuan, the Minister of Foreign Affairs and the Minister of Finance. On June 28th, the Commission returned to Tokyo by way of Korea. Its departure was delayed because no Foreign Minister had been appointed to the new Cabinet.

After their arrival in Tokyo on July 4th, conferences were held with the leaders of the new Government including Premier HAYATO, Minister of Foreign Affairs, UCHIDA, and Minister of War, ARAKI. They learned the present views of the Government regarding the situation.

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The Commission then returned to Peking where the drafting of the report was undertaken. Valuable documentary evidence was presented by the Assessors and was shown to each Assessor for comment. The Commission received 1,500 letters in Chinese, 400 in Russian, without mentioning those written in English, French or Japanese.

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The work on the documents was finally completed in July before the last visit to Japan. The Commission's conception of its mission is as follows:

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First, to provide a historical background by describing the rights and interests of the two countries in Manchuria and the more recent specific issues which preceded the outbreak, together with the court of events since September 18th. They placed emphasis less on responsibility for past actions than on the necessity of finding means to avoid their repetition. Second, the report concludes with reflections and considerations which the Commission desires to submit to the Council upon the various issues and certain suggestions on which it seems possible to effect a desirable solution.

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Manchuria is a large, fertile region which was undeveloped 40 years ago * and is still unpopulated which has assumed an increasingly important role in the surplus population problems of China and Japan. China has poured millions of farmers into Manchuria; while Japan has exported manufactured articles and capital in exchange for food and raw materials. Manchuria has been most useful to this partnership. Without Japan's activity and without the influx of Chinese population, Manchuria could not have attracted such a large population and could not have developed so rapidly. Manchuria was destined to be a region of conflict between Russia and Japan and later between China, Russia and Japan.

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At first it entered the conflict only as an area for the domination of Far Eastern politics. Later it became important for its own sake because of exceptional minerals, agricultural and forestry resources. * Russia acquired exceptional treaty rights which were subsequently transferred to Japan and used to further the economic development of South Manchuria.

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While strategic considerations have been paramount, the extensive economic interests have found ever increasing insistence in the foreign policy of Russia and Japan. China first showed little activity in the field of developing Manchuria and almost allowed it to pass to the control of Russia. However, a peaceful and inconspicuous occupation by Chinese has taken place and Manchuria is now unalterably China's. The favorable opportunity for

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asserting her rights therein was in the Russian Revolution of 1917 * in which China began to take a more active part in the government and development of the country. In recent years, she has tried to diminish Japan's influence in South Manchuria and friction resulted, culminating in the Incident of September 18, 1931. The total population is thirty million, of whom 28 million are Chinese, 800,000 are Koreans, all in the Chientao District on the Korean border, a few Mongols, 150,000 Russians around Harbin, about 90,000 Japanese, mainly along the South Manchurian Railway, and the Kwantung leased territory. * Its area is 380,000 square miles and there are three provinces, Liaoning, Kirin, and Heilungkiang.

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The pages contain the geography and early history of Manchuria up to 1916.

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In 1916 Chang Tso-lin became military governor of Fengtien province and he declared his province independent from the Central Government at Peking. Later, he withdrew that declaration and in 1918 he was appointed Inspector-General of all Manchuria.

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In July, 1922, he again announced allegiance to the Central Government and maintained complete independence of action in Manchuria until he expanded his authority to Peking. He was willing to respect foreign rights and accepted the obligations of China, but requested foreign powers to negotiate with him on all matters concerning Manchuria.

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In 1924, as a result of fighting, his influence extended as far south as Shanghai.

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During the mutiny of Kuo Sung-lin in 1925, Japan declared a neutral zone of seven miles on each side of the South Manchurian Railway across which she would allow no troops to pass. This allowed Marshal Chang Tso-lin to receive reinforcements.

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The help of the Japanese settled the campaign in the Marshal's favor.

(Lytton Report)

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Through all of its wars and periods, Manchuria remained an integral part of China. He did desire the unification of China and his policy with regard to the spheres of interest of Russia and Japan in Manchuria indicates that he would have liquidated both if he could have done so. This is due to his impatience on the limits of his authority in dealing with these countries and the resentment of the privileged foreigners in China.

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*In the latter years of his life, Marshal Chang Tso-lin showed increased unwillingness to allow Japan to profit by the privileges from various treaties and agreements.

In 1928, being defeated by the Kuomintang Army he was advised by Japan to withdraw his armies into Manchuria, the desired object of Japan being to save Manchuria from the evils of civil war. The Marshal resented this, but followed the advice.

He left Peking on June 3, 1928, for Mukden but was killed in a wrecked train just outside the city.

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*The responsibility for the murder has never been established but there is a suspicion of Japanese complicity because of the state of tension which Sino-Japanese relations had reached. His son, the young Marshal, effected a union with the nationalist government and this effect on foreign policy in Manchuria was to increase the opposition of the Chinese to Japanese interference.

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These pages deal with relations with Russia in Manchuria.

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Japan had various rights in China. By the treaty of Peking of December, 1905, China consented to the transfer to Japan of the Kwantung leased territory of the southern branch of the Russian controlled Chinese Eastern Railway and north to Chungking, and in addition, granted to Japan the right to improve

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the railway between Antung and Mukden and to operate it for fifteen years.

In August, 1906, the South Manchuria Railway was organized, the government having control of the company. The company had functions of administration and was allowed to levy taxes and engage in other branches of business.

In 1910, Japan annexed Korea and Japanese officials exercised jurisdiction over Korean settlers.

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By the treaty and note of May 25, 1915, as the result of the "Twenty-one Demands", the territory leased was extended * to 99 years and Japanese and Japanese subjects in South Manchuria acquired the rights of travel, residence, occupation and leasing of land. Japan also acquired certain rights as to loans and relinquished them at the Washington Conference in 1921-22.

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With respect to the leased territory, Japan had practically full rights of sovereignty. * This situation could not possibly maintain without leading to incessant complications and disputes. The Chinese regard Manchuria as their first line of defense while the Japanese regard it as their lifeline.

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The signatories to the Nine Power Treaty by their agreements, challenged to a large extent the special position and special rights and interests of Japan in any part of China, including Manchuria.

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Japan's general policy may be divided into the "friendship policy" from the time of the Washington Conference until April 1927, and the "positive policy" which supplanted it until July, 1929. Again in 1929, the "friendship policy" was adopted and continued in the foreign office until September, 1931. The friendship policy rested on the basis of goodwill and neighborliness, while the positive policy rested upon military force.

(Lytton Report)

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With respect to concrete measures, they differed on the question as to the lengths to which Japan should go to maintain peace and order in Manchuria to protect Japanese interests. The positive policy of the TANAKA Ministry placed great emphasis upon the necessity for regarding Manchuria as distinct from the rest of China and was characterized by the declaration that if disturbances spread to Manchuria and Mongolia, thereby menacing Japan's special interests, Japan would defend them. The Tanaka policy definitely asserted that Japan would undertake the task herself of preserving peace and order in Manchuria. This is in contrast to the previous policy which limited the objective to protecting Japanese interests.

Exhibit 169, being the outline of the China policy set forth by prime Minister TANAKA before the Eastern Conference was offered and received in evidence.

The policy is outlined in paragraphs 5, 6, 7, and 8 and is substantially as stated in the Lytton Report.

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Exhibit 170, being the speech of Foreign Minister TANAKA at the 54th Session of the Diet was offered and received in evidence.

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Exhibit 171, being the speech of Foreign Minister TANAKA at the 56th Session of the Diet was offered and received in evidence.

Document 170 indicates that in 1928 Japan regarded Manchuria as part of China and it might be necessary for them to take these provinces into special consideration. In Exhibit 171, Baron TANAKA makes reference to the growing friendship between Japan and the Treaty Powers and that Japan is making full measure of contribution to the peace of the world. It went on to say that the Japanese government, while it respects the sovereignty of China over Manchuria and while it will do everything for the preservation of the 'open door and equal opportunity' policy, is

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fully determined to see that no state of affairs arises in Manchuria which will disturb the local tranquility and put vital interests in jeopardy.

(Lytton Report - continued)

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In the spring of 1928, when the nationalist armies were marching on Peking, Baron TANAKA issued a declaration that Japan would maintain peace and order in Manchuria because of her special position. On May 28th he sent a notice to the leading Chinese Generals that the Japanese Government attaches the utmost importance to the maintenance of peace and order in Manchuria and is prepared to do all it can to prevent the occurrence of a state of affairs which would disturb that peace and order; that if the disturbance is developed further around Peking and Tientsin, and menaces the peace and order of Manchuria, Japan may be constrained to take appropriate steps for the maintenance of peace and order. At the same time he issued a more definite statement that the Japanese government would prevent defeated troops of those in pursuit of them from entering Manchuria.

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This statement is Exhibit 172 for the prosecution and was offered and received in evidence.

Exhibit 173, being the instructions given to Ambassador HAYASHI on July 31, 1928, was offered and received in evidence.

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The instruments are summarized as follows:
*Manchuria is Japan's outpost. We are vitally interested in the maintenance of peace and order in this region. * We are nevertheless entertaining no intention whatsoever of making a protectorate of Manchuria or of encroaching upon her territorial ambitions. From the standpoint of Japan it is very unpleasant for Chang Tse-lin to compromise with the South under the present conditions but it is very gratifying that he has voluntarily decided to continue the efforts, after considering relations from his point of responsibility as Commander in Chief of the

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Peace Preservation Group. If, hereafter, he will do everything voluntarily, Japan will be prepared to cooperate with him as much as possible behind the scenes. This will make it not difficult to make the three eastern provinces the most advanced territory in all China which will benefit the natives, Japan and China as a whole.

In the event of enemy invasion, Japan is determined to spare any sacrifices according to the existing policy to value the maintenance of peace and order in the three provinces.

(Lyttelton Report - continued) 6

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The international politics of Manchuria have for a quarter of a century been largely railway politics and economic matters have been overshadowed by political ones with the result that the Manchurian railways have not contributed their maximum to the development of the region. The South Manchurian

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railroad served Japan's special mission in Manchuria. Difficulty arises from interpretation of the clauses in the treaties. The railway issue led to almost continuous difficulty which was indicative of a fundamental conflict of state policies in Manchuria and was the cause of a series of incidents resulting in considerable loss of life. Railway guards were regular Japanese soldiers and they frequently carried police functions into the adjoining areas or conduct movements outside of the railroad areas either without permission or notification. These acts were denunciated to the Chinese and were regarded as unjustifiable and provocative of unfortunate incidents. The Japanese used consular police throughout the territory under a claim of right.

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With respect to the Manchurian affair, the extent has been greatly exaggerated. There were no casualties but it led to a feeling of bitterness between the Chinese and Japanese, and in Korea to attacks by Koreans upon Chinese residents. This revived the Anti-Chinese in China. Judged by itself, it was no more serious than several other incidents involving clashes between Chinese and Japanese troops or police in previous years in Manchuria.

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The Japanese regarded the case of Captain NAKAMURA as the culminating incident in a long series of events which showed such disregard of Chinese for Japanese rights in Manchuria. He was killed by Chinese soldiers in Manchuria during the summer of 1931.

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He was a military officer on active duty and as admitted by the government * was on a mission for the Army. While passing through Harbin, he represented himself as an agricultural expert. He was warned that the area was bandit region and the fact was noted on his passport. He was armed and carried medicine which, according to the Chinese, included narcotics.

Reference was freely made in the Japanese press to a decision to resort to armed force, but conferences between the Ministry of War, the General staff and other authorities for the discussion of a plan to give definite instructions regarding the execution in case of necessity of the plan to the Commander in Chief of the Kwantung Army and to Col. DOHIMARA, resident officer at Mukden, who had been summoned to Tokyo in September and who was an advocate, according to the press, of a solution of all pending matters, if necessary, by force, as soon as possible.

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The reports of the press * pointed to a growing and dangerous tension. * In Japan, the following factors were preparing the way for the abandonment of the SHIDEHARA friendship policy and for a resumption of a positive policy: The dissatisfaction of the Army, the financial policy of the government, the appearance of a new political force from the army, the country districts and nationalist youth dissatisfied with all political parties, and the compromise methods of western civilization and the self-seeking methods of financiers and politicians, the fall in commodity prices so that the primary producer looked for an adventurous foreign policy, and the trade depression. The tension was even greater among the Japanese in Manchuria. As September wore on, it reached a point where it was apparent that a breaking point must soon be reached. The press of both countries conducted a campaign to inflame public influence. Speeches by the Japanese

(Lytton Report)

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1755 War Ministry counselling directions of action by the Army were reported. The young officers in Manchuria were incensed because of the delay of the Chinese in making a satisfactory investigation and redress for the NAKAMURA murder.

1756 During the night preceding the morning of September 15th, sounds of firing had been heard in Mukden. There was nothing unusual in this because the Japanese had been carrying out night maneuvers involving rifle and machine gun firing. It was thought to be just another Japanese maneuver.

The Commission conducted an extensive inquiry into the events of this night including questioning of Lt. KAWAOTO, the first witness, by Lt. Col. BRIDGEMAN, the Commanding Officer of the battalion which carried out the attacks on the north barracks, and Col. HIGHT, who captured the walled city.

1757 Evidence was also heard from Lt. Gen. HENJO, Commander in Chief of the Kwantung Army and members of his staff. The Chinese case was presented by the officer in command of the Chinese troops in the north barracks supplemented by several members of the chief of staff. Also from Marshal Chang Ise-lin and General Tangchen.

1758 According to the Japanese version, Lt. KAWAMOTO with six men under his command, was on patrol duty that night practicing defense exercises along the railroad track. The night was dark, but clear; the field of vision not wide. They approached a small road and heard the sound of a light explosion behind them. They ran back and discovered a portion of one of the rails had been blown up at a point of junction of two rails, leaving a gap of 31 inches. On arriving at the site of the explosion, the patrol was fired upon from the field on the east side of the line. The men returned fire; the attacking body stopped firing and retreated northward. The Japanese started in pursuit and were again fired upon by about 300 to 400 men. Lt. KAWAMOTO sent them aid. At this time the southbound train from Changshun was

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- 1788 heard approaching. Fearing it would be wrecked
the Japanese patrol stopped to warn the train.
- 1789 * The train proceeded on full speed and passed over the
damaged spot without stopping. It was about ten o'clock
when the explosion was first heard. Fighting was
thereafter resumed. Aid was brought up first from
Captain KAWASHIMA and then through Lt. Col. SHIMAMOTO,
some of the aid arriving at scene of action a little
after midnight, from Mukden.
- 1790 Upon the arrival of the aid, although his force
was only 500 men and believing that the Chinese Army
numbered 10,000, SHIMAMOTO ordered an attack on the
barracks. Efforts were made to prevent the Chinese
from retreating. An attack was made by the
third company on the barracks and succeeded in occupying
a corner of the left wing. It was vigorously contested
with fierce fighting. By 6 o'clock A.M. * the entire
barracks were captured at the cost of two Japanese
killed and 12 wounded. The barracks were burned out
by the Japanese. Chinese killed, according to the
Japanese, estimated 320.
- 1791
- 1792 In the meantime, operations in other places
were carried out. Col. HIRATA decided to attack the
walled city which he began about 11:30 P.M. There
was no response and only occasional fighting. By 9:40
A.M. the walled city was captured. Aid was sent to
him from Lisening arriving * after 5:00 A.M. At
6:00 A.M. , the occupation of the eastern wall was
completed and by 7:30 the arsenal and the air drome
were captured. General HONJO received first news
from a newspaper agency at 11:00 A.M. The Chief of
Staff received details at 11:46 A.M. from the
special service station at Mukden and orders were
sent to proceed to Mukden. The fleet was ordered to
leave Port Arthur and to proceed to Yangkow and the
Commander of the Japanese Army in Korea was asked to
send re-enforcements. HONJO left Port Arthur at
9:30 A.M. and arrived at Mukden the next day at noon.

(Lytton)

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According to the Chinese, the Japanese attack on the barrack was entirely unprovoked and came as a surprise. At that time, all soldiers were in the North Barrack. Since instructions had been received on September 6th to take special care to avoid any clash with the Japanese troops, the sentries at the walls had only dummy rifles. For the same reason, the west gate had been closed. The Japanese had been carrying on maneuvering around the barracks on the nights of September 14, 15, 16 and 17. On the evening of the 18th they were maneuvering at a village. At 9:00 P.M. a report came in that a train of 3 or 4 coaches had stopped there. At 10 P.M. there was a sound of a light explosion followed by rifle fire. This was reported to the commanding officer who was about 6 or 7 miles to the south of the barracks.

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During the course of the conversation, the Chief of Staff learned that the Japanese were attacking the barracks. At 11 P.M. a general attack on the barracks began. When the attack began the Chief of Staff ordered the lights extinguished and again reported to the Commander. No resistance was to be offered. Artillery fire was heard about 10:30 P.M. and at midnight began to fall inside the barracks.

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Some of the troops escaped. The only resistance was offered by the 620th Regiment, they withdrawing from one building to another, leaving the Japanese to attack empty building. They were cut off and had no option but to fight their way through. They broke through at 5 A.M. As soon as all troops were assembled, the Chinese left on the morning of the 19th for Tungling station. Then they made their way to a village near Kiring. They attempted to get permission to enter Kirin but were unable to do so because of Japanese residents' alarm. They then turned back toward Mukden, marching around by night. Finally, they were able to escape. The opinion of the Commission is that the Japanese had a carefully prepared plan to meet the possibility of hostilities and the plan was put into operation with swiftness and precision.

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On the night of the 18th-19th, the Chinese had no plan to attack the Japanese troops and they made no concerted or authorized attack on Japanese

1798

On the night of the 18th-19th, the Chinese had no plan to attack the Japanese troops and they made no concerted or authorized attack on Japanese

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1798

forces and were surprised by the Japanese attack. An explosion did occur on the railroad, but the damage was slight and in itself was insufficient to justify military action. The military operations of the Japanese troops cannot be regarded as measures of self-defense. Although the Commission does not exclude the hypothesis that the officers may have thought they were acting in self-defense.

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All Japanese forces in Manchuria and some in Korea were brought into action on the night of September 18th over the entire area of the South Manchuria Railway. Chinese troops were overcome and disarmed without resistance. Kirin was finally occupied on the 21st.

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According to the Herald of Asia, a semi-official Japanese publication, stated that all military operations were then regarded as completed, and that no further movements of troops were anticipated, and the operations which did ensue were attributable to Chinese provocation.

Exhibit 174, being the report of proceedings, held before a Joint Committee on the Investigation of the Pearl Harbor Attack, November 23, 1945, was next offered and received in evidence, including the testimony of Secretary of State Hull. This document is summarized as follows:

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Mr. Hull points out that almost from the outset of Japan's emergence as a modern state, she has been pursuing a policy of military aggrandizement and gives instances from 1905 through 1928. He goes on to say that in 1931, Japan invaded Manchuria and established a puppet regime under the name of Manchukuo which was a flagrant violation of the Nine Power Treaty.

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(Lytton Report)

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On February 21, 1934, Mr. Hall received a note from HIROTA, Minister of Foreign Affairs, in which it was stated that no question existed between the United States and Japan that is fundamentally incapable of amicable solution. Mr. Hall concurred in that view.

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Only a short time after the exchange of that note on April 17th the Japanese foreign office spokesman stated the "hands off China" policy in which Japan made clear her purpose to compel China to follow Japan's dictates and to permit other countries to have relations with China only as Japan allowed. Japan also had a long record of duplicity in international dealings, which was due to the fact that the Japanese military were a law unto themselves. He pointed out the annexation of Korea, the 21 demands on China, the Siberian Expedition, and the Manchurian Incident as instances of refuted commitments and guarantees.

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• He pointed out that in November, 1934, the delegate to the League of Nations said: "we want no more territory" and by the end of 1932, Japan had occupied all of Manchuria and had moved southward and westward occupying a vast area of China. That in making up the United States policy, President Roosevelt had in mind the difference between the United States and Japanese concepts and policies and recalled that the Japanese action in 1931 in embarking on a course of aggression and expansion had ushered in an ever-widening conflict between forces of aggression and those desirous of peace. That the United States opposition to Japan's course in Manchuria was set forth in a communication by Secretary Stimson

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• to the Japanese Government on January 7, 1932, and in a further communication of February 25, 1932 to the Secretary General of the League of Nations.

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DIRECT EXAMINATION OF OKADA, Keisuke; - Mr. Dorsey.

The witness stated that the document shown to him was one that he had signed; that the statements contained therein were freely and voluntarily made by him. They were translated into Japanese by an interpreter of his own choice and also by one belonging to the prosecution.

OKADA - DIRECT)

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With certain corrections, which had nothing to do with his affidavit, it was correct.

Exhibit 175, being the affidavit of OKADA, Keisuki, was offered and received in evidence.

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The affidavit is summarized as follows: After giving his life history, the witness stated that from 1920-36, during which time he served as Vice Minister and Minister of the Navy in the TANAKA Cabinet, Supreme War Councillor and Minister of the Navy in the SAITO Cabinet, and as Premier of Japan, in order to effectively perform his duties and discharge the responsibilities, it was his duty to and he did employ all available official Chinese information to keep himself fully informed concerning problems and events. The avenues of information included, inter-alia, conferences with executive and administrative officers on the various staffs, conferences of cabinet officers on the various staffs, conferences and other government officials all of whom had access to similar sources of information, Cabinet meetings, Liaison Conferences, Supreme War Council Meetings, and other government agencies and also government reports and releases. On the basis of this information he endeavored to and did take, with respect to issues and problems, such action as appeared to be meet and proper. During his tenure of office as Minister of the Navy in the TANAKA Cabinet, 1927-1929, Japan claimed to have acquired by treaties and agreements substantial rights in Manchuria.

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It was the policy of the TANAKA Cabinet in cooperation with Manchurians, to expand and develop these rights to the fullest extent. In the administration of this, the TANAKA Cabinet was more energetic and positive than its predecessor Cabinet had been. TANAKA planned to collaborate with and use Chang Tso-lin. While the latter was opposed to many of the Japanese demands, TANAKA's bargaining power lay in the support which Japan could lend to the maintenance of his position of leadership in Manchuria, Japan having loaned him considerable support in connection

(CKADA - Direct)

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with the Kuo-Sung-lin meeting in 1925. The TANAKA Cabinet felt it was making substantial progress in expanding Japan's interest and collaborated with Chang Tso-lin, although TANAKA invariably advised Chang Tso-lin to return to Manchuria and concern himself only with Manchurian affairs.

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In 1925, when Chang Tso-lin suffered a defeat, TANAKA advised him to withdraw his armies into Manchuria. The Marshal did take this advice.
• By this time, the Japanese Army in Manchuria was dissatisfied with the TANAKA Cabinet collaboration and did not want to wait on negotiations but desired to use force to occupy Manchuria.

A clique of officers planned and plotted the murder of Chang Tso-lin and the train on which he was riding on June 4, 1926 was wrecked by explosives. Chang Tso-lin was killed. This was plotted by the clique in the Kwantung Army and was the first overt Army move during the TANAKA regime to project itself into the formulation of governmental policies.

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This event greatly embarrassed and prejudiced the program of TANAKA with respect to Manchuria and the result was his resignation. The Cabinet learned of the occurrence immediately but was taken by surprise. • TANAKA made a full report to the Emperor.

1820

Upon his return from the palace he summoned the Minister of War, SHIRAKAWA, and announced that the Emperor had agreed that this was the time to take strong disciplinary action with respect to the Army. TANAKA stated he was determined that steps should be taken to maintain discipline in the Army. The Minister of War and the witness expressed support. However, when the War Minister took the matter up with the Ministry, he encountered strong opposition on the part of the General Staff and was unable to make any progress. The War Minister reported to TANAKA and the witness and stated that the opposition of the Army was based upon the idea that to take the steps to punish those responsible, would be to expose to the public something which the Army wished concealed.

(OKADA - Direct)

1820

Shortly thereafter, TANAKA had a conference with the witness and he said he planned to do something about the matter. The witness agreed with this but TANAKA was unable to accomplish anything because of Army opposition.

By this time the issue had become a controversial one even outside of the Cabinet and the Cabinet was forced to resign.

After the murder of Chang Tso-lin, the influence of the Army in the formulation of policy on the part of the government with respect to Manchuria grew progressively stronger.

1821

From July, 1929 until the SAITO Cabinet in 1932, the witness was a member of the Supreme War Council and he then discussed with Cabinet members and other statesmen, the serious concern on the part of some with respect to the philosophy of the Army; that the Manchurian problem could not be solved short of the use of force to establish a puppet government. This created a great deal of anxiety on the witness' part and during this period it was only a question of time that the Army would undertake the occupation of Manchuria.

In 1931, the witness received many reports that the Army was planning an occurrence which would be the basis for the occupation of Manchuria.

At the same time, OKAWA was conducting a propaganda campaign of public speeches and publications to build up sentiment in support of such a movement. The witness was annoyed when OKAWA made such a speech before the Naval Academy.

1822

When he joined the SAITO Cabinet as Minister of the Navy in 1932, the witness learned from reports which he had seen and from conversations and conferences that the occurrence which came about on September 18, 1931, was plotted and arranged by the clique in the Kwantung Army, and that it was of sufficient gravity to warrant the action taken by that Army in its occupation of Manchuria. During those years, the Army was

(CRADA - Direct)

1822

completely out of control and could not be restrained. This information corroborated previous information which the witness had because, as previously stated, it was an assumed fact in government circles early in 1931, that it was only a question of time until the Army would occupy Manchuria. CRADA was definitely identified with this movement at that time.

1823

There were many young officers involved. The incident which took place on September 18, 1931, did not take any enlightened Japanese public official by surprise. All of the Japanese armed forces in the area were brought into operation including the Korean Army which crossed the border without imperial sanction, this having become known as the 'Crossing the Border Incident' and was quite an issue in Government circles.

He learned about all these matters through official channels in the immediate period of their occurrence and they were accepted facts in government circles on which official action was taken.

1824

The SAITO Cabinet and the witness' Cabinet were known as Navy Cabinets and both were resented by the Army because of Navy influence in opposition to the Army policy in Asia. The Army knew that the Navy had been asked to form this Cabinet to prevent the military from having its way, and the Army continued its efforts to overthrow the naval influence in the government. This culminated in the attempt at his assassination in February, 1936, which was a spontaneous outbreak on the part of young officers against the government's lack of sympathy to the military. It was embarrassing to the Emperor because it showed the inability of the Cabinet to control the military and ultimately brought about the resignation of the Cabinet in March, 1936.

1825

After the occupation of Manchuria, the Kwantung Army was the real government although a so-called independent government was set up in the early part of 1932 when Japan recognized the independence. However, it was completely dominated and controlled by the Kwantung Army. The government of Japan had no way of knowing the plans and activities of the Kwantung Army and had no control up until 1941 over that Army.

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(OKADA-Direct)

1828

1825

The witness was then handed a document which was identified as another affidavit made by him and he stated that the facts contained therein were true. The second affidavit of M^{rs} OKADA was offered and received in evidence as Exhibit 176. This affidavit is summarized as follows:

1828

1830

Beginning around 1928, there was a general tendency in the Army to expand on the continent of Asia. * During the SAITO Cabinet, the Cabinet experienced great difficulties with the Army for the reason that the Premier was pursuing a policy of reducing the Army budgets. When the witness became Premier in 1934, the power of the army was increasing. In 1935, General MASAKI was forced to resign as Inspector General of Military Education. Lt. Col. AIZAWA killed Lt. Gen. NAGATA, Chief of the Military Affairs Bureau. The Army carried out its own investigation and did not permit interference. The witness was powerless to investigate the crime.

1831

General HAYASHI was Minister of War * and after the assassination of NAGATO, HAYASHI refused to continue in the Cabinet. HAYASHI said that if he continued it would be the cause of disturbance and trouble from the militarists and he recommended General KAWASHIMA when all the Generals agreed to try to protect. It was clear that HAYASHI would be running considerable risk.

1832

On February 26, 1936, 22 officers and 1400 men revolted against the government and terrorized Tokyo for three and a half days. They seized the Premier's official residence, Metropolitan Police Building, the Diet Building, the Home and War Offices, and the General Staff Building, Finance Minister TAKAHASHI, SAITO, the Lord Keeper of the Privy Seal, and General WATANABE were killed by this group. Grand Chamberlain SUZUKI * and the witness barely escaped death.

(OKADA - CROSS)

1832

CROSS-EXAMINATION OF OKADA by DR. KIYOSHI

The witness stated that General TANAKA's positive policy in Manchuria was not to be by force but to be made peacefully. It was in office from 1927 to 1929. It was not only the policy of the Cabinet, but the country in general. That the advance into Manchuria was to be made peacefully as an alternative to expansion into other sections of the world, such as the United States which was prevented by the 'gentlemen's agreement'.

1833

1834

At that time Japan was greatly over-populated and it had to expand somewhere. The United States tried to avoid Japanese immigration by restricting them, and the witness heard that there was a tacit understanding that instead of expanding in other directions Japan could expand in Manchuria peacefully.

1835

The witness stated that the TANAKA plan was first to advance peacefully into Manchuria, and then by degrees into China. He stated that he had never seen the TANAKA memorandum and did not believe it existed and he did not believe that TANAKA had such a policy in mind.

Page

1858 The witness stated that Prime Minister TANAKA's policy was to concentrate immigrants to Manchuria and Chosen; and he thought that TANAKA believed that this concentration of immigration to these places was silently agreed to by America. * He believed that this policy applied only to Manchurian and Korea.

1859

1862 The witness stated that he did not know of the June 4, 1928 Incident from the beginning and he was very much shocked after it had occurred. The disposal of illegal acts by the Army is within the scope of the jurisdiction of the War Minister. * It is the structure of the Japanese government that the War Minister should call a court martial and such matters be disposed of through legal proceedings.

1863

The TANAKA Cabinet was confronted with many difficult problems and great delay took place in settling the killing of Chang Tso-lin, but it was not only this incident that brought about the collapse of the Cabinet but also other problems such as the Anti-War Pact. It was the sum total of the problems which contributed to the collapse of the Cabinet.

1864

* At this time there were considerable arguments raised to the effect that the Japanese constitution had been violated with respect to the Anti-War Pact and the Pact barely passed the Diet. The result of the problems which arose in connection with this treaty was that Count UCHIDA, a member of the Privy Council, was obliged to resign.

1865

The witness stated that never having belonged to any political party he was not familiar with their internal affairs. That witness stated that at the time he heard rumors with respect to squabbles in political parties but * he does not remember them.

The collapse of the TANAKA Cabinet was not due solely to the assassination of Chang Tso-lin.

By the use of the term puppet government he did not mean a false regime or false government. He did mean a government which would function under Japanese supervision.

1866

With respect to the Manchurian Incident * he became familiar with this Incident in 1932 after he had become a Cabinet member under SAITO. At that time he

1862

used every available government agency to procure accurate information and, therefore, he might say that his information was not merely based on rumor but was based on official reports which he had gathered after he had entered the government and he could say that the accurate information came into his hands in 1932.

1867 Up to this time he has not been able to judge the purpose and motives of the rebels who attacked him on February 26, 1936. * He stated that he had not seen the statements of the reasons given by the rebels at the time but it is his supposition that it was a spontaneous outbreak of resentment on the part of a group of young officers against the incumbent government's lack of sympathy with the ambitions of the military.

1868 With respect to the statement that the Army was completely without the control of the Japanese government the witness stated that the Army and Navy are part of the government and all succeeding Army and Navy Ministers have tried their utmost to cooperate with the intentions and policies of the government. Despite this there was an element of younger Naval officers who would not toe the line. * The leaders in the military tried their utmost to control these elements but could not succeed.

The policy of the SAITO Cabinet toward Manchuria was to expand and develop in Manchuria without resulting to arms. At that time the Navy established a resident Naval office in Manchuria to become familiar with the situation.

1872 * The witness stated that he agreed to the recognition of the Manchukuo government, as a member of the Cabinet, because the situation had become an established fact and he had no alternative but to follow suit.

1873 * With respect to his personal history contained in the Affidavit the first entry, 1904 to 1905, Division Officer, should be corrected to 1895, Division Officer on Passaic, bracket Captain, later Fleet Admiral, Togo in command, bracket. * At the time Chang Te-ling was assassinated the Chief of the Army General Staff was KANAYA, Heise and not KIKI, Soroku. The Chief of the Military Affairs Bureau was SUZUKI, Hajime not MATSUDA, Hiroe.

CROSS - EXAMINATION BY MR. WARREN

Page

1876 * The witness stated that the gentlemen's agreement was between Japan and the United States but he did not know exactly what it was. He had not seen the document but he had heard about it from premier TANAKA who told him that such an agreement was in existence. He did not know the contents.

1877 * He did not know whether there was a secret agreement that the United States would permit Japan to go into Korea and Manchuria but he had heard from the then Foreign Minister that there was a tacit understanding but as to what it was he did not have sufficient knowledge with which to speak of the matter to the Court. He spoke only from what he heard and had no knowledge of the subject.

In 1932 he was Navy Minister in the Cabinet. At that time a full investigation of the murder of Chang Tso-lin was carried out and the witness felt that the information he was able to secure was accurate but he personally did not have any knowledge other than this and his entire testimony is based on hearsay.

CROSS - EXAMINATION BY MR. ITO
1897 The witness had no recollection that in October 1927, General Chiang Kai Shek came to Japan and held political conversations with General TANAKA and General MATSUI.

1880 It is correctly stated in his Affidavit that in 1920 to 1936 it was his duty to, and he did, employ all available channels of information. The reports he received as Navy Minister and as Supreme War Councillor were the same. As Supreme War Councillor reports were received from the Navy Minister on important matters. * The Navy Minister decides what is important. The witness stated that even though the Navy Minister did not report on certain matters he had the freedom to go to the Navy Minister to procure the information.

1881 * The witness stated that at the time of the February 26 Incident he was held within the premier's official residence and that Home Minister GOTO took over temporarily the duties of prime Minister. It was only for a short time after I left the Premier's official residence. I was not wounded in the Incident

1882

and not necessarily taken by the rebels and kept prisoner.

CONFIDENTIAL BY MR. QUITA

1882

* The witness stated that with respect to his Affidavit he had stated that the name HUUJU was inserted in the wrong place but he did not say who should be inserted in his place. * The question had never been asked that General MUPACKA's name should be inserted in its place.

1883

1884

When he was Navy Minister in the Saito Cabinet he had investigated the matter of the murder of Chang Tso-ling and learned that a part of the Young office had taken such steps and he was confident as to the accuracy of the results of that investigation although he spoke of these things only from memory. * With respect to subsequent evidence he stated, as he had stated in his affidavit, that people came to his home and spoke of these matters. With respect to the rumor in the early part of 1931 it was a rumor which was then current.

Only after he had become Navy Minister in the Saito Cabinet and having investigated the case it was verified as not being simply a rumor.

1885

* The witness stated he had never met GRANA and had never talked with him. It was simply a public rumor that he was conducting a propaganda campaign for building up the public sentiment in support of the movement of the Army.

As stated before when he was Navy Minister in 1932 he investigated the matter thoroughly and the facts were verified with reference to the September 18 1931 Incident. He had investigated the situation before September 18, 1931.

1886

* He did not know GRANA and, therefore, he had not made any investigation with respect to him.

CONFIDENTIAL BY MR. TAMAM

The witness stated that the administrative policy of the Saito Cabinet was the control or supervision of the military, the economy of expenditures, and relief to farmers.

Page

- 1887 * He believed that the officials in the Finance Ministry who had charge of drawing up the budget also faithfully performed their duties in line with the reduction of expenditure policy and military expenses ~~was~~ and it would be all right to say that KAYA, who was then in the Accounting Bureau of the Finance Ministry, faithfully carried out his duties in line with this
- 1888 policy. * The witness felt that when he was Navy Minister and prime minister that KAYA tried to economize on state expenditures.

The witness stated that the Navy had never opposed the Army but that it was opposed to a small group of young officers in the Army and there was no plan of policy on the part of the Navy with respect to expansion toward China and other areas of Asia and the South seas. * It would be quite proper to say that his Cabinet did not receive such policies from the previous Cabinet nor hand them down to his successor.

1889

CROSS-EXAMINATION BY MR. TO. OKAMOTO

The witness stated that he was prime minister from 1934 to 1936

- 1890 At that time General ISHIKAWA was Commander in Chief of the Kwantung Army and concurrently Ambassador. * While his memory is not very exact he thinks that the post thereafter was filled by General MINAMI. The witness stated that he did not have any recollection that in December of 1934 he had invited General MINAMI to a Cabinet session and gave him the opinions of the Cabinet concerning the policy toward Manchuria. His Cabinet did not have any Manchurian policy.

CROSS-EXAMINATION BY CAPTAIN KLEIMAN

- 1891 At the time of the witness's Cabinet Manchuria had already been occupied and there was no way of opposing it. * Even at the time of the SATO Cabinet Manchuria had already been occupied and he could not oppose it.

Manchukuo was recognized by the Japanese government in 1932 and during the prime ministry of SATO. He did not recall that he, SATO and GOTO had voted at a Privy Council in favor of the recognition of Manchukuo. However, he must have been at the meeting.

Page

1892 The witness stated that he had the right to oppose the occupation of Manchuria but he did nothing. There were not other considerations which made him vote in favor of the recognition of Manchukuo. He felt he was doing a good deed for Manchuria. It was hoped that it would bring happiness both to the people of Manchuria and of Japan. This was also the feeling of MATSU and OKADA.

The witness stated that he was acquainted with the constitutional provisions as with the Imperial Ordinance which organized the Privy Council but as a Navy Minister he had one vote in the Privy Council and that each Cabinet member had one such vote. In the whole history of the Privy Council it is a fact that that body never opposed the Cabinet with the exception of one time during the HATAYAMA Cabinet.

1896 The witness stated that he could not recall attending a meeting where MIYAMOTO violently opposed entering into war against the United States and Great Britain and he could not recall whether prior to the meeting which he had spoken about the Privy Council had been consulted concerning the occupation of Manchuria by Japanese forces. He could not recall whether he had received any decoration from the Japanese or Manchurian government for work in connection with Manchuria.

CONFIRMATION BY MR. HUGHES

The witness stated that practically all the matters with respect to the Mukden Incident in 1931 were based on information obtained after the event through investigation.

1898 He re-stated that in relation to OKAWA conducting a propaganda campaign his statements were based on rumors he had heard. The witness did not recall the contents of the speech made by OKAWA at the Naval Academy. He had never had the opportunity to meet or talk with OKAWA. At that time the public rumor with respect to OKAWA was not very favorable which can be understood if one looks back to see what he did. It was public knowledge as to what OKAWA did at the time of the March Incident, which was an internal revolution.

1900 The information that he had, as he stated before, was learned after the MATSU Cabinet was formed. It

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1892 The witness stated that he had the right to oppose the occupation of Manchuria but he did nothing. There were not other considerations which made him vote in favor of the free election of Manchuria. He felt he was doing a good deed for Manchuria. It was hoped that it would bring happiness both to the peoples of Manchuria and of Japan. This was also the feeling of MATSU and OKADA.

The witness stated that he was acquainted with the constitutional party which organized the Privy Council but as a Navy Minister he had cast his vote in the Privy Council and that each Cabinet member had cast his vote. In the whole history of the Privy Council it is a fact that that body never opposed the Cabinet with the exception of one time during the MATSUOKA Cabinet.

1896 The witness stated that he could not recall attending a meeting where HIRAKAWA violently opposed entering into war against the United States and Great Britain and he could not recall whether prior to the meeting which he had spoken about the Privy Council had been consulted concerning the occupation of Manchuria by Japanese forces. He could not recall whether he had received any communication from the Japanese or Manchurian government for work in connection with Manchuria.

The witness stated that practically all the matters with respect to the Marden incident in 1931 were based on information obtained after the event by the investigation.

He re-stated that in relation to OKAWA conducting

a propaganda campaign his statements were based on rumors he had heard. The witness did not recall

the contents of the speech made by OKAWA at the Naval Academy. He had never had the opportunity to meet

or talk with OKAWA. At that time the public rumor with respect to OKAWA was not very favorable which

can be understood if one looks back to see what he did. It was public knowledge as to what OKAWA did

at the time of the March incident, which was an internal revolution.

The information that he had, as he stated before,

was based after the Hally Cabinet was formed. It

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was investigated under his direction through all the agencies available to the SHITO government. It was correct that he had not investigated into some of the causes of the Incident. He does not have in his possession any written reports on the investigation about this plot or plan. They have only his word that there was such an investigation made. There was an abundance of evidence but all had been burned in the air raids. He does not remember of any other thing that would be of sufficient gravity that would have warranted subsequent action after the Manchurian Incident.

- 1901 • He had heard rumors that the Manchurian Incident was the straw that broke the camel's back that caused the forces to go in there to put down disorder and restore peace.

CROSS-EXAMINATION BY MR. S. OKAMOTO

- 1902 • The witness stated that he did not know of the amount of the budget in 1932 but he believed there was a conference with War Minister ARAKI in making up the Navy Budget in which they received fifteen million Yen from the Army for the Navy. He did not recollect that he threatened to resign if his demands were not met.

The War Minister then was General ARAKI and the witness was very grateful for the big-hearted attitude of the Army and deeply thanked ARAKI.

- 1903 • He did not recall that in 1939 Admiral OSUMI was dismissed and received ten million Yen from the Army. The witness stated that it was a fact that the Army took a very humble attitude toward the Navy. The Navy and the witness were very grateful for the obliging attitude of the Army but it being most unfortunate and undesirable • of the conduct of the few younger officers. For the leaders of the Army they always entertained trust and confidence.

- 1904 That when he stated the Army wanted to establish a puppet government and plan to conquer Manchuria he meant, not the Defendants, but a group of young Army officers. In December 1934, as Prime Minister he abrogated the Washington Naval Limitation Treaty. It was in accordance with the stipulations of the Treaty. This step was taken because the national situation required it.

Page

1905

* He thought the step of abrogation was recognized as proper with respect to the London Naval Treaty.

1907

* The witness stated that he had never received any advice or cautionary advice in appearing before the International Prosecution Section and no friend close to him told him that unless he obeyed what the Prosecutor told him to say that he would be in danger of standing trial. That he had not even heard of such a rumor. That he was 79 according to the Japanese reckoning.

1908

CROSS-EXAMINATION BY MR. HANAI

* The OKADA Cabinet fell as a result of the February 26 Incident and was succeeded by the HIROTA Cabinet. That the witness had nothing to do with the formation of that Cabinet. The witness stated that it should have been the policy of the HIROTA Cabinet to clean up the after effects of the February 26th Incident and also should have had as its policy in Foreign Affairs the mission of avoiding the creation of any international incident.

CROSS-EXAMINATION BY MR. MCMAHUS

1909

* The witness stated that at the time he was Navy Minister Japan was in rather dire straits and Finance Minister TAKANASHI had no alternative. There was a meeting of the Cabinet whereby funds to be allotted to the Army were decided. He was grateful to the Minister of War because of his special efforts to provide for the Navy allotment by reducing his own.

1944

CROSS-EXAMINATION BY MR. NOZUKI

1914

• The witness stated that he recalled the fact that a preliminary conference on Naval disarmament was held in London in 1934 when he was Prime Minister. That at that conference the Japanese Navy proposed its counter-plan based on the plan of the common upper seven limit in Naval tonnage. That TOGO was, at that time, the Director of the European Asiatic Affairs Bureau of the Foreign Office. The witness was not aware, however, that TOGO had an opposing opinion to the principle of common upper limit in Naval tonnage on the ground that such a plan would obstruct the success of the conference. He did not recall that TOGO had expressed an opposing opinion to the Prime Minister. He recalled the fact that in the same year the Washington Naval Treaty was reconsidered but did not recall that TOGO opposed the action. The witness was under the impression at that time that the idea of a common upper limit would be approved at least by the United States but the result was not satisfactory.

1915

1916

• The witness knew during the time of the SAITO Cabinet that the Manchurian Incident had been carried out by several younger officers of the Kwantung Army. He came to know about the matter on the basis of the investigation made about the Incident which occurred the previous year.

1918

• Exhibit Number 177, being excerpts from the book, "The Road to Reconstruction," by HASHIMOTO was offered and received in evidence and is summarized as follows;

1919

The first part under the caption of "Advice to young People" is designated as "Pulsation of the Nations" and states that since graduating from the military Staff College the writer has been immersed in the study of revolutionary Russia in the Russian Section of the General Staff Office. • That in 1927 having been appointed attache to the Turkish Embassy he had frequent intimate talks with Kemal. After three years in Europe he returned to Japan in 1930. While there he observed the politics of Stalin, Mussolini and Hitler and Kims Khan, in addition to Kemal, and felt that they were moving toward government control although it was not clear what they would demand or although the source was not the same.

Under the Caption, "I Entertain Fears for My Native Country," the writer wrote that when he observed Japan

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1920

through the papers and other countries I was clearly conscious that Japan was the only country within the whirlpool of world movement that regarded liberalism as one and the best ideal he considered. That if continued under present conditions she would drop from her position in the community of nations and bring about her downfall. He thought it was time for him to return immediately. During his thirty days voyage home he pondered on how to reform Japan and drew a plan and on returning to the Consul Staff Office he devised several schemes in order to put his ideas into execution. Although he would not say it was the only group of such results to be named the Manchurian Incident, occasion from the League of Nations, re-narration of the disarming treaty, the May 15 Incident, the SHANPEI TAI Incident and the February 26 Incident took place in succession.

1921

1921

The KIDO Diary, Exhibit 178A to Exhibit 178B, being excerpts from the KIDO Diary, were introduced and received in evidence and are summarized as follows:

1985
1986

KIDO stated that he had heard from Mr. BRAD on July 11, 1991 that the Army during the past week had stiffened its attitude in regard to the reduction of armaments and especially in regard to commencing. Worry was expressed that the Army, as a last resort, might take further steps to appeal to the throne.

179-B, July 19, 1991, Monday-KIDO had lunch with HARADA, TAGAKI, BAKAI and OKAZAKI. HARADA reported that the Army was more unyielding than ever and that the War Minister was going to see the Emperor on the 14th of 15th. KIDO reported the message to the Lord Keeper of the Privy Seal and was ordered to relay it to the Grand Chamberlain which he did with the Lord Keeper of the Privy Seal's views.

1987

August 7, Friday --KIDO learned from H.NADA about the latest political conditions and about the plot that was to be carried out in Army circles during the middle of March. He stated that it was regrettable that it was obvious that the Army will carry out a so-called type of plot.

During the middle of March a plan was drafted at the official residence of the War Minister to disrupt the Diet Session and bring about a political change by Generals KASUGA and YAMAGUCHI and KINOSHITA with

1991

179-D, August 12-- KID. Alined with KORTY, BAWADA and INCYR and studied the details of what BAWADA had told them the other day about the under-handed activities of the section of the Army. The affair that in de DARY the leader was that of March 80. SHIRIZI was supplied with thirty bombs which were almost harmless, however the bombs were when back to the Army a month ago. The plot was called off and it cost the FORTUVA nobles \$ 100,000 to pay off the men.

1994

179-D, September 9, 1991 --KIDCO held a conference with KORTY, ANWA and GRAVI. ANWA explained in detail about the secret plot by a group of military men and GRAVA in the middle part of 2000, stating he had been recruited to participate in executing the plot by GRAVA through SHIRIZI. The plot had been suspended but a thought of this kind will not disappear but will reappear; our chairman on opportunity presents itself, stated ANWA, because (1) that Communism has become so noticeable that the country might fall into Communist's hands if unheeded; (2) no movement will attack the object unless it is carried out under Imperial rule; (3) the GRAVA's faction is advocating the establishment of an authoritarian government and (4) a certain militant group has joined with GRAVA for the purpose of overthrowing the government.

1995

It was agreed they would have to take adequate counter measures and the Imperial Household should have full understanding of the situation and take necessary steps.

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Colonel BASHIRTO and Colonel SHIROFI. OKVA, Shamed also collaborated. The plan was to send Lt. Colonel SHIROFI to head of the National Party conveying their plot confidentially but this was given up for the sake of the Army. It was guessed that OKVA was back of the plot.

An association of Redoubt Group of Speculation and Manipulation questions had been formed by a group of captives graduated recently from the Army Staff College headed by Lt. Colonel BASHIRTO and SHIROFI.

The basis of the Army cannot stop the type of association because they themselves were involved in plots. Recently the Army group has been getting strong and there is danger of strong antagonism between civilians and the Army regarding the drafting of the budget.

Page

179-P-KIDO lunched with OKABE, ODA and TANI of the Asiatic Bureau, and Prince KONOYE, September 10. TANI advised them about China Affairs and said that self-defensive action might be unavoidable according to developments in the future, to which KIDO agreed in general.

1936

* 179-P-KIDO met with HARADA and discussed in detail the latest under-handed movements of the Army.

179-11, September 19, 1931-- The Prime Minister went to see the Emperor and KIDO was told that the Army would not try to enlarge the situation but would stop any further action when it found an advantageous position.

1937

KIDO met with HARADA, the Minister of the Imperial Household and the Grand Chamberlain. HARADA reported that the Prime Minister told him that the Army's attitude was very strong and that the Premier was worried that the Army was not driving home the policies decided upon by the Cabinet. He wanted to find a way for controlling the Army. Some said that it might be best to ask the aid of Prince KANIN and others said to have the GEMEO stay in Tokyo. * KIDO told them that the Premier should not depend upon others and that there was no other alternative but for the Cabinet to hold repeated meetings and indicate a firm opinion of its own.

179-R, September 21, 1931-- KIDO, the Lord Keeper of the Privy Seal, the Grand Chamberlain and Vice Grand Chamberlain and the Army Aide-de-camp met and conferred about Manchuria.

1938

HARADA telephoned, asking that if there were further developments and suggested that if the Emperor were to call Prince KANIN, the Prince's answer should be discussed thoroughly. He called again later transmitting SAIONJI's advice to be cautious about KANAYA's answer when, as Chief of the General Staff, he went to explain to the Emperor why the Korean Army had advanced into Manchuria without the Imperial Sanction. * This message was transmitted to the Lord Keeper.

179-1, September 22, 1931 --KIDO visited HARADA together with KONOYE, SAKAI, OKABE and TAKAGI. He wrote that the Army is so strongly determined in its policy toward Manchuria that orders given by the central authorities might not be carried out. The Emperor has approved the governmental policy and the Army is reported

Page

to be indignant that the Emperor's opinion has been formed by his personal attendants.

1939

In view of the circumstances it was decided that the Emperor should not say anything further about the Manchurian policy unless necessary and that the GENRO * Had better remain away from Tokyo unless an important change takes place because it would intensify military antipathy.

179-J, September 2,--KIDO attended a press party and heard about the Manchurian events from HAYASHI of the War Department. He asked HAYASHI about the cause of the railway explosion which had not been explained clearly and received the reply that he had not yet received the report. This seemed very strange to KIDO and was very regrettable as people were skeptical about the cause of the accident.

1940

179-K, September 29-- KIDO conferred with the Lord Keeper and reported that HAYADA had told him the previous night that the Chief of the Army Staff had told the Premier that the Army may be compelled to send troops to the Yangtze River area and that if this happens, * he did not wish the government to interfere with the prerogative of the Supreme Command of the Army.

1941

179-L, October 1, 1931 -- KIDO met with HARAHA, KONOYE, and SHIMAZU. They discussed and considered about the militarist's secret plot. The combination of the middle class elements in the Army is likely to be tight and the plan to break up political party system by a coup-d'etat and to set up a dictatorship has been made since 1927. It is impossible for statesmen and politicians to realize the danger and it is very difficult to devise a counter measure. It will be necessary to guide the militarists so that they do not cause serious damage and unnecessary sacrifices.

* 179-M--KIDO and KONOYE visited with the Minister of the Imperial Household and discussed the Army's stubbornness and intrigues and gave him all information and asked him to think up a solution.

179-N, October 6, 1931--The Prime Minister discussed the matter with the Lord Keeper and fears a risk of head-on collision with the Army on the question of with whom to negotiate the Manchurian problem.

179-Q, October 7, 1931--KIDO, HAYADA and INOUE met with SUZUKI. SUZUKI's activities do not intend to carry out a national reformation immediately, but it is to save the situation if something does happen such as the outbreak of rebellion among the young officers. This matter was reported to KINOSHITA.

1942 re 179-P, October 14, 1931-- KIDO met with SAKAI, YASUOKA, CHABE, MATSUNOBU, YOSHIDA, and GOTO. YASUOKA reported that the plots of the Army are progressing rapidly and students and renins have joined. The opinion by YASUOKA should be formed as a permanent counter-measure.

194. 179-Q, October 15, 1931 -- KIDO attended a tea party at which time he and HAYASHI, Chief of the Information Bureau and HAYASHI had a conference. HAYASHI stated that it would be unwise to take time to solve the Manchurian question from the Army's point of view in governing discipline. It requires a prompt solution. It is necessary to create a new regime in Manchuria. That the authorities should give tacit approval and facilitate the problem. He indicated that the militarists still planned to establish a new regime in Manchuria, the attitude of the militarists had suddenly stiffened, taking advantage of the rumor that Count UCHIDA, the president of the South Manchurian Railway Company had the intention of settling the pending question by establishing a new regime in Manchuria.

DIRECT EXAMINATION BY TANAKA, RYUICHI

DIRECT EXAMINATION BY MR. SACKETT

1946
1947
1948
The witness stated that he was 54 years old, presently unemployed, had served in the Japanese Army from 1914 to 1942 and then stated in detail all the positions held by him until September 1942, at which time he held the rank of Major General.

1948 In the course of his official duties he did not have occasion to make investigation of Army personnel but did have occasion to make investigation as to criminal action on the part of Army personnel and of events or incidents that occurred within the Army. He conducted such investigations when necessary either past or present.

That he had access to various official Army records and reports of Japanese Military Police. One

Page

of the principle duties of the Military Service Bureau of which he was Chief in 1940 was to control and supervise morale and morals of the entire Army and as such Chief he had custody and control of the prior records and investigations made and filed by the Bureau.

1949

The witness stated that Chang-Tse-lin, who died in Mukden in 1928, that an official investigation was conducted by the Japanese Army and government. * That the witness knew this, because in 1942 when the War Office was moved he had occasion when cleaning up various documents to read documents in the Urgent File of the Chief of the Bureau with reference to the May 15 Incident, the February 26 Incident, among which the documents were found.

† That at this time he was Chief of the Military Service Bureau and the documents were in his official custody as an official record of the Bureau. The report which he found in January 1942 was made in August 1928, as he recollects. * This report was made by Major General MINE of the Tokyo Military Police Unit.

That he read this report and if it were not lost, it should be in the Urgent Files of the Chief of the Military Police Bureau.

1951

* Exhibit 180 being correspondence between the Adjutant General of the U. S. Army and the Japanese Central Liaison Office with reference to the location of the original official report of the investigation into the death of Marshal Chang Tse-lin and the replies of the Central Liaison Office to the effect that the same could not be found, was offered and received in evidence.

The witness stated that according to the report, the killing of Chang Tse-lin was planned by Colonel KAWAMOTO, senior staff officer of the Kwantung Army, and had no connection with the Commander in Chief of that Army at that time. The Kwantung Army, in accordance with the policy of the TANAKA Cabinet for an early settlement, endeavored to disarm Chinese troops retreating from Mukden toward Peiping. The purpose was to get rid of Marshal Chang Tse-lin and set up a new state separated from the Nanking Government with Chang Hsueh-liang as leader; in other words a new state under Japanese control. However, this plan was banned

1952

* by the TANAKA Cabinet. However, Colonel KAWAMOTO endeavored to get rid of Chang Tse-lin and as a result

1942

on June 3, 1937, the train on which Chang Tso-lin was riding was blown up and Chang Tso-lin died. The dynamiting was carried out by officers and men some of the 20th Engineer Regiment which had come to Mukden from Harbin. Captain OZAKI tried to return the fire which was opened by the personal bodyguards of Chang Tso-lin. At this time the plan of an immediate mastering of forces was stopped by MAITO, Chief of Staff of the Kwangtung Army. • The report disclosed that the purpose of the plan was to create a new regime of peace, law and tranquility by separating the Area from the Nanking government and getting rid of the war lords. The report disclosed that Colonel KAWAMOTO and ten others were involved in the plot. The witness knew KAWAMOTO intimately, having first met him in 1925 and spoke to him in 1935 in Manchuria about the killing of Chang Tso-lin. That at that time • the witness was Staff Officer of the Kwangtung Army.

1953

1954

1955

1956

Colonel KAWAMOTO is presently in Tientsin, Cheangsi Province, China. At that time KAWAMOTO told the witness what the witness has already stated with respect to the plan and program of June 1938. • KAWAMOTO told him that if the mastering of the Kwangtung Army had been carried out the Manchurian Incident would have been carried out then and the state of Manchuria would have been created then. KAWAMOTO stated that the plan was his own alone and described the part played by Captain OZAKI, stating that OZAKI's purpose was to follow the orders given by KAWAMOTO to master the forces • in Mukden and to open fire against the train.

1957

He stated that his purpose was to get rid of the war lords and to create a new separate regime under the leadership of Chang Hsueh-liang. In the course of the conversation KAWAMOTO said that a new state must be set up in the Area of Manchuria under Japanese control and leadership and the area should be developed within the region and strengthened for the purposes of Japanese National Defense. He did not state how many people were involved in the incident.

• The witness stated that he saw Captain OZAKI well, having been a colleague at the Army general staff in 1932. That he had talked to him about the killing of Chang Tso-lin in Tokyo in 1939. OZAKI had said that he had issued a mastering order at the command KAWAMOTO, but he was reprimanded by the Chief of Staff of the Kwangtung Army, who did not see the necessity of using the Army against the weak Chinese

Page

1958 Army. * OKAKI stated nothing with reference to the purpose for the killing of the Marshal.

1959 During 1930 and the spring of 1931 Sino-Japanese relations were extremely aggravated. As a result the Army took a very strong attitude. The conditions were practically battle conditions without a declaration of war. Since the fall of 1928 after Chang Hsueh-liang had joined the Kuomintang. Japanese-Chinese relations in Manchuria became extremely aggravated and the Army felt that the pending question in Manchuria must be stopped definitely. * There were elements in the Army advocating Japanese occupation of Manchuria. There was no advocacy of an independent state in Manchuria at that time but when the situation had reached the state that diplomatic negotiations were useless, certain members of the Army felt that armed forces should be resorted to, driving the Chinese from Manchuria and to set up a new regime under Japanese control. At that time the witness was in the General Staff Office * and was carrying on investigations on Manchurian problems and is well acquainted with the matter.

1960

Among civilian people, the person advocating this type of thing was OKAWA. Among the strong advocates in the military there were Major General TAKEKAWA of the General Staff, HASHIMOTO, and Captain Ohe. In the Kwangtung Army the leaders were Colonel ITAGAKI, Chief of Staff and Lt. Col. ISHINARA, Staff Officer.

1961

* HASHIMOTO, OKAWA and ITAGAKI are accused in this case.

1962

The witness knew of an organization called the Sakurakai which was formally organized in the spring of 1931, although the first meeting for organization purposes was held on October 1, 1930. He did not know who had organized this society or who were the leaders but the first meeting was called by HASHIMOTO. * The membership at the October 1 meeting were officers of the rank of Lt. Colonel and Major from the Inspector General of Military Education, the War Office and the General Staff. There were also five or six Navy officers. Fifty or sixty officers attended this first meeting and according to Captain Ohe, later the membership increased with students from the Army Staff College and the Artillery Engineer school. At the first meeting the meeting did not touch on Manchurian problems. Domestic problems were extremely acute * and Japan was in bad condition in the ideological field.

1963

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It was the belief that if things were left alone Japan would decline as a nation and it was the desire to cleanse politics and renovate the country. According to what Captain CHO told the witness in Shanghai the purpose of the organization was two-fold. To carry out an internal revolution and to settle the Manchurian problem.

1965

The witness stated that he was familiar with the facts and circumstances of the Manchurian Incident; that the Incident was a planned Incident. * That the leading Japanese people involved in the plan were in Japan, and were General TATEKAWA, Lt. Col. HASHIMOTO and OKAWA. That according to Captain CHO and HASHIMOTO the leaders in the Kwantung Army were Chief of Staff ITAGAKI and Deputy Chief of Staff Lt. Col. ISHINARA. That HASHIMOTO, OKAWA and ITAGAKI are all accused in the case.

1967

* The stories told him about this problem by ITAGAKI, HASHIMOTO and CHO all differ but the plan was to find a solution to the internal situation in Japan and the Chinese-Japanese relationship problem. To carry out this problem it was their intent to destroy the Chinese war lords in Manchuria, to set up a new country based on the kingly way, maintaining peace, tranquility and order, to be inseparably bound in relationships with Japan under the control of Japan so that close cooperation and coordination might be made in the economic exploitation of the area thereby stabilizing Japanese conditions at home and making of Japan a stabilizing factor in East Asia.

1968

* The witness stated that HASHIMOTO was a friend of his whom he met in 1929 and even before then at the Army Staff College, having identified him, he said that he did not serve under him but had served with him in the Army General Staff. That he had spoken 1934. * HASHIMOTO had told him that the Manchurian Incident was planned by the Kwantung Army and that he, in accordance with the plan, would assist and support the Incident so as to bring about a renovation of internal politics in Japan. He also stated that he and Captain CHO had planned the October Incident that had failed but they had succeeded in creating a new state in Manchuria.

1969

At first it was the plan of the Kwantung Army to exhibit Manchuria by the Army and that HASHIMOTO

Page

1970 had urged a new and independent state be created to avoid international complications and this proposal was taken up. According to HASHIMOTO the persons involved were TATEKAWA, * HASHIMOTO and OKI, OKAWA and ITAGAKI. According to HASHIMOTO the ultimate objective of the plan was to make Manchuria a base from which to bring about the revival of Asia.

1971 He stated that the central figures in the Kwantung Army were Colonel ITAGAKI and Lt. Col. ISHIMARU. * He stated that it was the Kwantung Army's intention to occupy Manchuria and to destroy the influence of the war lords and to bring about the economic development of the territory under Army occupation. HASHIMOTO at that time was Chief of the Russian Section, General Staff Office and that HASHIMOTO had stated that, together with OKI he desired before the incident to bring about a positive settlement of Manchurian problems and to work within the Army. After the incident within he planned the October Incident in order to bring about the downfall of the weak and corrupt government of Japan and to concentrate Japanese public opinion on Manchurian affairs.

1972 * The witness stated that he was not acquainted at the time of the details of the October Incident since he was in Shanghai but he learned of the details from Captain OKI in June 1932.

supp The letter told him that the purpose of the October Incident was to cleanse the ideological and political atmosphere, to renovate internal Japanese politics by assassinating the leaders of the government, to set up a new government and save the nation and then to bring unity among the people so as to secure unanimous support of the settlement of the Manchurian situation.

1974 HASHIMOTO told him exactly what Captain OKI had told him about the October Incident. * HASHIMOTO also told him about the part played by TATEKAWA who was a most enthusiastic supporter of the Manchurian independence. That at the time OKI was attached to the China section of the General Staff Office and that HASHIMOTO told him that OKI was his most trusted colleague. That OKAWA was Chairman of the Board of Directors of the East Asia Economic Research Bureau of the South Manchurian Railway and that HASHIMOTO told him that OKAWA enthusiastically cooperated in the plan for the decisive settlement of the Manchurian Incident as well as the internal renovation of Japan.

PAGE

1975 At the time ITAGAKI was the senior staff officer in the Kwantung Army and according to HASHIMOTO, together with ICHIMURA, ITAGAKI was a key figure in the Kwantung Army. That HASHIMOTO told him that what happened on September 18, 1931 was a result of the plan he described by stating that the incident had provided the opportunity to create Manchukuo.

1976

HASHIMOTO also said that the occupation of Manchuria which followed was a result of the plan. The first purpose was to seek economic exploitation of the Army under Japanese occupation, however, this did produce undesirable effects internationally and an independent Manchuria should be created solving the economic and political crisis in Japan.

1978

* HASHIMOTO stated that the plan of the Sakurakai and its members and OKAWA's group to bring about a coup d'etat in Tokyo to destroy the government then in power, to set up a new government and that the power of the new government to rally the support of the entire population toward the settlement of the Manchurian incident. This was to be done if the government did not go along.

1979

The witness stated that OKAWA was a friend of his whom he first met in 1925 but with whom he never worked. That he had spoken to OKAWA prior to September 1931 with reference to Manchuria and that the latter had been considering a separatist movement between Hanking and Manchuria in 1930. The witness met him in the summer of 1930 and OKAWA stated that by all means Manchuria must be separated from Hanking and placed under Japanese control to create a land founded on kingly way. OKAWA stated that since the first part of the 17th Century had become either colonial or semi-colonial. Outside of Japan all the people of Asia were now suppressed or oppressed. That after an independent Manchuria would be set up it would be an inseparable relation established by Japan and Manchuria and with the growth of Japan's national strength, Japan as a leader of the peoples of Asia would drive out the white race and bring about an emancipation of the Asiatics.

1980

* OKAWA had told him that in the first part of 1930 he had proposed this idea to Chang Hsueh-liang but the latter did not agree. In light of this, OKAWA said the only way to bring about the fulfillment of the ideal was by force of arms. The witness stated that he had

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- 1981 spoken to OKAWA in November 1934 after he had been released from prison. OKAWA stated then that the Manchurian Incident was a result of planning. • ITAGAKI, ISHIBARA, HANJIMOTO, CHO and OKAWA were the control figures. He said that the October Incident had failed on account of the betrayal of Lt. Col. HIRAYAMA. He stated that the independence of Manchuria was the first step in the emancipation of Asia.
- 1982 That before the Incident he had gone all over Japan propagandizing that Manchuria must be placed under Japanese control and also stressed the importance of a general renovation in Japan. He believed that the lecture tour was effective.
- That he sought to bring about the downfall of Japanese politics and financiers who were weak. The renovation was to be carried out on the part of the Army by HANJIMOTO, CHO and others and on the civilian side by OKAWA. That they were to cooperate in a grand coup d'etat to overthrow the government and set up a new one.
- 1983 • That OKAWA had stated that the events that took place on the night of September 18 were a result of the plan disclosed by him. That ITAGAKI was the leader in Manchuria and OKAWA, HANJIMOTO and CHO likewise participated. He also said that the results which followed on the events of the night of September 18 were the results of the plan disclosed. That he had been working on such a plan • and was extremely gratified that a similar plan was being prepared and carried out by the Kwantung Army.
- 1984 OKAWA admitted that the establishment of the Government of Manchukuo was a result of the plan when he stated that the establishment had progressed smoothly without a hitch, because it had been well planned and prepared beforehand.
- The witness stated that he knew the accused ITAGAKI as he was his section leader in the military academy, and identified him. That he had served with him in Manchuria in 1935, from March 1935 to March 1937.
- 1985 • That he had spoken to him prior to September 18, 1931 about Manchuria in June 1930. He did not at that time say anything about the Manchurian Incident but that say that Manchuria should be placed under Japanese control by all means. With respect to the use of force to accomplish the results, ITAGAKI stated that there were

1932

many unsolved problems between China and Japan which had become seriously aggravated after the death of Chang Tso-lin.

1934

* These problems were so serious that they could not be settled by diplomatic means and there was no alternative except the use of armed force. That armed force should be resorted to to drive out Chang Hsueh-liang and his regime and Manchurian-Chinese-Japanese cooperation could be established by creating a middle state in accordance with the principles of the 'kingly way' and on such a basis to bring about a healthy economic development of the area. In the first stage in the political field Manchuria should be guided under Japanese control.

If a harmony of races could be realized under Japanese leadership in Manchuria the other peoples of Asia would come to trust Japan as a leader of Asia.

1937

* Furthermore, he was of the opinion that with Japan as a leader it would be possible to free all Asia from white domination and bring about a liberation of Asiatic people. He did not speak again to ITAGAKI prior to the Incident.

The witness stated that he had not heard about the Incident from ITAGAKI after the Incident had happened but ITAGAKI did speak to him with respect to certain artillery guns used in the Incident.

1938

* The conversation took place in 1935 when the witness was staff officer and ITAGAKI was Deputy Chief of Staff of the Kwangtung Army and the witness had official business with him daily. ITAGAKI told him that it had been necessary to strike against the enemy's weakness. Before the outbreak of the Incident the Chief of the

1939

Military Affairs Section TAMURA had two heavy guns sent to Manchuria for hidden and one had been used in the bombardment of the Mukden airfield where the Incident occurred. Upon hearing the guns the Chinese immediately abandoned Mukden and the quick Chinese retreat enabled the Japanese to carry out the first operation smoothly.

1940

* According to ITAGAKI, Colonel TAMURA suggested the installation of the guns which was completed about September 10. The installation, ITAGAKI said, was kept a deep secret and to the outside world it was told that a well was being dug.

That the witness was in Manchuria that TADAOKI as senior staff officer did not exercise any control but through the Chief of Staff and the Assistant Chief of Staff as well he was one of the foremost and leading figures in the construction of Manchuria. He was highly trusted and respected by people in Manchuria and Japan and due to the fact that the Kwantung Army had internal control under the Japanese-Manchurian Treaty he exercised that power control very skillfully over the internal affairs of

1994
• TADAOKI was Deputy Chief of Staff in the Kwantung Army until the end of 1935 and was Chief of Staff from March 1936 until March 1937.

1995
In 1935 the development of Manchuria was progressing as intended and desired. There had been concluded a treaty for military defense under which the Kwantung Army would control and guide the internal affairs of Manchuria and inseparable relationship was established between the two countries and the control of the internal affairs was calculated to promote the happiness of both countries. The control was carried out through the General Affairs Department of Manchuria. All

11
100-2000
NARRATIVE SUMMARY OF THE RECORD
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ITEM

1991

The witness stated that he was familiar with the terrain around Mukden where the incident took place and that he was familiar with the range of the guns involved, which, according to the account ITAKARI, had a maximum range of fifteen miles. That from his knowledge of the location where the guns were involved there was sufficient range to reach the particular spot on the South Manchurian Railway where the alleged explosion took place.

1992

Then the witness was attached to the Kwantung Army he spoke of current matters with ITAKARI because of his official duties during the period March 1935 to March 1937.

1993

That ITAKARI had not addressed denunciation of Manchuria but did advocate a control. That by control ITAKARI meant realizing political conditions in Manchuria in manner desired by Japan with development of Manchurian economy in a manner desired by Japan, the establishment of close relationships between the two countries with respect to defense and at the same time to promote the happiness and prosperity of the people inhabiting Manchuria.

1936

Important personnel shifts were carried out by the Director of the General Affairs Department. They could be carried out by the Commander in Chief. As a matter of fact they could not be carried out by the General Affairs Department without the approval of the Chief of Staff. All important industries such as steel and coal were under the control of the government as were railways, communications and fiscal matters. No political parties were admitted with the exception of the Concordia Society.

1936

* With respect to economic control in 1936 a five year plan was adopted. At that time HOSHIKAWA became Director General of the General Affairs Department. Because of HOSHIKAWA's expert knowledge the economic aspects of Manchurian development progressed under Japanese control as desired.

1937

* ITAGAKI had no direct relationship whatsoever with the economic control of Manchuria but he did closely guide the General Affairs Department of Manchukuo both before and after HOSHIKAWA became Director General. HOSHIKAWA's appointments and terminations of officials could not be carried out with the knowledge of ITAGAKI.

1938

* When the witness was in Manchukuo, the country was not completely independent. By the Japanese-Manchukuo Mutual Defense Pact of December 1932 it is clear that Manchukuo was under Japanese control. Because of this Pact the Kwantung Army had authority to control the internal affairs in Manchukuo and through the General Affairs Department it exercised political and economic control that Japan desired.

1939

* Important positions in this department were almost entirely filled by Japanese officials. Japan was able to control Manchukuo because of the fundamental factor in economic and political affairs personnel. Personnel shifts were carried out in the name of the Emperor but this was not possible without the approval of the Army, since all political and economic and financial affairs of Manchuria were operated in accordance with Japanese departments through the control exercised by the General Affairs Department which in turn was controlled by the Kwantung Army. It can be concluded that the Kwantung Army controlled the government of Manchukuo.

With respect to national defense the Military Affairs Department of Manchukuo it had Japanese officers as

NARRATIVE SUMMARY OF THE RECORD
(July 5, 1946)
(TAKIYAMA--Direct)

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1900

as advisors and through them the department was directly and closely linked up with the Kwantung Army so that the Kwantung Army exercised military control over that government.

2000

The witness stated that HOSHINO was one of the accused. That the duty of the General Affairs Department of Manchukuo was to direct and guide the political and economic affairs in Manchuria in the interests of Japan as well as of Manchukuo in accordance with the treaties.

2001

The witness stated that General TAKIYAMA died in September of last year then being a Lt. General. He first met him in 1925 when they were both in the General Staff Office. He later served under him in Peiping from March 1928 to August 1929.

2802

That with respect to the Manchurian Incident in 1929 TAKIYAMA told him that Manchuria should be placed under Japanese control and made into a self-sustaining state, with the exception of petroleum. He sent the witness to Manchuria to investigate this matter. As a result the witness found that Manchuria could not become in itself a self-sufficient state and reported accordingly.

2003

• However, TATEKAWA stated that efforts should be made to make it self-contained. In August 1929 at a conference of Chiefs of Staff a plan for establishing self-sufficiency in Manchuria was distributed to impress upon them the fact that Manchuria was the life-line of Japan. TATEKAWA strongly felt that unless Manchuria was seized by Japan it would be impossible for Japan to become one of the powers of the world. He had occasion to talk to him again after the events of September 18, 1931 in 1934.

2004

• The witness stated that TATEKAWA both expected and supported the Manchurian Incident. • At the time TATEKAWA told him that he was expecting the outbreak of the Manchurian Incident and that the time was approaching when Japan could do what she desires with Manchuria.

2005

On the 12th of September a cable was received from SHIBUYAMA reported the fact that a company commander of a patrol unit had stated that within a week a big incident would break out. SHIBUYAMA brought

2006

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(July 30, 1946)
(TANAKA--Direct)

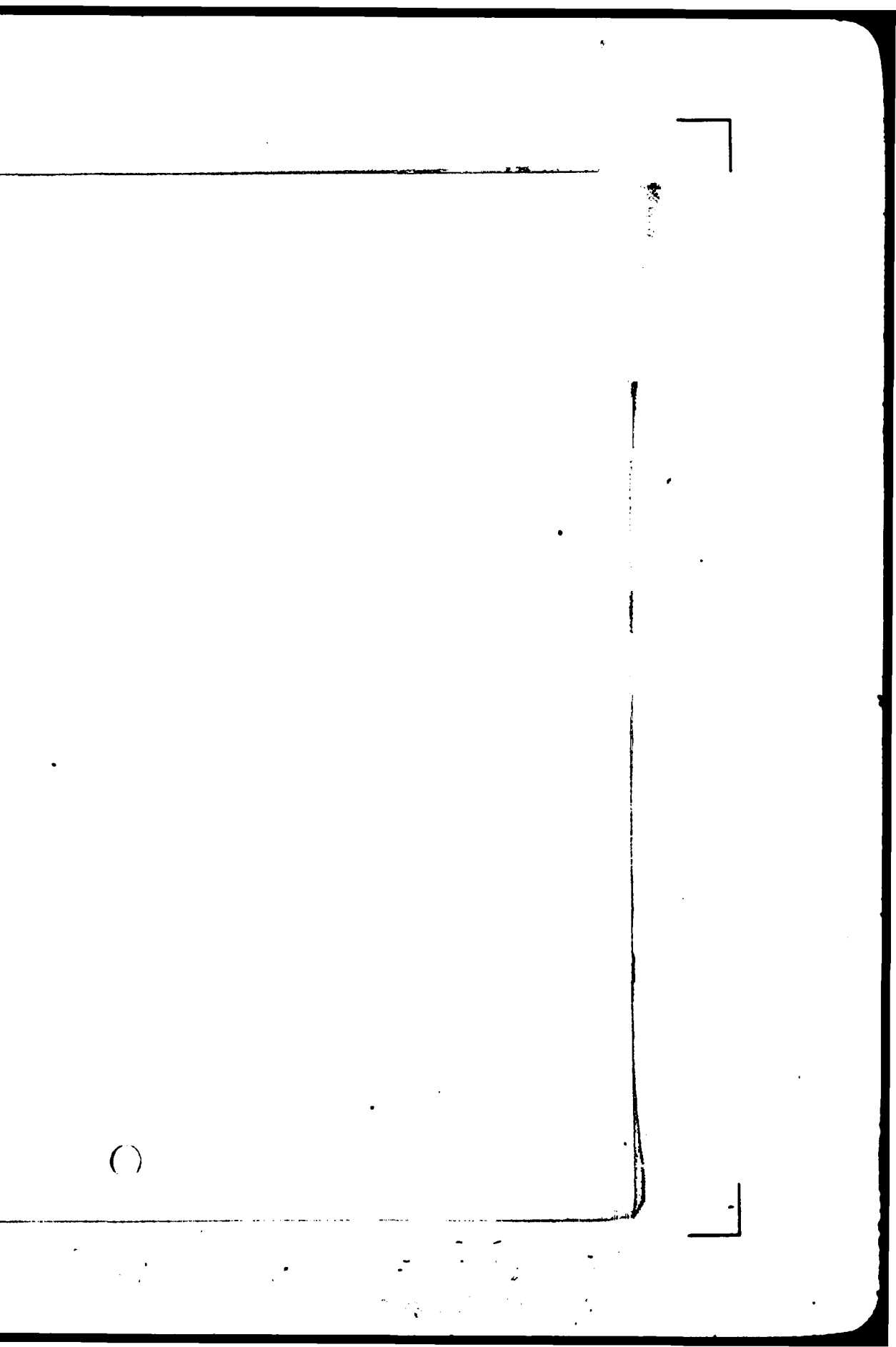
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1202

this to the attention of KIHAMI and strongly protested. As a result KIHAMI ordered TATEKAWA to go to Madsen as a special envoy just haste to put a stop to the contemplated action. TATEKAWA told him that KIHAMI had told him to stop the incident at all costs but it was TATEKAWA's desire not to stop it. When TATEKAWA arrived in Madsen on the evening of September 16, the Swedish army, thinking he had come to stop the incident had taken him to a restaurant in Madsen to isolate him.

1207

• He said he was taken by a Major HANAYA and accompanied him willingly, because he had no intention nor desire to see other people in Madsen. The general said artillery fire broke out about midnight, that he had slept soundly all night and when he woke up in the morning the incident had already occurred and he was unable to carry out his mission.



(TAKEDA-continued).

1908

2010 The witness stated that when General TAKEDA left for Imbabu, he said that an incident was being planned by the Kwantung Army; that he did not say that it would occur on the night of September 18th - but he did state the individuals involved were

2011

HEIJIRO and CHU of the Sakurakai, a civilian group headed by OKADA, and Col. IWAKI and Lt. Col.

2012

YOSHIDA of the Kwantung Army. He further stated that he strongly suspected the plans of HEIJIRO, IWAKI and CHU.

2013

With respect to the purpose of the plans, TAKEDA spoke only of Manchurian Independence. His report to action in Japan, he said that the situation in Japan generally will not necessarily actively support the Manchurian incident, for example, the SAITOH Cabinet will oppose the incident. He further stated that HEIJIRO and CHU and OKADA planned the October incident in 1931 to overthrow the government in power and to set up a new government which would support the Manchurian incident. TAKEDA said he knows about this and would support it, furthermore, when the witness met TAKEDA in August, 1944, at the Imperial Rifle School Corps Headquarters, he said that if Japan did not win the war in the Pacific, the state of Manchuria will be broken from its foundation. It was of the utmost necessity that the war be won in the Pacific. Finally, however, was extremely difficult. If Japan lost the war, it would be regrettable, but the state of Manchuria would disappear.

2014

The witness stated that he knew Captain CHU who had been killed in action in the last stage of the battle at Chinese last year. At the time of his death he was a major General but was promoted posthumously to Lt. General. The witness had served with him in the China Section of the Army General Staff between December, 1929 and September, 1930. The witness stated that he had never spoken to him prior to

(TANAKA - Direct)

1932

2014

September 18, 1931, about Manchuria, but had spoken after that date. He spoke to him in Shanghai about June, 1932. At that time the witness was Assistant Military Attache of the Japanese Embassy in China and CHO stayed with him for about a month. CHO told him that the Manchurian Incident had been planned by the Kwantung Army beforehand, and that he, by becoming one of the central figures in the Sakurakai, exerted every effort to make it known and understood by the Army and people at large of the need to bring about a definite and decisive settlement of the Manchurian issues which had become extremely serious and aggravated since the killing of Captain HAKAMURA.

2016

According to CHO, the leaders in the Kwantung Army were ITAGAKI and ISHIMARA. Among the Army in Japan, CHO was the leader and KAMAHIMOTO had supported and accepted the idea. Among the civilians, IKAHA cooperated. CHO stated that he was the virtual leader and key figure in the contemplated October incident and had planned it, but in the latter stages of the plan, many members of the Sakurakai began to hesitate and therefore he tried forcibly to drag them along to the end of carrying out the plan.

CHO stated that if it were not for him, the October incident would not have progressed to the point that it did.

2017

As for the purpose of the incident, CHO said that it was the internal renovation of Japan and the mobilization of Japan's entire national strength and opinion to settle the Manchurian issues under a new government. He further said that as to the October incident, ISHIMARA was strongly opposed and he reproached CHO just after the incident when ISHIMARA was in Mukden en route to North China. Immediately after the October incident, according to CHO, Japanese influence among central military authorities was in favor of Manchurian independence.

(TANAKA - Direct)

1582

2017

CHU said that in order to induce the central Army to support the Kwantung Army he let loose rumors that the Kwantung Army intended to carry out a separatist movement and declare its independence from Japan if Japan proper continued to oppose the Kwantung Army. As a result of the propaganda, the central authorities suddenly changed in favor of the Kwantung Army, but CHU stated that the plan was hatched by himself and no one in the Kwantung Army had any idea about it.

2018

The witness stated that CHU did not tell him whether or not he knew in advance of September 18th that the events that happened were going to take place that night. The witness stated that he knew General MINAMI well, having served as his subordinate in the Kwantung Army as Staff Officer from March, 1935 to March, 1936. The witness had never spoken to MINAMI about the Manchurian Incident; however, in the fall of 1935, MINAMI told him that about the time of the incident he had given expression to a positive opinion with respect to Manchuria which reflected the attitude of the entire Army. As a result of this, MINAMI had come to loggerheads with THIEHARA who maintained a passive attitude. This resulted in friction which extended even to their personal feelings.

2019

2020

The witness restated the position as follows: General MINAMI had said that THIEHARA had maintained a very passive attitude with respect to the settlement of pending issues involving Manchuria. On the contrary, MINAMI, representing the Army, advocated decisive settlement of the issues from the standpoint of national defense. Because of this fact, whether before or after the incident, the two men were opposed and constant friction existed between them. When the witness served with MINAMI in the Kwantung Army, the latter was Commander in Chief of that Army and a full General. In accordance with treaties entered into between Japan and Manchuria, MINAMI most effectively exercised the right of inter-leadership over Manchuria.

(TAMAKA-049009)

2002

2001

The witness stated that he knew the accused, TOJO, well; that he had served with him in the Army from March to the end of July, 1937, and after August as regimental commander in Utsunomiya and Chief of Staff of the TOJO Army Corps. From December 1, 1940 to September, 1942, he served under him as Chief of the Military Service Bureau; that TOJO was attached to the Manchurian Army as a Lt. General and in March, 1937, succeeded ITAGAKI as Chief of Staff of the Manchurian Army. He continued to serve in that capacity until he became Vice Minister of War under General ITAGAKI.

2002

With respect to TOJO's control or influence over Manchuria, in the Fall of 1936, the Five Year Development Plan of Manchuria was established. It took effect after TOJO became Chief of Staff of the Manchurian Army. During this time, the number of battalions in Manchuria decreased to where there were less than 10,000. Law and order was being maintained very satisfactorily and in accordance with TOJO's plan, Manchuria made special strides in the field of politics, economic and national defense. On the basis of his right of authority of inter-leadership over Manchuria, held by the Commander in Chief of the Manchurian Army, TOJO, as the highest ranking officer under the Commander in Chief, exercised great influence over all matters in Manchuria and his appointments or dismissal of important personnel were made without his approval.

2003

The witness stated that Manchuria was completely occupied by the spring of 1934 when the completion of job was completed. He then corrected himself to say spring of 1934.

2004

He then stated he was mistaken, that the real date was the spring of 1933 when the Tangku Truce was signed. The witness stated that he was familiar with the Manchurian movement in the Five Provinces in North China. As Chief Officer of the Manchurian Army, in view of the fact that the Chief of the Second Section of the General Staff was busy, he helped him in his work. After the officer in charge had gone to North China

(TANAKA - Direct)

1932

2024 with General BOHIMATA in 1931, the witness took over this work and handled all telegraphic messages and official papers relative to the autonomous movement.

2026

• So far as the Kwantung Army was concerned, the intention was to create two regimes, one in Inner Mongolia and the other in North China, and the provinces related with the movement were Hopei, Shandong, Shantung, Chehar and Suiyen.

The autonomous movement in North China began in April, 1935. The purposes were two-fold -- one to create an autonomous regime in Mongolia; the second to create a regime in North China outside the Mongolian area. The purpose of establishing the Inner Mongolian regime was from the passive point of view, to stop the infiltration of outer Mongolian influence which was under soviet control and from the ~~the~~ positive point of view, to set up an Inner Mongolian independent state.

2027

The purpose of creating the autonomous regime in North China in the five provinces was to separate the five provinces from the Manchukuo regime which was seeking to recover the lost territory -- to set them up as an autonomous area and to bring the area into close relationship with Manchuria under Japanese leadership and in this way remove the threat to Manchuria, since the area was adjacent to Manchuria in the southwest. In this way the area of China, southwest of Manchuria, would be placed under Japanese leadership.

Another positive purpose for setting up the autonomous area was to reduce the power and influence of the Manchukuo regime. This autonomous movement began in April, 1935 (1935). It gained great headway from June after the conclusion of the UNKID-IC Ying-chia agreement. This movement was furthered by the Kwantung Army and the North China Army.

2028

• The Army in North China was in charge of the five provinces outside of the Inner Mongolian area, whereas the Inner Mongolian area was under the charge

(TANAKA - Direct)

Page

- 2028 of the Kwantung Army. In September, 1935, DOHIMARA at the command of MIHAMI, Commander in Chief of the Kwantung Army, was attached to General Sung Che-yuan, leader of the Peiping-Tientsin area in accordance with the UMEZU-HO agreement. Immediately after his arrival, DOHIMARA came under the command of Lt. Gen. TADA of the Japanese Army stationed in North China. DOHIMARA exerted his efforts on behalf of the autonomous movement with the intentions of the Kwantung Army and the Japanese Army in North China in mind.
- 2029 * The witness stated that DOHIMARA first hoped when he arrived in Peiping to prevail upon Wu-peifu to become the central figure in the North China autonomous movement. However, this plan failed because certain Chinese generals would not agree to join. Later, as a result of the efforts made by DOHIMARA, two regimes were established in North China -- in Hopei and Chahar. One was the East Hopei Anti-Communist Autonomous Regime covering the demilitarized zone south of the Great Wall. * Yin Ju-ken was the central figure and was completely separated from the Nanking Government. The other regime included areas outside of East Hopei and Chahar. This regime was called the Hopei-Chahar Regime, was not completely separated from the Nanking Government, but stood for collaboration with Japan. Its leader was General Sung Chen Yuan. Both regimes had Japanese military and economic advisors. The Hopei-Chahar Regime was under the North China Army while the East Hopei Regime was under the Kwantung Army, changing over into the hands of the North China Army in March, 1936.
- 2031
- 2032 * These regimes continued up to the outbreak of the China Incident in July, 1937. The Inner Mongolian Regime at Suiyuan was first under the leadership of the Inner Mongolian Autonomous Council which had resulted after the strong autonomous movement carried out by the Mongolians after the independence of Manchukuo, and was under the leadership of Teh-hua. The leader in Suiyuan did not favor the establishment of the Autonomous Council in Inner Mongolia.

NARRATIVE SUMMARY OF THE RECORD
(July 6, 1946)

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(TARAKA - Direct)

1932

The witness stated that the authors of the Autonomous Movement in the first instance were KIZUKI, Commander in Chief of the Kwantung Army and UMEZU, Commander of the North China Army. UMEZU returned to Japan in July, 1935 and was succeeded by Lt. Gen. YADA.

2033

The DONIHA A mentioned is one of the accused. He was sent toeking on the order of General YIMAKI. With respect to DONIHA's instructions, the witness had seen the contents but could not repeat them word by word. To the best of his recollection, it was to set up an autonomous regime in North China that would maintain close relationships with Manchuria and Japan, and second, it was to have as its motto Anti-Communism.

2035

The witness stated that the movement began in the tenth year of Show and also stated that by the Gregorian Calendar, it would be 1935. The witness stated that he knew General UMEZU, one of the defendants in the case. That UMEZU let matters concerning the autonomous movement in the hands of his Chief of Staff Colonel TAKAI, but, as Commander, he controlled the movement. That with reference to the autonomous movement, UMEZU had contacted the UMEZU-HO Tsiang-shia First of June, 1935.

* The effect of this test was that the Army under the Kuomintang regime, all evacuated southward and north China came under the control of the Hapai-Cheking Army.

The witness stated that he had spoken to DOHIMARA with reference to the Ambassadors Movement before and after DOHIMARA went toeking. He did not talk to the witness directly but the latter was present when he reported to MIKAMI. He stated that the Hapai-Cheking regime and the 2nd Hapai regime, though unaffiliated, had been established and would more or less obey the Kuomintang Army and that the north China regime, * would be established with the Hapai-Cheking regime as its core.

(TANAKA - Direct)

Page

2037

General DOHIHARA was advisor to the Hopei-Chahar Regime from its establishment in November, 1935, to March, 1936, and his duties were to control its politics and economics in accordance with Japanese hopes.

2038

* DOHIHARA reported that so far as the Hopei-Chahar Regime was concerned, it was a success, but according to the witness' judgment, it was only partially a success. The China Expeditionary Forces were the Japanese forces stationed between Peiping and Shanhaikuan, at certain points designated by the treaty between the allies and China in 1900 after the Boxer Incident, in order to protect foreign nationals in North China and railways and lines of communications. The headquarters were at Tientsin. There were no movements in this army to set up autonomous regimes.

2039

* The witness stated that he knew Prince Teh, the ruler of the West Sumit Want Fu in the province of Teh-hua. The witness stated that it was his duty as Staff Officer of the Kwantung Army and as Section Chief of the Research Section to foster the Inner Mongolian Autonomous Regime. The starting point was in March, 1933, when the Inner Mongolian Autonomous Government was set up in accordance with Chiang Kai-shek's agreement. The Nanking Government did not support this

2040

Council economically as it had promised * and furthermore the Governor of Suiyuan did not welcome the establishment of this Council and oppressed it. This was due to the fact that Prince Teh desired to establish a unified Mongolian state comprising both Outer and Inner Mongolia. After the establishment of Manchukuo, Mongolians in Manchukuo became far more prosperous, and seeking this, they began to approach the Kwantung Army secretly.

On orders of General MINAMI, the witness and Colonel ISHIMOTO went to see Prince Teh to urge him to join hands with Japan. The witness did not see the instructions from MINAMI since they were held by Colonel ISHIMOTO. The purpose of seeing Teh was to have the Inner Mongolian Autonomous Council form a close relationship with Japan to establish an autonomous

(TAMAKI - Direct)

1932

2040 government in Mongolia with Teh as the leader and ultimately to establish an independent government in Mongolia which was in line with the Kwantung Army anti-Soviet policies. The mission was carried out. At first Teh did not agree, but upon ascertaining the true purpose of the Kwantung Army in August, 1935, he promised close cooperation with General MIYAMI. The Kwantung Army gave him financial aid.

2041

In November, 1935, under an agreement between DCHINA A and the Hpeai-Chahar regime, it was agreed that the Chahar regime would be under the control of Prince Teh. On February 11, 1936, the Inner Mongolian Autonomous Council was transferred to west Suifu. At this time the Japanese civilians joined the inner Mongolian Government as advisers at Prince Teh's request. Their duties were not to control the government as in Manchuria, but to advise Teh.

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* In June, 1936, the Inner Mongolian Council was transferred to Teh-han and Prince Teh secretly established an independent Mongolian government. In July, an agreement between Manchuria and this government was concluded, as between two equal parties, in which they promised to give each other political and economic aid. The treaty was not concluded because of the demands of the Kwantung Army, but because of Teh's desires. After the treaty, Teh set out to equip his army and to increase cavalry divisions from three to nine.

General MIYAMI was one of the most earnest proponents of the establishment of the Inner Mongolian Autonomous Government as was ITAOAKI.

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* TOJC had no connection with the establishment of this government but the Mongolian autonomous government established in 1937, after the outbreak of the China Incident, was established mainly by TOJO.

(TANAKA - Direct)

PAGE

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According to the witness, Japanese armies were trained in Manchuria beginning in 1934 when Japanese troops scattered in various areas in Manchuria began to assemble again. * The purpose of this training was mainly for future operations against the Soviet Union since Manchuria was the basis of any operations against the Soviet Union. Until the Pacific War the Army in Manchuria was trained with the best equipment. The supposed enemy was the Soviet Union. After the outbreak of the Pacific War, crack units trained in Manchuria were sent, when necessary, to the southern regions. He could not state the exact figure, but from his experience as Chief of the Military Affairs Section and Chief of the Military Service Bureau, he believed about 2,500,000 troops were trained in Manchuria. The witness stated that he was not related to former Premier Tanaka.

(TANAKA - Cross)

Page

2049

CROSS-EXAMINATION BY MR. HAYASHI:

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The witness stated with respect to his leaving the Army at the height of the War, that just before the departure of NOMURA to the United States, he spoke to Col. IWAKURA of the Ambassadorial suite. IWAKURA at that time advocated a strong policy toward the United States and Britain. The witness was not particularly pro-British or pro-American but after the battle of Chung Ku-feng he strongly felt the importance of material strength in war. The battle, according to the report, was not a victory. If it had continued two or more days, it would have ended like the battle at Nomonhan. The witness knew it because he was a Commander of the artillery unit in the division which participated in the battle. Because of this the witness told IWAKURA, as his senior officer, that regardless of the circumstances, he work to his utmost for a compromise with the United States. IWAKURA half jokingly said: "I will threaten them and sometimes I will cater to them and will get the result you want." The witness told IWAKURA that he feared America's material strength. His official duties at the time were not directly concerned with negotiations with the United States.

2051

At that time, as Chief of the Military Service Bureau, he listened to reports from Col. SATO of the Military Affairs Section and KIMURA, Vice Minister of War. KIMURA was not an advocate of war with the U. S. at that time and told him several times that if KUNIKIDA went to the U.S., a settlement could be reached between the two countries. However, when war finally broke out, in the line of his official duties in administration with respect to the defense of the homeland, he made a trip throughout Japan to inspect defense installation.

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In November, 1941, a student military maneuvers had been carried out and NAKANISHI had explained to the witness the proficiency and quality of Japanese aircraft. NAKANISHI could not speak openly, but from a point of view of quality, Japanese aircraft is bad and there was no question whatsoever from the viewpoint of quantity.

(TANAKA - Cross)

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2052

When asked why he did not speak frankly to his senior officers, NAKANISHI said if he did so he would be fired. The witness feared that the war would develop into a protracted one and in that case the homeland would be bombed by enemy aircraft and, knowing from his own experience the character of modern war, if the Japanese homeland was bombed, war would end in defeat.

2053

The witness said there were two reasons for his resignation from the army -- one was the state of defense installation and equipment, especially air, as well as the friction between the Army and Navy and the fear of subordinates to report to their senior officers, especially to the War Ministry, the state of material preparations, such as shipping, for fear of dismissal. The war situation was not fully reported, especially with respect to material requirements. Production increases did not go according to plan, the future of the war became hopeless and the witness was taken with insomnia.

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On September 21, 1942, the witness approached TOJO and told him that he believed that despite TOJO's feelings for victory, he felt it was hopeless and he would resign to allow those who had confidence to go on unobstructed. He further stated that his health was not good and he was unable to undertake the duties of his office. The second reason for the resignation was that he no longer felt that he was qualified as a regular army officer, if he be true to his conscience.

2055

Another reason was that TOJO had said that Japan was going to fight to the last man, which he believed impossible. At this time the question of establishing the Ministry for Greater East Asia came up and the witness approached TOJO to start a political movement to oust TOJO. In doing so, he violated a fundamental rule of soldiers of not interfering in politics.

(TANAKA - Gross)

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2055

The witness answered "yes" to the question was he in the Keenai National Hospital because of brain disease after he left the Army. He was in the hospital from November 12, 1942 to December 22 or 23, 1942. He admitted that he had sucked opium two or three times in China.

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The witness stated that the year in the western calendar in which he had met HASHIMOTO was 1930. With respect to the meeting with HASHIMOTO in 1934, the witness stated that he received a report from an officer that HASHIMOTO was coming to Tokyo in the summer of that year, although he did not remember the date exactly.

2057

The persons present at the dinner party were Captain Kyo SUZUKI and Col. HIRAHARA, plus five or six others. The witness stated the location of the restaurant Akebencso and said it was frequented by army officers because of its inexpensiveness. The witness is not a member of the -akura-kai, nor are ITAKI or HIRAHARA. The meeting at the Akebencso was not a meeting of the -akura-kai.

2058

The witness stated that he had never seen a bribe being negotiated by politicians but it was general knowledge at that time that such a practice was going on. The witness knew by reports in the newspapers that WAKABUKI was being investigated on suspicion of having received a 10,000 yen bribe and he was in favor of the object of the -akura-kai to reform the political world.

2059

With respect to the meddling of the -akura-kai in Manchurian affairs, the witness stated that CHO was the central figure and had greater influence than HASHIMOTO in the policies of the organization and he was inclined to believe what CHO told him. According to his recollection, CHO had not consulted HASHIMOTO on Manchurian problems. The witness knew that CHO was stationed in China and returned to Japan after the outbreak of the Manchurian Incident. CHO went to China on August 1st but before his departure, the Nanpo-shan Incident and the killing of HAKAMURA had taken place. CHO made a speech and spoke very strongly

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(TANAKA - Cross)

Page

2060

for a quick and decisive settlement of the Manchurian problem which the witness heard. The Manchurian question did not come about hastily but after some lapse of time. OHO left for China the first part of August, 1931.

2061

In response to the statement that the two above mentioned incidents were not taken up in Japan until the latter part of August * the witness said he could not answer that statement unless he knew when the Fwentung Army began to handle the two incidents.

2062

General UGAKI was a superintendent of the Army Staff College when the witness attended and was a friend of the witness' father-in-law. For four years the witness had listened to the instruction of UGAKI and respected him. * UGAKI was a proponent of the adjustment of armaments and carried out that policy.

(With respect to the next testimony, the name in the record appears as ARAKI. This is a misprint for UGAKI and the record will be corrected accordingly).

The witness could not say that UGAKI was a unique figure but he was a man of high character. At the time of the October Incident he had been transferred to Tokyo without connections in central political circles.

The witness stated that HASHIMOTO was punished and attached to the Himeji Regiment for his activities in the October Incident.

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In the beginning of 1932 Col. SHIGETO of the General Staff was transferred to Korea.

With respect to the report of the Chang Tso-lin Incident, the papers were probably seen by UMEZU and SHIRAKAWA, and the Vice Minister of War, but they could not be seen by anyone under the rank of section chief without the approval of the Chief of the Military Service Bureau.

(TANAKA - Cross)

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The witness said he did not see a report from General ANDO, the then Chief of the Military Service Bureau since at the time he was not very much interested in the incident, still believing that it had been conducted in self-defense but such a report, he presumed, exists.

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The idea of making Manchuria a land of peace, tranquility and happiness was the idea entertained by Col. KAWANOTO alone and not by the entire TANAKA Cabinet. These words were used often by army officers who had connections with China problems prior to the Manchurian Incident for a long time. * The witness stated that one of the problems after 1928 between Japan and Manchuria was the construction of a parallel line to the South Manchurian Railway in violation of treaties. There were 300 pending issues in Manchuria between China and Japan. It is the witness' understanding that it was intended by Col. ITAGANI and ISHIHARA to solve these issues and to establish a land of peace, happiness and tranquility.

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* These words mean a Utopian land of peace without aggression and without war.

The Chief of Staff conference which the witness said was held in August, 1929, was in fact held in April, 1929. The witness said that since he frequently participated in the preparation of reports, he knew that there was a record of the decision on policy made during the conference.

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* With respect to the question whether in May, 1931, the witness proposed a positive policy for Manchuria, the witness said that such recommendations were made every year but since he was in Shanghai at that time he did not know anything about it, but as a matter of custom probably such a recommendation was submitted.

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He stated that the Hanyuan Incident and the NAKAMURA Incident made public opinion in Japan with respect to Manchuria reach a boiling point. He stated that the situation was extremely acute. It was the plan of TANAKA and others to solve the pending issues and establish a Utopian land.

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(July 8, 1946)**

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2068

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The witness did not know that at the Lintiesken incident not a single Chinese was killed by Japanese cannon. The witness said that he had heard that at the time Chinese cannon were installed facing the barracks of the Kwantung Army but not having been there, he could not so state. That if Chinese cannon fired very effectively on the Japanese army, it was a natural result since a war had broken out.

2070

* The witness stated he could not recall the exact figures of Japanese residents, but would guess there were about 150,000, which diminished to 100,000. There were about five or six thousand Kwantung Army troops in the railway zone.

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The main force of the Chinese was in the Peking-Tientsin area and he would say that in all of the three eastern provinces there were approximately 200,000 troops at the time.

2072

When the pacification of Jehol had been completed in 1933, the witness was in Osaka * and the witness stated that when he said the occupation of Manchuria had been completed, he had been speaking from documents to that effect which he saw when he became a Staff Officer in the Kwantung Army.

The persons in charge of the Manchurian Government were of dual nationality -- Japanese and Manchurian. Japanese were Manchurian officials even though they were Japanese in nationality.

With respect to rights of Japanese residents, extra-territorial rights prevailed until 1935 and were gradually withdrawn after that. At the same time the Japanese began to exercise the rights and obligations of Manchurians.

2073

In 1938 extra-territoriality was completely abolished and the Japanese began * to fully assume their rights and obligations as Manchurian subjects but they were, at the same time, Japanese nationals.

NARRATIVE SUMMARY OF THE RECORD
(July 8, 1946)

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(TANAKA - Cross)

PM

2073

Right after the establishment of Manchukuo, law and order was had compared with the prior period. The situation began to improve from 1935 and in 1938 the improvement was marked and areas which had belonged to the Nanking Government but had no intercourse with it were absorbed into the state of Manchukuo. The witness stated with respect to Japanese policy that he was not a diplomat and had nothing to do with the handling of treaties and did not know the details, but after the recognition of Manchukuo the policy of Japan was to foster the development of a new state under Japanese control.

2074

HASHIMOTO had nothing to do with the government's policy toward Manchuria. The Soviet Union sent Consuls to Manchuria.

2075

As Staff Officer of the Kwantung Army his duties involved operations such as geographical survey and investigation into the resources of the area and assistance to the Staff Officer in charge of espionage for China and Mongolia. Since the witness was well informed in Chinese and Mongolian affairs, he was ordered to help the Staff Officer in charge of espionage. Being a Staff Officer his duties were in line with the policy of the Kwantung Army. His own opinions were in accord with those of the Kwantung Army.

2076

The witness had participated in the China Incident as Chief of Staff of the First Army. The witness stated that whether his actions could be regarded as aggressive warfare, at the time he did not believe so. He stated that the Chief of Staff expresses opposition when opposition is called for but has no authority with regard to plans. He must carry out the plans once they are approved. As Chief of Staff he had opinions, but no policy, and therefore he could not say he had any opinions with respect to policy.

With respect to military education, the authority rests with the Minister of War, but certain rights are delegated to the Chief of the Military Service Bureau. The witness exercised these delegated rights. The Chief

(Chinese Aggression)

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and the 18th day of September, 1931 are memorial days which are never to be forgotten. This was achieved at one stroke by secession from the League on the 24th day of February, 1933 when Imperial Japan challenged the hypocrisy. This is a day on which Japan set the world on the road to the establishment of a true and real peace and gave a final blow to the false organization of status quo.

- 3500 The one who was injured was not Japan but the League. Imperial Japan had started on a course of revival and has been advancing forward. She has been thrown into a serious situation. There have been many changes. Japan now belongs to a different age. It is a dream to see what has happened to MANCHURIA in eight years. I have always insisted that MANCHURIA and MONGOLIA are the key to stabilizing the whole situation of East Asia and I believe it now more firmly. The continental policy which is the base of our holy task to be realized in Asia still lies in MANCHURIA and MONGOLIA and this base will not be changed for a half century. The establishment of MANCHUKUO is the first step * in the reconstruction of the new order in East Asia and the herald of the construction of the World New Order, and its position in world history is very important. The true significance of the Incident will be accomplished for the first time when the reconstruction of the New Order in East Asia is accomplished. All changes in East Asia since the MANCHURIAN Incident will be incorporated into one and the true meaning of the Incident and the establishment of MANCHUKUO will be clear when the China Incident is finally settled and the reconstruction of the New Order in East Asia is indivisible from the arrangement of domestic affairs.
- 3501
- 3502 The New Order of East Asia and of the world will be established only when the country will establish its political organization assisted by the whole nation and based upon the gracious national policy and will assume Japanized totalitarianism which means that all people shall be united to the Emperor and carry out the diplomatic policies in the Imperial way. We must be determined to devote ourselves in overcoming the difficulties under the strong conviction of "The Light from the East" and the "New Order by Us."

(Chinese Aggression)

Page REDIRECT EXAMINATION OF NOBUFUMI ITO by
Mr. Parkinson

- 3505 The witness stated he was in Shanghai from September 1937 until February 1938 as Minister at Large to China, in charge of negotiations with the Diplomatic Corps and members of the press and in charge of information. While in that capacity he received reports from the members of the Diplomatic Corps and from the press that the Japanese Army at Nanking had committed various atrocities but he did not seek to verify these reports from the Army.
- 3506 He did report a general resume of what he had heard from Diplomats and the press men. He did not remember to whom he reported but he did make some kind of report, the form of which he did not recall. All reports were sent to the Foreign Office. In form they were addressed to the Foreign Minister but he could not recollect to whom the reports were actually meant to go.

CROSS-EXAMINATION BY MR. ITO, Counsel for MATSUI

- 3508 The witness said he had never stated that he was in Nanking at the time it was captured but said he was in Shanghai.
- 3509 Exhibit No. 262, being a press release by General MATSUI dated December 18, 1937, was offered and received in evidence, and is summarized as follows:
- 3510 He called for grave reflection of the whole Chinese nation and expressed the unshakeable resolution regarding future movements of the military. The Army took possession of Nanking triumphantly on December 17 and after religious service for the dead made every possible preparation for the military operations. They lost no time in moving certain part of the troops toward the Kiangpei and Chekiang and Anhui districts. The Army has been engaged in a series of military operations but having become serious exhausted, it is necessary to take a rest.
- 3511 The Army is expected to adjust its military preparedness and map out the next plan of operations, strengthening the defenses of the field of operations and endeavor to pacify the inhabitants. Future military operations

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- Page depend entirely upon the attitude of the Chinese and I have no immediate comment on this point. The troops and inhabitants of the southern parts of the Yangtze-Kiang were harassed not a little by past battles. The Nationalist Government of China has been given the opportunity of examining itself. I must express deep felt sympathy for the enormous loss of troops and inhabitants. The people must be made to rely on the Japanese Army and entertain friendly sentiments to it.
- 3512 I hope the time will soon come when the National Government will be convinced of its error. If it does not repent, the Army will carry out the war until the National Government acknowledges itself beaten. The cold season is here. The Japanese Army intends to give time to the Chinese for grave reflection and to show that Japan is fighting in the cause of justice. I have been touched with compassion both for the Japanese who are dead and those dead misled by the National Government. Sympathy is extended to the millions of innocents in the Kiangpei and Chekiang districts. * Now the flag of the rising sun is floating high over Nanking, the dawn of the renaissance of the East is beginning. I hope for re-consideration of the situation by the people of China.
- 3513
- 3517 Exhibit No. 263, being the Findings of Fact of the U. S. Navy Board of Inquiry in connection with the sinking of the Panay, was offered and received in evidence and is summarized as follows:
- 3519 On December 12, 1937 the Panay was operating under lawful orders on the Yangtze River with its immediate mission to protect nationals and maintain communications between the embassy and Nanking and the embassy at Hankow and to provide a temporary office for the staff when Nanking was endangered and a refuge for Americans and other foreign nationals. Due to intensive shell fire the Panay had changed position several times to avoid being hit and on the morning of December 12 formed a convoy for oil company vessels. Adequate steps were taken at all times to inform the Japanese authorities of its movements. At the time in addition to the regular staff there was on board * four members of the American

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- 3520 Embassy, four nationals and five foreign nationals. At 9:40 the Panay stopped in response to a signal from Japanese landing boat and was boarded by an army officer and guard who were informed that she was proceeding to anchorage 28 miles above Nanking. No warning was given. About 11:00 o'clock the Panay and convoy anchored in the Yangtze River above Woosung. It was painted with buff upper works and displayed two large horizontal flags on the upper deck plus large colors. The same was true with respect to the oil company ships. At 1:30 the crew was engaged in normal Sunday routine and were all on board except eight men. * About 1:38 three
- 3521 large Japanese planes were observed overhead with no other craft in the vicinity and with no reason to believe there was any danger. Without warning these planes released bombs which struck very close to the bow of the Panay and Meiping. These bombs did considerable damage to the Panay, damaging the gun, wounding the captain and others, wrecking the pilot house, disabling the radio equipment so all power was lost and caused leaks which caused the ship to list and finally to sink. Thereafter six planes attacked concentrating on the Panay.
- 3522 A total of 20 bombs were dropped, many striking close and creating great damage to ship and personnel. The attack lasted 20 minutes and the planes used machine guns. One machine gun was directed against a ship bearing wounded ashore. During the attack the weather was clear with good visibility and no wind. The planes were unmistakably identified as Japanese. Air defense stations were manned and machine gun battery opened fire engaging the plane. The three inch gun was not manned. This was in accordance with the rules for the ship's air defense. During the bombing many were injured by flying fragments * and all suffered shock.
- 3523 Others were wounded.
- 3524 At 2:00 o'clock, believing it impossible to save the ship and considering the number of wounded, the Captain ordered the ship abandoned which was completed by 3:00 at which time the boat appeared to be sinking. All

(Chinese Aggression)

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severely wounded were transferred. After it had been abandoned its crew men returned to obtain stores and medical supplies.

- 3525 While returning a Japanese power boat opened fire with a machine gun, boarded and left in five minutes. At 1544 the Panay sank. No valuable government property was salvaged. After the survivors had reached the bank the Captain, because of his injuries and fearing attempts would be made to exterminate the survivors, requested Captain Roberts, uninjured, familiar with land operations and the Chinese language, to act as his immediate representative. Captain Roberts' function was such until the party boarded the U.S.S. Oahu on December 15, 1937. Messrs. Atcheson and Paxton of the U. S. Embassy staff rendered valuable services on shore * and contributed largely to the safety of the party. After 50 hours ashore they returned and boarded the U.S.S. Oahu and H.M.S. Ladybird. The parties were subject to grave danger and continued hardship. Mr. Sandro Sandri died on December 13, 1937. Early in the bombing the oil company vessels got under way. All the ships received injuries. Serious fires on one were extinguished by the Panay's eight men.
- 3526
- 3527 After the attacks on the Panay had ceased, the other vessels were further attacked and destroyed. Prior to this Japanese Army units on shore tried to avert the bombing by waving Japanese flags but were not successful. The Captain of one ship was killed and others were wounded.
- (The report then continues with the deaths and woundings of the various persons.)
- 3530 The log book and other records were not salvaged with the exception of health records. There were certain secret and confidential publications on board in the confidential safe when ship was abandoned.
- 3531 Exhibit No. 264, being "Extracts from The Inevitability of Renovation" by Hahimoto, Kingoro, was offered and received in evidence and is summarized as follows:

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- 3532 HASHIMOTO states that he was with the unit which was scheduled to attack NANKING by marching through WUHU but two days before the fall of NANKING he received an order to attack all Chinese soldiers retreating from Nanking. He went back to WUHU and laid out a battery along the road along the river. Several ships full of defeated soldiers came in sight and fire was opened. He heard that a British war ship was in the group and was hit but he was merely carrying out the proper measures of the Imperial Army. After the shelling of the warship and following the fall of Nanking a Japanese Destroyer came up the river in front of WUHU. He requested the ship to stop and the captain of the ship * landed and he asked the commander for rice and sake for his troops. Some marines brought the rice but said they had no sake. The commander said they had sunk all the innumerable Chinese junks and they were so delighted when they heard the enemy soldiers were food for the fish that they drank all the sake to celebrate. At this time even British warships could not pass off WUHU without being fired at and Chinese transports could not go beyond. Defeated soldiers who jumped into ships could not flee and were ruthlessly cornered.
- 3533
- 3534 They were very happy to hear that the warships had destroyed these junks. The first important point in the new system is to reveal the national policy. It is necessary to have politics, economics, culture, national defense and everything else all focused in the Emperor. All political economic and cultural lines which were organized on liberal lines should be reorganized according to the principle of oneness in the Imperial Way. This is the strongest system and will determine the future trend of the nation for 1000 years. No nation can compare with Japan. * This will enable Japan to turn the crisis to a divine opportunity and have her grasp the reigns to lead the world in a New World Order. The China Incident may be called the opening battle for the construction of a New World Order. It is something more than a mere intention. If we compromise with America and Britain, the new system will not always be necessary. The system aims at the establishment of a new world order, organizing
- 3535

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a characteristic national system according to the principle of HAKKO ICHIU * enveloping the whole world.

- 3536 The conclusion that the China Incident cannot be settled without cooperation with America and British prevents the Incident from being settled. As soon as we decide on the policy to drive out all Anglo-Americans from China, China will move toward a new order. The European situation will change and we will join a front with Germany and Italy. If we hope in vain that Germany and Britain will fight forever, the European War may end earlier than we expect. It is only when we rid ourselves of the idea that we must depend on Britain and America and instead establish a plan to construct a self-supporting economy in the JAPAN-MANCHURIA-CHINA bloc, can we materialize an expansion plan of armament, and production power independent of Britain and America. We can lose Britain and the United States, but MANCHURIA, CHINA and the SCUTH SEAS will be Japan's.
- 3537 It will require a great deal of effort to establish this bloc and it must be faced with the resolution of soldiers. Instead of relying on foreign sources for materials, we must rely on our own toil and hardships. It is only when we believe that allying with GERMANY and ITALY and expelling British and American influences from CHINA, and settling the Incident with definite measures and plans are the various administrative plans for the country formed and the goal of the people determined. The government is not trying to materialize this plan because they are selfishly concluding that it is an ideal without practical value. The time has come when we must choose between maintenance or destruction of the status quo.
- 3538 Exhibit No. 265, being a letter from the Japanese Minister for Foreign Affairs to the British Ambassador in Tokyo, dated September 21, 1937, was offered and received in evidence, and is summarized as follows:
- 3540 The Japanese government reporting on the investigation of the incident in which Sir Hughe Knatchbull-Hugessen was wounded * reports as follows:

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- 3541 On August 26 at 2:35 P.M. two Japanese planes machine gunned and bombed two motor cars which they believed to be military busses or trucks carrying Chinese officers and soldiers at a point three kilometres southeast of Kating where Chinese forces were concentrated and which Japanese airplanes had been attacking since August 18. Due to difficulties in making an investigation there have been slight discrepancies in the various reports received. It was ascertained that no Japanese airplanes had made machine gun attack or dropped bombs in the locality where the ambassador was first reported to be wounded. Careful study made by both parties leads to the conclusion * that the motor car was south of Kating instead of six miles south of Taitсанд. The Japanese government considers that the incident was caused by mistake. As it may have been caused through involuntary action of Japanese aircraft, the Japanese government expresses deep regret. The Japanese government will take steps to punish the aviator concerned whenever it is established that the aviator killed or wounded intentionally or through neglect nationals of a third country. What is stated in the interim notice of September 6 is repeated that instructions have been sent to Japanese forces in China to exercise the greatest care to safeguard non-combatants. The Japanese government desires to limit the danger to non-combatants.
- 3543 Exhibit No. 266, being an extract from the Tokyo Gazette of March-April, 1938, entitled "The Japanese Spirit" was offered and received in evidence and is summarized as follows:
- Recent developments have shown that the new phase of the China Affair is of greater significance and of a more constructive nature than the previous phase.
- 3544 Japan's first policy toward the Nationalist Government was to deal a punishing blow in the hope that they would realize the error of their anti-Japanism and return to a policy of collaboration and friendship.

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However, the Nationalist Government failed to waken to the seriousness of their plight and have entrenched themselves in the interior of China and are recruiting soldiers and importing arms and relying upon assistance from third powers. On January 16 the Japanese government issued a statement setting forth its irrevocable determination to deal no longer with the Nationalist Government. Japan has given up all hope of negotiating a peaceful settlement of the affair and is looking forward to and assisting in the development of the new regime in North China as the Central Government.

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The ultimate purpose of the present action is solely to eliminate all causes imperiling peace and security in East Asia so the country may enjoy co-existence and common prosperity while establishing independent national existence domestically and internationally. If Japan fails, all of East Asia will be reduced to chaos and the existence of Japan will be jeopardized. The unselfish aims of the Japanese action which rise above territorial designs can be comprehended against the background of 2600 years of history. The whole world as one family as laid down by Emperor Jimmu * has always constituted

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the basis for political principles in Japan. It means a state of existence in which individuals, peoples and nations have their respective and rightful places in all phases of human life, living independently but in mutual assistance and friendly cooperation. This is the ideal which has been guiding Japan in this emergency. The entire nation feels convinced that the present affair has offered an opportunity for realizing it and should be of the greatest benefit to the whole world. The China Affair is the heroic task bequeathed to modern Japanese by their forefathers.

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The basic characteristics of Japan's national life lie in the coherent and coordinated unity wherein all subjects orient around the throne. There is no conception of the individual as opposed to the state. All are a part of the state. They all should be united to a whole which is the state..

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(It is called to the Court's attention that defendant KIDO was Minister of Education when this incident occurred)

- 3552 (Continuing reading from the interrogation of MUTO)
The accused stated he joined the staff of the Central China Army in November 1937 under the command of General MATSUI. He rejoined in the latter part of November and Nanking fell in December. Witness returned to Shanghai around December 24 or 25 and Nanking fell on the 13th or 14th. Was Adjutant to Chief of Staff.
- 3553 At that time MATSUI had tuberculosis and was in the rear. They had come to Nanking for the ceremonies and remained 10 days. The town was already cleaned up and safe to walk about alone. He had not heard of Japanese soldiers misbehaving. He had heard of incidents from his superior, the Chief of Staff. According to MUTO the original order for the taking of Nanking stated that only picked, fine troops were to enter the town and the rest to remain out. However, all units entered the town and General MATSUI reprimanded his staff. TSUKADA, Chief of Staff, stated there were incidents of stealing, killing, assault and rape. Following that * orders were
- 3554 issued for all units except security troops to leave town. The reason for the order limiting troops in Nanking was that it was felt if too many went in there would be trouble since the troops had suffered hardships, were under pressure for a long time and it was felt inadvisable to allow them in town. General MATSUI heard of the incidents afterwards and became enraged. Witness was present when MATSUI reprimanded the Chief of Staff. Reports did not show very many incidents.
- 3555 As soon as they were published orders were issued to the MPs to suppress such activities and arrest participants. Order was issued by General MATSUI as soon as he heard of them. This was the MPs normal duty but the order was to severely enforce regulations. The order was immediately issued upon

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- Page arrival in Nanking. The events did not occur in November but after the entry into Nanking, around the 12th or 14th of December.
- 3556 The Army was still in Shanghai when MUTO joined it. According to the reports it was reported that the Chinese people were looted, burglarized and raped by the Japanese Army. Ten or twenty incidents were reported and the only reports made were these. The two commanders under MATSUI were Prince ASAKA and * Lt. Gen. YANAGAWA. ASAKA is still living.
- 3557 He could not imagine that there were thousands of these incidents. He did not read the newspapers at the time. When he went to NANKING, China he heard there was a book published in America concerning the rape of NANKING but he does not read English and could not read it.
- 3558 He reiterated that he did not know there were thousands of atrocities. He followed General MATSUI during the formal entry into NANKING and there were 10 or 20 incidents reported. The city was pretty well cleared away and he returned to Shanghai 10 days later. At the time he was Adjutant to Chief of Staff and his duties were * to assist the Chief of Staff.
- 3559
- 3560 Exhibit No. 267, being an extract from "The Chinese Incident and Imperial Diplomacy" by KAWAI, Tatsuo, dated August, 1938, was offered and received in evidence, and is summarized as follows:
- 3561 One year prior to the Marco Polo incident a movement for autonomy of the five provinces in North China was launched. As a result of the fact that Japan had contributed to the establishment of MANCHOUKUO and her influence was established through the area east of Hsingan ranges and south of the Amur River * the horizontal tendency was directed to North China. Japan demanded the autonomy of the five provinces of North China. However, the Chinese government cleverly checked Japan's southward advance and the movement of autonomy decreased from five to two provinces and the movement was turned into an economic one, and it was narrowed down to the trivial question of the rights and interests of the

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- Page railway and iron mine. The result made its appearance in the Marco Polo Bridge Incident.
- 3562 / Exhibit No. 268, being a statement of the government concerning the China Incident, of January 16, 1938, was offered and received in evidence and is summarized as follows:
- 3563 The Imperial Government was patient enough after occupying Nanking to give the Chinese National Government time to reconsider the situation. But they do not understand Japan's real intention and attempt to counter-attack. Therefore, the Imperial Government will not care for the National Government hereafter and will expect the establishment and development of a new government in China. Japan desires to cooperate with this new government, to arrange the relations between the two countries and to construct a new revived China. There will not be a slight change with respect to territoriality and sovereignty of China and the rights of others in China. Japan's responsibility for the peace in the East is increasingly heavier.
- 3564 On November 3, 1938 the government stated the Imperial Army and Navy have captured Kwantung, Hankow and Uchang. The National Government is merely a local regime. So long as it adheres to pro-communism and anti-Japanese policy, Japan will not lay down its arms until it is annihilated. The new order will enable us to obtain permanent peace in East Asia and this Japan seeks. This is the ultimate object of the present expedition. To realize it it is extremely essential to bring Japan, Manchoukuo and China into fraternally linked relation in the fields of politics, economics, culture, etc., and to establish international justice and carry out common defense against communism, create a new civilization and realize economic unification. The Empire is demanding that China take her own share in establishing the new order.
- 3565 Even if the National Government gives up its guiding policy and realizes rebirth by changing personnel, Japan will never reject its cooperation. All the powers of the world will understand Japan's real intention and adapt themselves to the new situation.

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Page The establishment of a new order in East Asia is based upon the spirit of the foundation of the Empire. Japan must renovate its various internal affairs, enlarge its total national power and strive for the completion of the task.

a 3566 Conversation of Prince Kenoye of December 22, 1938 stated * Japan is determined to completely destroy the anti-Japanese National Government by force, and at the same time establish a new order in East Asia, cooperating with thoughtful persons in China. The opportunity is quickly ripening for reconstruction in China. The government wants to make public its basic policy to adjust relations with the revived new China at home and abroad. Japan, Manchoukuo and China should unite in the establishment of a new order, realizing good neighborship and friendship, common defense against communism and economic collaboration. China has only to discard her old prejudices and abandon foolish resistance against Japan and her attitude of hanging on to Manchoukuo. Japan wants China to be friendly with Manchoukuo. Secondly, Japan considers the conclusion of Japan-China Anti-Communist Agreement as the * essential condition for readjusting the relations between Japan and China in view of the Anti-Communist Pact. In view of the present situation in China, Japan demands that China approve the stationing of Japanese forces to prevent communism at certain places during the term of the agreement and to make the Inner Mongolia district a special anti-communism zone. Japan has no ambition for economic monopoly and will not request China to restrict the interests of the third nations of good will which would act under the complete understanding of the New East Asia. Japan only hopes for cooperation and collaboration between the two countries at all costs. Japan demands China to grant Japanese subjects freedom of residence and business in China so as to promote the economic profits of the two countries, and in view of the historical and economic relations between them to bestow Japan conveniences positively in North China and

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Inner Mongolia so as to exploit and utilize their resources.

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If China really understood Japan's intention for the mobilization of forces it would be clear that what Japan demands is neither a territory nor compensation. Japan wants only minimum security but it is necessary for China to perform her responsibility as a participator in the establishment of a new order. Japan will respect the sovereignty of China and is willing to abolish the extra-territoriality and pay positive consideration to the retrocession of concessions, which are necessary for the independence of China.

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Exhibit No. 269, being matters for the private report to the Emperor by Minister UGAKI and the report of Foreign Minister ARITA to the Privy Council on November 29, 1938, re China Foreign Policy. It was offered and received in evidence and was summarized as follows:

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* UGAKI, reporting on negotiations with the British Ambassador, stated that the Ambassador had presented at the end of July the pending questions regarding British rights and interests in China, and that they had been negotiated. Four meetings were held, and UGAKI, as the Foreign Minister, thought Britain and Japan should mutually understand and recognize the other's viewpoints and that Britain should abandon her policy of supporting Chiang Kai-Shek and the pending questions would be easily solved. The Ambassador emphasized that Britain attached the greatest importance to the prompt settlement of the pending problems, and that they had not yet come to a complete understanding. * UGAKI tried to explain more minutely Japan's standpoint, and through the Ambassador to try to convert the British attitude toward Japan. With respect to the British and French concessions in Tientsin, since the Incident, the British and French have adhered to a neutral position and have been inclined to hesitate to cooperate with the Interim Government and Japan. Both concessions are breeding places for communistic and anti-Japanese elements and are the bases of operations for intrigue against the preservation of peace and order in North China. Anti-Japanese magazines and newspapers are published there which Japan has repeatedly asked France and Britain to control. The Bank of China and the Communication Bank have cooperated * in establishing the Federal Reserve Bank as the source of the monetary system in North China, but these banks in the French concession have refused inspection by the Federal Reserve. These banks have a great amount of silver ingots through the preparation of the monetary system. Japan and the Temporary Government must take hold of this as soon as possible and make the French Settlement give up their interference. The Telephone Bureau in Tientsin was taken over by the Chinese Government but the one in the British Settlement has not been handed over by reason of British lack of cooperation. The authorities must be forced to hand it over at once. Japan has repeatedly negotiated * but there have been no outstanding developments. In order to threaten the British and

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3589 French, Japanese authorities have ordered the Japanese to prepare to evacuate from the concessions, and lately the British and French have assumed the attitude to cooperate a little. They have prepared to post a simultaneous notice announcing the control of riotous activity. They have agreed to jointly meet among the Japanese, British and Chinese police to exchange information and cooperate. They have controlled unlawful wireless. Further negotiations will be continued. * Since the establishment of the Interim Government in December and the Revolutionary Government in March, the two regimes have been separated in the north and in the south without a linking organ. Japan will proceed with her effort to destroy the Chiang Kai-shek Regime, while carefully planning the establishment of a new Chinese Central Government. As a premise for this, Japan has decided to immediately establish a Federated Committee with the cooperation of both the Interim and Revolutionary Governments and the Mongolia-Sinkiang Federated Committee. On the 27th and 28th of August, Japan's representatives and military authorities at Tientsin decided on a basic plan. * On September 9 and 10, representatives from the Interim and Revolutionary Government and Japanese representatives met at Dairen, and decided to establish the Federated Committee. This was established on the 22nd, and the first committee meeting was held on the 23rd. This Committee will control the common administrative affairs of the two governments, and the chief purpose will be to facilitate the establishment of a new Central Government. Mr. Wang Ko-Min is chairman, and there are three members from each of the two governments.

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ARITA's policy for the adjustment of Sino-Japanese relations. * It is Japan's intention to proceed on the following points in order to establish a new order in East Asia for mutual collaboration in all fields by Japan, Manchukuo, and China:

"I As to the problem of making peace with Chiang-Kai-shek, the British Government made an unofficial proposal for peace to Premier Konoye. Japan rejected it on the ground that it was not opportune. It is Japan's policy not to carry this out, whether the proposal is made through a third power or directly, but if Chiang Kai-shek

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should abandon his pro-Comintern and anti-Japanese policy, reform his Government and merge with the New Central Government, the matter would be reconsidered.

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So long as there is not to be peace with Chiang Kai-shek, Japan will foster a new Central Government on the basis of a new pro-Japanese Regime already established and others to be established, and through this hopes to achieve the principles of general collaboration between Japan, Manchukuo, and China, and the establishment in North China of the zone of Sino-Japanese unity in defense and economic spheres, especially natural resources. In addition, there will be established in Mengchiang a special military and political zone for anti-Comintern purposes. * There will be a zone of Sino-Japanese unity in Japan's economics in the lower basin of the Yangtze. In South China, besides the special zones on certain islands, efforts will be made to found Sino-Japanese cooperation with the major cities and towns as starting points. This involves the following points:

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Recognition of Manchukuo by China, Japan and Manchukuo to respect the territorial integrity of China, and diplomatic relations to be established between the three. In the fields of politics, diplomacy, education, propaganda, and trade, the three countries will prohibit and remove measures which destroy friendly relations and the three will cooperate to harmonize, create and develop the culture of the three countries.

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With respect to joint defense, the program will be cooperation against the Comintern and the enforcement of a joint common defense against the Comintern. With Japan's army to be stationed in North China, there will be a Sino-Japanese military alliance against the Comintern, and an early withdrawal of Japanese troops, except special ones, and there will be financial cooperation by China with respect to the stationing of Japanese troops in China to maintain public peace and order.

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The reservation of military demands and rights of supervision over railways, etc., and cooperation in the improvement of the Chinese army and police force.

With respect to economic cooperation, emphasis will be laid on securing from North China those resources which Japan and Manchukuo lack. China shall offer every

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possible facility. * Japan shall render necessary aid for the establishment of China's financial and economic policies, and appropriate customs and maritime systems will be adopted to promote general trade among the three nations, and assistance shall be given for the development of transportation, communications, etc., in China.

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With respect to foreign powers, Japan has tried to respect their rights and interests; however, due to military necessities, some restrictions have been imposed. Britain and the United States have made representations based on the open-door policy, and it is Japan's intention to adopt a policy of examining the so-called open-door policy * from the standpoint of establishing a three nation economic bloc based upon the necessities to the defense of Japan, and of not recognizing the principle to the extent that it is incompatible with this standpoint. To put this into effect, Japan's chief objects will be to control in substance, the development of natural resources for national defense, principally in North China. The currency systems and customs will be adjusted from the standpoint of the three nation economic bloc. So long as the other powers' rights do not conflict with these objects, they will not be excluded, and to countries like Germany and Italy, which are friendly to Japan, there will be the policy to have them participate in the economic development of New China.

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* With respect to the diplomatic policy, in view of the attitude of Britain, United States, and France of interfering with Japan and China, Japan will try to reject the idea of disposing of the Chinese problem by the Nine-Power Treaty, and at the same time in order to force the powers to understand Japan's policy and support it, or at least stand by because of the anti-Comintern axis and thus dispose of the China Affair as quickly as possible, Japan will adopt the following measures. She will strengthen the political relations between Japan, Germany, and Italy, and the economic cooperation between Japan and Manchukuo, and Germany and Italy, to strive to have Britain and the United States and France understand Japan's policy and to abandon their past policy to the

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* Chiang-Kai-shek Regime, and their idea of disposing of the East Asiatic question by collective machinery. Use will be made of the guarantee of their rights in China, besides diplomatic measures such as the reinforcement of the anti-Comintern Pact. In order to avoid

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unnecessary friction, individual cases which are harmless to Japan's superior position in East Asia will be settled one after another. Every possible measure will be taken for having the Soviet Union refrain from actively participating in the present affair.

3600 Exhibit No. 270, being the gist of the talk by SATO, Kenryo, August 25 to 29, 1938, was offered and received in evidence, and is summarized as follows:

3612 The truth is that the highest authorities are not equal to the policy of dealing with the China Incident.

3613 It is a very difficult problem, it is very complicated and has an always changing object. The difficulty is due to the fact that the troops must be manipulated for operations on the continent, the abnormal conditions of China which does not have a modern national system, and Britain and Russia are in back of China, aiding her. At the time of the outbreak of the Marco Polo Bridge Incident in July, 1937, Japan's attitude was * to settle the incident on the spot, and not have it spread. In spite of this, the Chinese have not stopped their disturbances. Finally, on August 15, the Japanese Government made a declaration in which she stated that Japan has hoped to establish everlasting peace in East Asia for a long time. However, the Nanking Government, ignoring the true strength of Japan, has crossed swords in collaboration with communistic influence. The Chinese have provoked repeated disgraceful incidents and have caused the outbreak of the Marco Polo Bridge Incident, and have committed atrocities against Japanese residents in Tung-Chow. In Central and South China, *

3615 the Japanese have had to evacuate. Japan has repeatedly implored China to settle the incident on the spot. However, they prepared arms against Japan, and finally bombed a ship in Shanghai. Japan was unable to be patient any longer, and answered the bombing. The measure to be taken is to uproot anti-Japanese activities and to do away with the source, thereby realizing friendly cooperation between the three nations. Japan has no territorial ambition. This statement has been called a declaration of war.

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3616 It was not Japan's intention to overthrow the Government of China, but to repel the revolting army. The motive has thus been vague from the beginning, namely, to demand reconsideration by the Nanking Government. It is important that Japan make China understand her true strength by doing away with the aid of British and Russian influences, and with the economic aid of Britain and the military aid of Russia. Japan was of the opinion that the mopping up of the Peiping-Tientsin areas--an intermediate between non-expansion and an all out operation policy by striking a blow at the Chinese 29th Army and routing them to the south, that the problem would be settled. * The field of operation had to be expanded to Shanghai and then to Nanking.

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With respect to preparation for war, all munition which Japan had prepared for war against Russia was exhausted by the time Shanghai fell. For war supplies huge expenses are necessary. Airplanes are good for only one year; ammunition takes up the highest expenditure, and its period of efficiency must be watched closely. There is no country which has been perfectly prepared in ammunition. The ammunition ran short for a time in the battle of Shanghai, causing great danger. At present war production * has been expanded, but Japan must never forget to be prepared against Russia. One can never tell when a war with Russia might break out. One cannot believe the Russian attitude of non-aggression. When a war with Russia is considered, present war production is extremely inadequate. At the same time, Japan is trouble with problems of foreign exchange and importation. Based on the Japanese Statement of August 15, Foreign Minister Hirota has asked the German Ambassador to mediate. In the latter part of November, the German Ambassador told Hirota that the Chinese seem to desire to agree to Japan's proposal. * This was right before the fall of Nanking, and there was a great change in the situation and it was impossible to negotiate upon the former conditions.

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On December 22 Hirota stated to the German Ambassador that it could not agree to the earlier condition but if the Chinese would agree to the terms hereinafter set forth, Japan would enter into negotiations. If they would not, the incident would have to be dealt with from a new viewpoint. The following terms were demanded: (1) China to abandon her pro-communist and anti-Japanese policies and collaborate with Japan and Manchukuo in an anti-communist policy; (2) Demilitarized areas were to be

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3620 established in necessary regions and special organs set up; * (3) A close economic treaty to be concluded among the three nations; (4) China to make necessary reparations.

3621 Japan demanded a reply by the end of the year and asked that a declaration be sent to Japan or the press. The reply may be prolonged until January 10. Details of the plan are (1) Japan shall formally recognize Manchukuo; (2) China shall abandon the anti-Japanese and anti-Manchurian policies; (3) China shall establish special areas in North China and Inner Mongolia and proper organs shall be set up in North China to be given wide powers to specially strive for economic coalition among the three countries, and an anti-communistic self-government shall be established in Inner Mongolia; (4) An anti-communist policy shall be established; (5) Demilitarized areas shall be established in occupied areas of Central China, and China and Japan shall cooperate in the maintenance of peace and order in Shanghai; (6) The three countries shall conclude necessary agreements on customs, trade, air defense, transportation, communications, and natural resources; (7) China shall pay indemnity to Japan; (8) China shall recognize the stationing of troops for a term necessary in certain areas in North China, Inner Mongolia and Central China; (9) A treaty shall not be negotiated until after this treaty shall have been concluded.

3622 Japan had a secret intention to cancel the article for
3623 stationing of troops; * however, by January there was no reply and no delegate sent.

In Japan, an Imperial Conference had been requested which resulted in the conference of January 11. Sato understood that the Emperor had decided to go into a prolonged war against China. On the 14 January, the Chinese reply that China was ready to start negotiations but that Japan's terms were too abstract.

3624 *On January 16, the statement referred to above was issued, which should have been issued by the end of the year. There were two reasons why the fall of Nanking did not have a proper effect on foreign countries. One was the bombing of the Panay, and the other was the lateness in issuing the statement because there was opposition within the Army on the China policy, and the Konoye Cabinet seemed about to fall.

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- 3625 Since the Chinese were not sincere, the Army decided to overthrow the Chiang Regime first of all, and in order to do this plotting had to proceed within the occupied areas. * This incident was not a war based chiefly on military operations, but rather on political expeditions. Therefore, the scheme was devised of establishing a new regime in North China after the fall of Nanking. Influential Chinese were of the opinion that if Japan fought to overthrow Chiang Kai-shek, they would take a hand in the rising movement. However, if Japan compromised with him, they would be killed for treason. They refused to decide until Japan showed an attitude never to compromise with Chiang Kai-shek.
- 3626 This resulted in the statement of January 16. This was announced with the intention of having necessary explanations made later by the Chief Cabinet * Secretary, which resulted in the statement being not too distinct. The statement had been deliberated for a month by the Foreign, War, and Navy Ministry. The statement is as follows: The Japanese Government has tried to give the Chinese Government a last chance. However, the Chinese Government has misunderstood Japan's true intentions, and it seems that China has no intention to establish peace in all areas of East Asia. * Therefore, the Imperial Government will not deal with the Kuomintang Government but hope to establish and develop a new Government which will collaborate with Japan. Japan will continue to respect the territory and sovereignty of China and the rights and interests of the powers in China. The two principles are non-recognition of the Chiang Kai-shek Regime and the establishment of a new government. However, the plan does not show what Japan's attitude would be in the event * Chiang Kai-shek surrendered.
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- 3629 There were certain changes in the original draft. With respect to the effect on the Chinese, they have declared that their reply did not mean that China was trying to avoid peace negotiations, that the matter is very complicated because of foreign rights and interests in China, * and Japan has been asked for more complete terms.
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3631 After the fall of Hankow, in case the Hankow Government does not surrender, it will be called an anti-Japanese district government, but it is uncertain whether she will be pursued. In case Chiang Kai-shek surrenders, Chiang will abandon his pro-communist * and anti-Japanese policies and participate in an anti-communist front with Japan. In that case, measures will be taken to unite the new pro-Japanese Government in Hankow and the existing ones in North and Central China, and an autonomous government of federated provinces, or a powerful regime may be set up. After the fall of Hankow, the time will be ripe for establishing a Central Government centered around a person capable of winning Central and South China and popular with all of China. No Japanese will take a government office. In North China, the government's administration will put North China completely under Japan's control, like Manchukuo, to form a defense area, and it will be necessary to develop the resources * for national defense.

3632

Central China will be less important, but is an important base for the development of Japan's economic power, and it will be necessary first to secure Japan's purpose in North China. Inner Mongolia will be the same as North China, and it will be necessary to have a self-government organ, and Japanese troops will be stationed in necessary areas to cooperate with the Chinese in maintaining peace and order. The demilitarized zone will be established because of bandits. Japan must have Inner Mongolia in case of a war with Russia, but Japan will find it disadvantageous to have such a war now because it would divide her troops. If a war is to be had with Russia, Japan should select a proper chance after her armament production is expanded. It should be after 1941.

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Britain's rights and interests should be recognized, provided she cuts relations with Chiang Kai-shek, and Japan must strengthen the anti-Comintern Pact with Germany and Italy.

With respect to renovating the government in preparation for the execution of the continental policy against China, it will be necessary to rouse the redoubled effort of the people. This has been a weakness

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- 3634 of Japan's in the past. The change of industrial management, from free to controlled, must not be temporary. Japan cannot attain her purpose * through free economics, but only through the general national mobilization law. It was impossible to put this law into effect before.
- 3635 An Imperial Ordinance, putting into effect part of the law, was promulgated in August of last year. However, * there were difficulties. The organs of the government can be renovated only through Pan-Asiatic racial movement. While it is true that certain soldiers have been sent home, there have been more mobilizations since then and it seems that rumors are rampant that this is in preparation for a war with Russia. This is not true.
- 3636 It was the policy of Japan that after the fall of * each city, to give the Chinese a chance for internal collaboration, and part of the reserves and second reserves were sent home; but it was necessary to change the plan of operations, and this policy was stopped. Pro-Japanese Governments are located in North and Central China. Communications are cut off at Suchow. In order to make the connection, an unexpected attack on Suchow began. It was necessary to use a large number of troops, and there had to be a change of plans of relieving the troops.
3637. * With respect to rumors respecting peace negotiations, there are rumors that England and Germany are going to mediate. However, the fundamental attitude of Japan is indicated in the January 16 declaration. The rumors are due to the fact that there has been a let-down in trade, and Ugaki and Ikeda are seriously concerned regarding peace negotiations, but these are only rumors.
- The country needs a large budget, and Japan must be prepared for an increase in military supplies.
- 3638 * Recently Chiang Kai-shek has sent a certain person to Japan to "feel out" the possibilities for peace, and this man is conducting work on the basis of details for peace mentioned previously. The speaker has heard many views with respect to his attitude.

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3639

The Cabinet will not listen to these proposals. The fundamental attitude toward the Incident is found in the declaration of January 16, which changes that of August 15, 1937. It is difficult to say that there will not be any more alterations, depending on changes in the situation. However, Sato believes that the establishment of a new regime is something that would remain absolutely immovable.

○ 3640

Exhibit No. 271, being the minutes of the meeting of the Privy Council of November 2, 1938, on the matter of the termination of cooperative relations between the Japanese Empire and the various organs of the League of Nations. It was offered and received in evidence, and is summarized as follows:

The following accused were present at the meeting: President Hiranuma, Araki, Kido, Itagaki

3643

The first reading was dispensed with, and an immediate request made for the report of the Investigation Committee. The report noted that Japan had notified the League of its withdrawal in March 1933. This was not recognized for two years, but ever since the withdrawal Japan has willingly continued to cooperate in the various peaceful and humane undertakings of the League.

○ 3645

* At the present time, Japan is participating in the League's Permanent Mandates Commission, Advisory Commission on Traffic and Opium, Central Opium Commission, Joint Commission on Arts and Sciences, Economic Commission, Health Commission, and Oriental Epidemic Information Bureau, and is also affiliated with the International Labor Office, and has participated in the organization of the International Court of Justice. Japan also participated in the General Disarmament Conference and in the World Economic Conferences sponsored by the League.

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3646 However, on September 12, 1937, China presented a formal appeal to the League, and since then the League has resolved that the actions of Japan against China are violations of the Nine-Power Treaty and the Anti-War Pact. The League has not only promised moral support to China, but has encouraged other nations to give assistance to China. * It having been alleged that the Japanese forces bombed defenseless cities and used poison gas, the League adopted resolutions intended to censure Japan. The effect of these resolutions is insignificant because of the indifferent attitude of the countries and the League's own impotency. China took full advantage of the full assembly to intensify anti-Japanese sentiment, and has done her utmost to restrain Japan.

3647 Finally, in accordance with China's request, the Council made the 17th Article of the Covenant applicable to the Incident, in which it is held that nations which are not members of the League will bear the same responsibilities as nations which are members. An invitation was received by Japan, but was refused on September 30, 1938. As a result, the Council, in accordance with Paragraph 3 of * Article 17, adopted a resolution allowing the members to adopt sanctions against Japan individually. Several nations, such as Poland and Belgium, also Peru, have notified Japan that they do not intend to execute sanctions at this time. The actual application of sanctions, although not expected, will take place as long as the decision of the Council stands. Japan and the League will be in complete opposition. From the standpoint of national honor, Japan cannot further cooperate with the various organs of the League. A plan for the settlement of the matter of termination between Japan and the organs of the League, after withdrawal, has been drawn up and is the subject for discussion. Upon the approval * of the decision, the Director of the Board of General Affairs of the International Council will notify the Secretary General of the League. Of those persons participating in the functions of the organs, if a governmental representative, employment will be terminated; and those in a private capacity will resign voluntarily. Payments to the League will be discontinued. Those who held positions as League personnel will be allowed to act on their own volition.

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With respect to the mandate over the South Seas Islands by Japan, regardless of any effect, the withdrawal of Japan from the League may have, the mandatory rule will continue, in accordance with Article 22 of the League Covenant. The measures adopted in this manner have no relationship to the mandatory rule status. The annual report to the League Council will be made as usual.

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Japan's Government representatives will not, however, attend the sessions of the Permanent Mandates Commission. After these actions, Japan will discontinue its participation in international enterprises carried on by the League. Japan will cooperate in the various plans for world peace, and there will be no change in the policy of participating in international acts which have public peace and the helping of mankind as their object. Diplomatic channels other than those of the League will be used. Because the Council has permitted sanctions against Japan on China's request, the cooperative relations between Japan and the League organs will be terminated. * Japan believes there is no alternative, considering the conflict. However, the Imperial Rescript promulgated at the time Japan withdrew from the League will not change. The Investigation Committee has unanimously passed the resolution. * The full Privy Council then passed the resolution unanimously.

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Exhibit No. 272, being a document entitled "The presentation of the Situation Estimate of Central China Expeditionary Army, dated July 24, 1939, from YOSHIMOTO, Sadaichi, Chief of Staff, Central China Expeditionary Army, to YAMAMAKI, Masataka, Minister of War, was offered and received in evidence and is summarized as follows:

This document was distributed to the Vice-Chief of the Military General Staff, Vice Minister of War, Commander of the 11th Force, the Commander of the North China Expeditionary Army, and the Commander of the "Nami" Air Group.

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* The decision was that in order to meet a protracted war, the army should gradually create conditions which can be long maintained, and should continually * crush and destroy the fighting power of the enemy from the air and on the ground.

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At the same time, by using political stratagems, they should weaken the foundation of the enemy's spiritual and material powers of resistance, with special regard to its political and economic organization. It is necessary to establish a new central government.

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Outline of the plan. The Army will carry on its task, maintaining most of the present occupied areas. In the 11th Force area, efforts will be made to concentrate strength. In the "triangular area" they will try to maintain complete peace and order. Efforts will be made to prevent any worsening of the international situation. Whatever the need, the withdrawal of troops should not be made until after * January 1, 1940, because of the establishment of a new government and the downfall of the old. The Army is to be always ready for any change in the international situation. The army Air Force, cooperating with naval air corps, will crush enemy air and ground forces together with the ground operations in and around the occupied area, and at the same time will carry out attacks upon the strategic points in the occupied area and in the hinterland, in order to terrorize enemy forces and civilians. Restricted operations for the purpose of obtaining strategic air bases shall be carried on. The Army will consider restricted operations for the purpose of making the areas fully self supporting as well as obtaining resources needed for national defense. Efforts will be devoted to propaganda * and conciliation to support the principles and doctrines of the new government. The anti-communist movement will be made more active, and the people will be rehabilitated and more conciliated.

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A new central government will be established with Wang Ching-wei as its head. The following stratagems will be carried out. Japan will conciliate both the regular and irregular forces and use them to strengthen the power of the new government. Politically, Japan will carry out the various plans of policy shown in Clause V. Economically, Japan will root out pro-Chiang movements by third powers, and obstruct production and circulation of resources within the country, especially materials for munitions, necessities, and export commodities.

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* The blockade of the Yangtze will be continued and an effort made to drive out British influence. People's

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movements will be organized and carried out, based on pro-Japanese anti-Communist, anti-British, Pacifist, and Pan-Asiatic ideas.

With respect to foreign settlements, especially Shanghai, positive measures will be taken in concert with the Foreign Office, and the use of military force may be anticipated. Because of the special nature of the Incident, the Central Office should strengthen its capacity for carrying out economic and diplomatic projects on the spot by establishing an organization for putting into effect economic projects through the self-support of the area controlled by the army, and by strengthening diplomatic channels in the area in quantity and quality, so that diplomatic work in Shanghai can be carried on more actively.

3661

The fighting power of the enemy is rapidly dwindling, they cannot carry on organized positive operations, and are gradually falling into a state of degeneration. The main cause rests in the power of resistance which should strengthen and support the front line troops, weakening any loss of fighting power. Most of the leaders of the National Army have lost faith in the war. Officers have suffered losses and are demoralized. Bad relations exist between the Nationals and Communists. Internal troubles have arisen around peace problems and anti-war feeling is strong, insufficient support is being received by Chiang Kai-shek from Britain and the Soviet. There is a lack of finances and personnel, communications have been destroyed as well as the machinery of production.

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Under such circumstances, the enemy cannot prepare counter-attack, even if given time. The first line officers and men have been deceived by skillful propaganda. At the Supreme Command, some officers blindly believe the false reports from the front and misinformation, and force themselves to confirm reports for self-comfort though they are aware of their defeat. Therefore, the first line army will never suffer an overall collapse, and will not surrender unless their organization is completely destroyed by direct attack.

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3663 They will come to know the truth in time. If the National Government loses its authority, * those elements who know the truth will rise up and create a new general trend. In short, the military fighting power, the source of the resistance, is deteriorating, and the development of the Wang Ching Wei movement and the shortage of food and clothing will result in anti-Chiang and peace movements. Even if Japan attempted to attain the object of war by military operations, it would be impossible to achieve the final objects because of the peculiar nature of the enemy territory, rich resources and big population. There is no need for further strategic operations at the present time, since Japan has already occupied the important parts of China * and has administered a serious blow to the main army.

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The military offensive, then, should be restricted to operations necessary to bring pressure on the enemy or crush the counter-attacks, and to maintain peace and order, or to operations which are part of the strategic plan. Attempt should be made to destroy the enemy's resistance in the rear by political measures. In the "triangular zone", suitable troops will be dispersed and the maintenance of order will be enforced by consolidating the area, by organizing China's peace preservation groups, by establishing defense installations and communication facilities, and by carrying out constant subjugation.

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The 11th Army should so dispose itself * so as to break up any enemy counter-attacks. The air forces, cooperating with the navy and participating in ground movements, should destroy the enemy and his equipment and carry out offensive operations against strategic points in the interior. This will create an anti-Chiang feeling.

So long as there is this anti-Japanese feeling under Chiang's authority, intense air bombing will result in stimulating this feeling, but as the people come to recognize the disadvantages of a protracted war it is believed that the effect of the air bombing

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will be rapidly realized. The importance of air bombing will be the mental terror which it will create among the army and civilians, rather than any material damage on personnel and equipment.

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It will be necessary to adopt mercy and sternness methods, by bombing, and also dropping the necessities of life, and propaganda. A part of the enemy will unite with the Soviet and occupy an important part of the continent in order to upset Japan's plans, but their actual ability must not be such as to create or lead a general trend, and Japan does not expect to have much difficulty in having the "Holy War" to bear fruit. It is necessary to prevent the international situation from changing so as to spoil the solution of the Incident. * The enemy is on the brink of collapse, and the expected birth of the new central government will be the completion of Japan's holy task. Japan should devote herself to accomplish her purpose at all costs. Military forces should not be removed from China until after the beginning of 1940. * Chiang Kai-shek has strengthened himself by compromise with the Communist Party, and by using his old rivals.

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At present, the Communist Party is under the control of the National Party and cannot create a new trend. The general public, especially the young intellectuals, have been affected with a deep and keen anti-Japanese feeling. The political resistance power of Chiang's Regime is still considerable. Any split in the future in the Chungking Government will not arise from friction between the Nationals and the Communists, but might occur as a result of the dispute between Jingoists and Pacifists. * The Communist Party is a war party. To create a pacific trend, it is necessary to support Wang Ching-wei, who intends to work for peace with the Army area as the base. Although the Communist Party is now being used by Chiang, efforts should be made against Communism since any internal split in the Chiang Regime which provides a reason for establishing a new central government is of the first importance. If the Pacifists win, Chiang Kai-shek will necessarily collapse. The Communist Party will come under the sway of Soviet Russia, and will settle in the northwest, and acting with Outer Mongolia will continue to oppose Japan's Asiatic development.

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This is why the Incident cannot be solved by an armistice. Japan, who aims at the establishment of a new order of East Asia, must station her forces in occupied areas for a long period to encourage a pro-Japanese Central Government and economic reconsideration. To deal with a protracted war, the Army should secure with the support of armed forces, all important political, economic, and cultural points, and develop construction works in the occupied areas. It is necessary for the army to take up measures for collecting, producing, and supplying of all necessities for the front, and if possible to transport the essential resources to the homeland. Necessary preparations will be required for military operations to obtain specific mineral resources. Due to the blockade of her entire coast, China is now receiving no custom revenue. As a result of abandonment of territory and defeats,* the salt and consolidated taxes have decreased and China is dependent on foreign loans. Production of tea, oil, silk thread, and minerals which are main items for export, have decreased, and shipping is becoming so difficult that there cannot be security for a foreign loan. Foreign loans are entirely political now, and can be made only by Britain. This support by Britain is the only big element that can control the enemy's power of resistance. In view of this fact, Japan, in order to destroy Chiang, must force Britain to give up this support. Since Britain may lose all her interests in China as a result of her support, it may be possible to have her change her policy.

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The reason China can still resist is that she has succeeded in instilling racial consciousness in the people. To secure the downfall of the Chungking Government, Japan should try to estrange the Chinese from Chiang. By utilizing this racial consciousness the people should be developed to undertake political activities. This is the reason that propaganda is the foundation of the task of reconstruction. Japan must draft the principles and platform of the new central government and make it the basis of propaganda. Much better devices are needed, since the pro-Japanese anti-Communist propaganda has not appealed to the Chinese.

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3673

The best way to fulfill the duty of the Army * is to take drastic measures so as to make third powers abandon their help and awaken the Chinese from their dream of dependence upon Europe and America. The cleaning up of the Shanghai settlement should be carried out at once. The problem of the foreign settlement is one of the most important relating to the construction of the new order in East Asia. Japan must be strongly determined to use armed forces as the situation demands.

3674

There is no hesitation in saying that political activities especially diplomatic and economic, are so unsatisfactory despite military successes that they fail to utilize results gained by the fighting and do not even manage to keep up * with the successes. It is an urgent duty to make political emphasis more active and effective in the occupied areas. It is especially necessary to establish a liaison organ for the Developing Asia Board, which will be an economic staff in the army, and it is necessary to strengthen the Imperial Japanese diplomatic organ in Shanghai.

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Exhibit 273, being a message concerning the special investigation of Inner-Mongolia, June 19, 1938, from ISHIMOTO, Chief of Staff of the Army in Mongolia, to TOJO, Vice Minister of War, was offered and received in evidence and is summarized as follows:

3679 * In the accompanying letter request is made
3680 that if any officers under TOJO's command wish to participate * as an inspector in connection with the inclosed plan that the writer be notified.

The plan dated April 1938 states that its object is to consider strategic operations against Outer-Mongolia and to make investigations in the strategic geography of the important districts on the border and at the same time to examine materials already acquired and to investigate natural resources. The outline of the plan is to examine materials already acquired and to obtain new ones by investigating unknown districts to reach a precise synthetic geographical judgment.

3681 * The main objective of the investigation will be on the northern district of Yinshan Range to examine already acquired materials with regard to resources, especially agricultural and stockraising; to make astronomical observations and plane survey so as to revise the charts. The main body will be the Investigation Section of the Army General Staff, together with selected officers and men and specialists of various kinds. The period of investigation will be from the end of August 1938 to the middle of October. The reports to be completed two months after the investigation is completed. The expenditures will be paid from the budget of the Investigation Section.

3682 Attached to the plans were six appendices * showing the various matters concerned in the plan. Attached to the same document are records of information of the air forces in Nanking, setting forth the general conditions of Naval air force activities. This shows that on August 7, 1938, Japan bombed the new airfields at Nanchang. There were no enemy planes
3683 in the air or on the ground. * The Nanchang station

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3691 the reformation of education and training, it is important to let the whole Army, especially the leaders, know thoroughly the principle of the establishment of the Army to strengthen their traditional spirit to fight against Communism with the pride of being a participator in establishing * The Greater East Asia Co-Prosperity Sphere. Stress was to be put under the training of the division and it is necessary to have them become proficient in long time raiding actions in barren lands.

3692 * To guide the Mongolian characteristics and training of leaders is necessary. The leaders must have knowledge of propaganda and pacification. The plan is to enforce reformation based upon a fixed schedule so as to have the arrangement and expansion of the educational organization and special troops by the end of 1940 so as to prepare for strengthening and expansion after 1941. After 1941 the number of total forces is to be expanded by 12,000, and mechanized forces, especially anti-mechanized and anti-gas forces are to be established.

3693 * Every Inner-Mongolian should participate in the accomplishment of this purpose. There should be a quick investigation concerning the advisability of using the so-called 'Cossack' system.

With this document there is a secret telegram dated July 6, 1939 from the Chief of Staff of the NAMI Forces to the Vice Minister and Deputy Chief of Staff with respect as to the regulation of ships of third powers in Swatow Harbor. This regulation provides that the entrance of third party national ships to Swatow, landing of freights and transportation of travelers shall be prohibited for awhile. For the convenience of residents in Swatow of the third national residents, one ship of each national shall be permitted to enter once a week under the following conditions:

3694 * Application must be made to the Navy senior commandant twenty-four hours before arrival in the harbor. The freights to be landed shall be necessities of life or communications and it must be

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Estimated number of Chinese killed--2,015,000; loss of Chinese forces including dead, wounded and captured--3,800,000; booty, arms--482,257, tanks, cars, motor-trucks--1,475, trains, engines, carriages--2,449, warships and vessels--410; results of air forces' activities, enemy war-planes brought down--1,744, destroyed on ground--233, total loss of the enemy--1,977; losses of the Imperial Army, killed--109,250, lost warplanes--203.

Exhibit 277, being a speech made by Premier KOISO before the 85th Diet Session in 1944 was offered and received in evidence and is summarized as follows:

3704

KOISO said in his speech * that in obedience to the Imperial Rescript he, with the cooperation of the Diet, will carry out the duties of war time and try to achieve the object of the war as soon as possible. Concentrating all efforts he wishes to make the national strength together with harmonious national unity to achieve the war's end, in accordance with the expected operation of the armed forces to destroy Britain and America.

3706

The Greater East Asia war is one which Japan was compelled to start in order to protect herself and simultaneously has as its chief object the reconstruction of Greater East Asia. The fate of one billion Asiatics will be decided by the war. * The situation is quite serious and in order to break the deadlock it is natural that they should centralize the fundamentals of national policy for management of state affairs upon attainment of the objectives of war and through cooperation between civilians and the military will bring about a close tie between the supreme command and the Ministers of State. This is the reason why the Supreme Headquarters for the direction of the war has been set up.

3708

Basic policy for managing state affairs will be decided by this headquarters and all national plans will be developed in accordance with the decision. The first plan lies in arousing the fighting spirit and establishing the national system for inevitable victory. * The main point lies in adopting

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effective and suitable measures to break up the deadlocks that are hindering production. Korea and Formosa have been contributing to the prosperity of the Empire and to the achievement of the aim of the war.

3709

The second important national policy is intensification of fighting power. Namely, to concentrate all available national power into the rapid promotion of fighting power, especially air forces. The key to taking the initiative of the war * and developing it favorably lies in these points. Effort is being made to mobilize everything--manpower, goods, money and all other things. Installations and industrial activities which cannot be turned into fighting power will be shut down and converted into essential industries. Munition production must be promoted to increase war power, and the security and perfection of transporting on land and sea, and all bottlenecks must be broken up.

3710

* The third important policy lies in the promotion of increased food production and the security of national life. Minimum standards of national livelihood should be guaranteed during the war. The government is making efforts to improve the situation and it deems it best to stabilize and improve the livelihood of the people.

Immediately after its formation the KOISO Cabinet took emergency food measures for large cities, changed the price policy and adopted other measures. There are not worries about food production at home, considering the amount of food obtained from the Japan-Manchuria combination.

3711

* The fourth national policy is the problem of labor and national mobilization. Under the present situation there cannot exist even one idle man. Industrial employees, engineers, farmers and fishermen should all do their best to fulfill their duties. The government is ready * to make adjustment and improvements at investigation with respect to the compulsory system and the distribution and control of labor and will adopt every means to complete national mobilization.

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In Thailand the policy of carrying on the war based on the pact still holds. Burma has become an independent country a year ago and has many difficulties under the leadership of Baw Maw but there is much hope. Under the leadership of Laurel the Philippines are tiding over war time problems and is adjusting her war time structure.

3716

* Japan will give powerful support to the Free India Provisional Government which is looking for Indian independence. With respect to the East Indies Japan permitted the inhabitants to participate in politics according to their wish. The inhabitants throughout the East Indies have endeavored to carry out the Greater East Asia War recognizing the real intention of Japan. As the nations of Greater East Asia prosecute the wholly war the Japanese believe they can destroy the ambitions of America and England.

DIRECT EXAMINATION OF JOHN GOETTE
BY MR. KEENAN

3722

* The witness stated that he lived in New York City and had come from the United States at the request of IPS. That he was born in Philadelphia, Pa. December 3, 1896 and was educated in the public schools and studied two years at the law school of Temple University. He served two years in the Navy-- World War I, including one year in Paris in the Legal Section of the Navy during the peace conference at Versailles. He then spent one year in India.

3723

In March 1921 he went to China and had his headquarters * at Peiping. For two years he was managing editor of the Sino-American News Agency. In 1924 he was Chief Correspondent in China for INS and served until 1942 when he returned to the United States in August of that year in the exchange of Japanese and American newspaper correspondents.

From 1297 until 1940 he was correspondent for the London Daily Express and was dean of correspondents in North China.

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3724 He has an adequate working knowledge of the Chinese language * but practically none of the Japanese language.

His work called for a background knowledge of Chinese history, Chinese customs and culture, geography, economics and politics and military matters. All of this was necessary in preparing and sending messages to the London Daily Express, INS and the Sino-American News Agency.

3725 * His daily work was to attend formal press conferences, arrange private interviews and generally keep in touch with Chinese and other officials responsible for the government. It was his duty, like any other correspondent, to screen out information that he received and the most important would be cabled to London and New York. Other materials were sent by mail.

In late 1930 the Yomiuri Shimbun was a subscriber of INS as was the Manchuria Daily News in Kwantung.

3726 * The witness had kept a diary from 1925 until date and also kept a log which was typewritten of the major events in which he participated and had knowledge of. His diary is now in Tokyo and contains entries made on the spot and at the time the incidents occurred.

3727 The witness has written a book on Japanese military movements in China and Asia called "Japan Fights for Asia." * During the past three years he has lectured on material relating to the Far East in the United States, Mexico and Canada.

The witness is now a radio commentator for what is known as the United Network. It is a short-wave service issued in a combined form by the Columbia Broadcasting System and the National Broadcasting System.

He had been in Japan before on many occasions which was necessary to get a better idea of the correlations of the events and policies between Japan and what was happening in North China.

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3728

Prior to September 18, 1931 * the witness was in constant association and contact with Chinese officials of all the different ministries and grades. And was daily in and out of the Japanese Embassy for the entire twenty years of his service in Peiping. There was regular contact with the Japanese military attache of the Embassy.

Some months before the Mukden Incident, Marshal Chang-Hsueh liang established his headquarters in Peiping. This was important because the Marshal was deputy commander of all Chinese nationalist armies. He was the highest ranking Chinese official of Manchuria. The witness had regular access to the Marshal and his subordinates, particularly Mr. W. H. Donald, his Australian Advisor.

In addition to Chinese and Japanese he was in contact with the embassies of many foreign powers.

3729

* At the time of the Mukden Incident he was in Peiping. He did not go to Mukden because he had been requested by his home editors to remain at his post to cover the Marshal's headquarters. This was important because the headquarters gave all orders to the Army and conducted negotiations. There were repercussions in Peiping which were not available in Manchuria. In the early days of November 1931 the Chinese officials repeatedly discussed with him events in Manchuria and their fear that it might spread to North China. They told him this fear was enhanced by the fact that General DOHIHARA was in North China.

3730

When he was in Peiping he was informed that a fruit basket containing a bomb had been * sent to the home of Henry Pu-Yi in the Japanese Concession at Tientsin on November 8, 1931. The witness called Pu-Yi's sister-in-law, who confirmed that the bomb had been received but said that it did not explode nor did any damage except to create excitement and confusion and bewilderment in their minds as to why it had been sent. The witness could not say that this was another Mukden Incident in the making. He did not go to Tientsin at that time. However, on October 10 when he was in the Marshal's headquarters the Mayor at Tientsin telephoned that there had been a mysterious

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outbreak of fighting in Tientsin. The witness was interested in trying to verify the report that the mysterious activity in Tientsin was linked up with the bomb which had been sent to Pu-Yi's home and he went to Tientsin with Captain C. C. Brown, United States Assistant Naval Attache at Peiping, about November 20, 1931.

Chinese officers and police showed them the trenches which had been dug in the main street of the city and the barricades. He saw bodies of dead Chinese soldiers and policemen and saw property damage and shelling.

In the party escorting Captain Brown and the witness there were Chinese police and Army men who had seen Chinese dressed in plain clothes emerging from the Japanese Concession of Tientsin to fire upon Chinese police and military posts.

On November 10, 1931 I was at Marshal Chang-Hsueh liang's headquarters in Peiping when the message came through that Pu-Yi had been taken to Dairen aboard a Japanese vessel. According to his Chinese sources DOHIHARA was present in the area just prior to Pu-Yi's leaving for Dairen.

3733 The witness left Peiping and arrived at Nan-
king on January * 31, 1932, going by train to Pu-Kow
3734 which is opposite Nanking on the Yangtze. As he crossed
the Yangtse River on the ferry boat * he saw five Japanese
warships drop anchor and noted that they placed
themselves in a position so that an American destroyer
was between them and the Tiger Hill forts.

3735 The witness proceeded to Shanghai, arriving
on February 1, 1932, and there was officially informed
that Japanese warships had shelled the Tiger Hill forts
at Nanking on February 1, 1932. When he arrived at
Shanghai * the condition was intense and confused.
Street fighting had broken out between the forces of
the Japanese Navy and the Chinese Nineteenth Route Army.

The Japanese Naval Landing party was on duty
at the International Settlement. This was a permanent
garrison force with a permanent building and plant at
Hong-ku. This landing party takes the place of what the

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3736 British and Americans consider Marines. They are sailors used for landing purposes. The witness came in proximity with these forces upon his arrival immediately proceeding to the area affected by the fighting. In these first days there were barricades between * the Hong-ku and Cha-Peh sections of the settlement manned by Japanese landing parties and Chinese troops.

Later the Japanese Army arrived in Shanghai, were landed in the International Settlement for a military base for operations against the Chinese beyond it, using artillery, tanks, airplanes and naval vessels.

The witness personally saw Japanese destroyers fire at Chinese forts at the mouth of the river and daily watched Japanese planes bombing the native city in which he personally knew there were thousands of Chinese non-combatants.

3737 * While he saw the Japanese shelling the forts he saw no return fire. He knew of no one who ever checked whether there was any return fire, and he went to the forts afterwards with the American Army officers who gave him the opinion there could not have been any fire returned by those guns. He went out daily with the Japanese Army in fighting zones and each time he went he passed at least one large Japanese airfield with scores of Japanese airplanes. He personally never saw any Chinese airplanes although he knew they had some. The Japanese planes were light fighter planes and light bombers.

3738 * He saw the Chinese city burning by day and night for at least ten days or more as a result of bombing. In front of burned-out Chinese farmhouses he saw the bodies of Chinese farmers in civilian clothes, hands tied behind their backs, dead.

By the middle of March 1932 Chinese forces had been driven back from Shanghai and a temporary armistice was formed along the line set between the Japanese and Chinese.

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* The next act of warfare the witness did not actually see. He had returned to Peiping and was watching the headquarters of the Marshal. This was the so-called Shanghaikuan Incident, which took place in the first two or three days of January 1933 when the witness was in Peiping * at the headquarters of Marshal Chang-Hsueh-liang. The incident was common knowledge in the environs of Peiping. At a station platform in Shanghaikuan the Japanese Army alleged that some Chinese had thrown a hand grenade. That was the pretext for assault -- military assault on the walled city of Shanghaikuan. Japanese artillery, aerial shells were used on the city which finally capitulated on January 3, 1933.

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* Shanghaikuan is adjacent to the Great Wall, which is the dividing line between Manchuria and China proper. Hopei Province is to the south. This was the first place taken by an assaulting Japanese Army on the soil of North China.

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After the Mukden Incident, the Peiping-Mukden Railway was cut at this place. The northern portion was operated by Japanese, the southern portion was operated by the Chinese. There were military * forces at this point. Although the station is inside the wall, the Japanese trains from Manchuria ran there and there were Japanese troops at the station. The Chinese trains also ran into the same station and there were Chinese soldiers at the same station. The Chinese commander had reported everything quiet until this incident occurred. The incident took place on the evening of January 1, 1933.

The witness went many times in the general area north of Peiping and saw Japanese artillery shelling Chinese cities and saw the Army machinegunning smaller Chinese villages. He personally inspected on two occasions two places which had been shelled by Japanese airplanes. Japanese airplanes were in action.

Trench warfare was used in the North China Plain and the area was criss-crossed by hundreds of miles of trenches. The Chinese manned these trenches. On one occasion he arrived at a trench just after a Japanese plane had flown over low and bombed. He saw the dead bodies and the wounded and spoke with them.

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3745 When he returned from Peiping he many inquiries at the Japanese Embassy, asking * why it was done, describing what he had seen. The common answer was both from civilians and military that "We know nothing about it."

This fighting was terminated by the Tang-Ku Truce of May 31, 1933. The general terms and conditions of which were published in Peiping. After this agreement was signed, on two occasions he personally saw troops of so-called Chinese renegade troops enter the zone demilitarized by the Tang-ku Truce. These armies were under the command of General * Feng-Che-Ju and General Liu-Wei-Tang. They entered this zone from Japanese controlled areas and disappeared again in Japanese held areas. When Chinese officials were unable to explain he talked with officers of these two forces and they gave anti-Chinag Kai-shek and anti-Nationalist China slogans but gave no reasons for their presence. He again saw the troops of General Liu-Wei-Tang on the morning of July 8 near the Marco Polo Bridge.

For the next year the area north of Peiping was quiet militarily, not politically. On June 9, 1935 the Ho-UMEZU Agreement was enacted. Prior to this Agreement Chinese officials in Peiping had called his attention to Japanese newspaper dispatches that a large number of Japanese troops were leaving for North China. Chinese officials told him they were under threat of full military occupation unless they made the agreement and that they had been warned not to appeal to Great Britain or the United States. The witness made notes of these incidents and filed stories.

3748 Despite the Ho-UMEZU Agreement the war of nerves continued. * As to the Ho-UMEZU Agreement was generally accepted that it was a series of demands made by the Japanese and acceded to by the Chinese. The witness did not know whether it was written or oral but he did know what was carried out. The results were the removal of the provincial capital of Hopei Province from Tientsin to Laoting, approximately 100 miles south of Peiping. In addition the provincial governor of Hopei was forced to remove his garrison along with the capital. One other effect was the removal of General Shan-Chen, commander of the 32nd Army and Chairman of the Hopei-Chahar Political Council.

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* When the capital was moved south the Japanese did not come in immediately but they were able to bring more pressure upon General Sung. In November 1935 motor cars sped down the main streets of Peiping throwing out hand bills containing an alleged appeal from the peoples of five provinces to secure autonomy from the nationalist government of China. Japanese planes overhead also dropped leaflets of a similar nature. For the greater part of 1935 he was told that Japanese pressure had been applied to General Sung. * This pressure was that he desert the nationalist government and head the Autonomous Federation to include Sui-Yuan, Chahar, Hopei, Shantung and Honan, some 600,000 square miles of territory having a population of 170,000,000.

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General Sung never gave in but there was a Japanese substitute.

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In November 1935 the Japanese created the puppet regime of the East Hopei Anti-Communist Autonomous Government following directly after the threats and pressure referred to. The capital of the new puppet government * was Tung-Chou, fifteen miles east of Peiping. The head of this regime was Yin-Ju-Keng, who personally told the witness that his territory covered 10,000 square miles.

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The witness traveled in the area after this agreement on many occasions and he saw the Japanese Army garrison and the Chinese gendarmerie recruited and officered and drilled by Japanese. He personally * saw the Japanese officers and talked with the gendarmerie. It was common knowledge that this new regime became the center of dope and commodity smuggling.

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* The witness conversed on many occasions with Jin-Yu-Keng and was familiar with the territory and customs of the people. The witness was struck by the word "Anti-Communist" title in the new puppet regime. Jin-Yu-Keng explained that there were few, if any, Communists in east Hopei.

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* The regime began in November 1935 and continued until Japanese formally took over Peiping in August 1937.

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The witness had met the accused DOHIHARA and stated that during the year 1935 all his Chinese associates insisted that DOHIHARA was in the area but neither the witness nor his colleagues ever saw him during that time. He did speak to him on February 17 and March 2, 1936 in that area. On the first occasion, February 17, all foreign correspondents were invited to meet * General DOHIHARA. From the point of view of a newspaper correspondent this interview produced no results. The newspaper men referred to things they had seen in North China, that is, the military movements and the political disturbances, and got nothing except a noncommittal reply.

The witness was anxious to ask him about a report current in Chinese circles that Japan planned to bring Pu-Yi to restore him to his old throne in Peiping, thereby consolidating Manchukuo and North China.

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The interview was held at the office of Major TAKAHASHI, the Japanese Assistant Military Attache. This office was at the embassy and the interview was held there. * The interview was arranged by the Assistant Attache without request. Representatives of all the great newspapers and agencies were there, such as The Free American Wire Service, the London Times, Reuters, German newspapers, Japanese newspapers. The interview was interpreted from Japanese into English by Paul OKAGI, the regular interpreter of the Attache's office.

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In November 1936 American correspondents received the invitation to the Attache's office to attend mock military maneuvers. * These were held on hills about ten miles west of Peiping, and that morning the witness was the guest of General DOHIHARA in the golf club which was on one of these hills. In these maneuvers mock machine gun and infantry positions were thrown up on the hill, tanks, artillery, smoke screens, all types performing in mock battle. There was a large part of the Japanese civilian population in Peiping and women nurse corps in uniforms and the Japanese newspaper correspondents.

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3760 On July 7, 1937 the witness was a guest at dinner of the United States Ambassador, Nelson T. Johnson, at Peiping. Others present were Colonel Joseph W. Stilwell and Colonel John T. Marston of the United States Marine Corps. The witness had known Stilwell since 1921 and he was at that time Military Attache to China. Colonel Marston was commandant of the United States Embassy guard.

There was an official report that the Japanese Embassy guard intended to stage maneuvers to the west of Peiping at night which was unusual if not exceptional among the Allied Guards at Peiping. It was such an unusual event that the Ambassador, Stilwell and Marston and the witness discussed at great length its potentialities.

3761 * The first unusual feature was that it was a night maneuver and the second that it was taking place west of Peiping near an important railway bridge. For the purposes of the International Guards in Peiping the Chinese Government had set aside an international rifle range to the east of Peiping and that's where the Guards usually went for maneuvers.

3762 On the morning of the eighth Colonel Stilwell phoned the witness and notified him that the Japanese and Chinese were fighting at Wan-ping, approximately ten miles southwest of Peiping. * The witness could hear artillery fire and motored out to Wan-ping. He went out with Mr. A. T. Steele now correspondent for the New York Herald Tribune and then for the Chicago Daily News. At Wan-ping they were joined by Major Barrett, Assistant Military Attache under Stilwell.

The west wall of Wan-ping is within a few hundred yards of the river which the Marco Polo Bridge spans.

3763 * They found the east gate closed. Chinese sentries were on the wall. When asked what happened during the night they replied that the Japanese had been firing upon Wan-ping. They said the Japanese were several hundred yards across a sandy stretch.

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The witness and his friends decided to go find the Japanese. When they turned the corner of the wall there was a burst of machine-gun fire. They crossed through an underpass and came to the Japanese machine gun post. They saw the Japanese soldiers in hastily dug firing positions. The Japanese field commander refused to give any information and motioned them to return.

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Steele, Barrett and the witness * went back to Peiping but Steele and he returned to Wan-ping that night. They tried to get in the city to get the story from the Chinese officials. They were told that the Japanese had issued an ultimatum to the Commander of Wan-ping that unless he surrendered by seven o'clock that evening a bombardment would begin. There was an armistice thereafter.

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The witness returned to Wan-ping with Barrett on July 10, * where they inspected the damage done to military and civilian headquarters. These were thoroughly smashed. These were one story Chinese buildings which were not visible beyond the wall. On July 30, he and Steele went through Wan-ping the day after the Chinese had surrendered and all the walls of every building on either side of the street there was a continuous line of bullet holes, obviously the machine-gunning by Japanese tanks as they went through.

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* On August 8, 1937 the witness was in Peiping and watched the formal entry of General KAWABE coming in as the victor. Proclamations in Chinese were posted on all important street corners and they announced that Peiping was under marshal law, that KAWABE was military governor and threatening death to anyone who defied their edicts.

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In General KAWABE's parade there were infantry, cavalry, mechanized artillery and tanks. * The Japanese Army then proceeded with a three-prong military drive down the Peiping-Tientsin Railway toward Shang Tung. These moves were major war according to the Japanese Army spokesman with whom he discussed these matters twice daily. According to best reports, within eight weeks after the first shot was fired there were

(GOETTE - Direct)

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DIRECT EXAMINATION OF JOHN GOETTE BY MR. KEENAN

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The witness stated that he was at Paoting Fu. He went there in the autumn of 1937, accompanied by the Japanese Army spokesman and General Stilwell, and European attaches. * There they were told, in a special statement from the Japanese Army, that ten thousand Chinese soldiers had been killed in battle. This statement was made about October 1937. From the date of the Marco Polo Bridge attack until 1941, the witness had spoken to more than forty general officers of the Japanese Army, some of whom held the position of Minister of War. Those who held the position of Minister of War were Generals TERAUCHI, SUGIYAMA and ITAGAKI. The officers interviewed ranged from Commander in Chief of the North China Army to divisional commanders at the front. He had spoken to the late * Generals HOMMA and YAMASHITA, and Generals IMAMURA and AIDA. The military aim of the Japanese Army, as stated by these officers, was not so much the acquisition of territory as the annihilation and killing of Chinese Nationalist Armies.

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The witness was in Shansi Province several times during 1938 to 1940. He talked to British and American missionaries, who reported that Chinese Christians were persecuted. Two missionaries received severe prison sentences by the Japanese Army because they took Chinese soldiers into their hospitals. The missionaries reported many cases of rape, and * the formal demand by the Japanese Army for Chinese officials to provide women for the army was commonplace and commonly accepted by both sides. At Taiyuan Fu, the capital of the province, the Japanese Army had erected a war memorial above the main gate, and every Chinese passing through had to leave his vehicle and walk under the gate in tribute. In North China, the Japanese Army and civilians formed the new Peoples Society. In Central China it was the East Asia Society. These were wide scale propaganda organs attempting to regiment the Chinese masses. They staged victory marches in which the youngest school children were forced to march with all others. * These parades usually ended in a mass meeting, which ended with a Japanese "Banzai". One mass meeting was reported in the newspaper owned by the Japanese Army in Peiping.

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3777 Next to this picture was a story proclaiming that twenty thousand soldiers had been killed in the fall of one city. This newspaper was controlled completely by a Japanese Army officer in the North China command. Every radio station was controlled and operated by the Japanese. The Chinese held only minor positions. Newspapers were thoroughly controlled, as were * news agencies. It was part of the witness' work to make an investigation of these facts. The mass parades were planned in advance. When the Japanese realized that a Chinese city was about to fall, they laid plans and announced the date when the meetings would be held to celebrate. Many Chinese colleges were destroyed by bombing. The witness saw the bombed places, such as Peiyang University at Tientsin. Other schools were used as barracks by the Army, * or as torture chambers by the military police. The gymnasium at Ching-hua University, founded by American Boxer indemnities, was used as a stable. Japanese teachers were forced on every major school and college. English was forbidden, and Japanese was taught. Textbooks were revised and printed in Japan for use in China.

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3779 The witness had an interview with SHIRATORI in Peiping in 1940, where they discussed the co-Prosperity Sphere. He told SHIRATORI what he had seen, and Shiratori stated that certain Chinese were willing to cooperate with the Japanese. When he told Shiratori that the Japanese were misusing the English language in describing these events,*he stated that what was needed was a new English dictionary in conformity with the concepts of Greater * East Asia.

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The witness had a conversation with the accused SUZUKI in Tokyo on September 27, 1939. He raised the question of the Chinese with whom the Japanese were working and SUZUKI admitted that they could not get Chiang Kai-shek on Japan's side, and the war would go on. The case of the White Russian population in North China, Chinese passports were immediately declared invalid by the Japanese Army. The Army created in each large city an institution known as Russian House. Under threat of losing all papers, each White Russian was required to contribute a certain sum to his House. In addition, male members were forced to join a military organization, were uniformed, armed, and drilled under the Japanese military.

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3781 The witness personally observed very far-reaching activities of the Kempei-Tai in occupied North China.

CROSS EXAMINATION BY MR. MATTICE, - Counsel
for ITAGAKI and MATSUI.

3782 * The witness stated that he had testified chiefly from memory, with an occasional refreshing of his memory. All facts were taken directly from his diary and from typewritten and hand written records
3783 made at the time. * The memorandum he was using was one actually typed by him. It was typed in the International Prosecution Section, based on his own original memorandum. The facts were taken from his memorandum, which he wrote as he discussed the case with Mr. Keenan, and was jointly dictated by Mr. Keenan and himself. The
3784 witness had a copy of the same instrument when he testified. * The witness stated that he had not witnessed every event about which he had spoken. The witness reiterated that, in 1937, he asked ITAGAKI if the Japanese forces might turn south to the Yellow River, and the reply was that it is possible.

3785 * The witness did not know whether ITAGAKI was in China during all of the period when the witness had conversations with various Japanese military officials. His first knowledge of General ITAGAKI was
3786 August 1, 1937, at Huailai. The witness had no personal information or knowledge about General MATSUI, * and he had never talked to him.

CROSS EXAMINATION BY MR. FURNESS - Counsel
for SHIGEMITSU.

3787 The witness stated that the legations and embassies in Peiping continued to be called embassies till 1941. * During this period most of the powers maintained legations or embassies at Peiping, and also maintained them at Shanghai and Nanking, with the various ambassadors moving back and forth.

3788. With respect to the autonomy of the Manchurian area, the witness stated that Chiang Hsueh-Liang was Deputy Commander-in-Chief of the Nationalist Armies in China. Local matters were discussed between competent

Japanese officials and Chinese. At the time of the Mukden Incident there was a joint Sino-Japanese Claims Commission. Matters handled with the young Marshal were discussions of local problems and not negotiations.

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* When asked whether he agreed with the statement in the Lytton Report that the region was sufficiently autonomous to carry on direct negotiations with Japan, the witness stated that it was a matter of speculation rather than an event, and that he was dealing with events. It had been so long since he had read the report that he could not say at the moment whether he agreed or not.

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With respect to the November 20, 1931 interview he spoke to the Japanese Consul General in Tientsin and received the general answer that the situation is confused and they are watching to see what will happen. * The Consul General did not state that the Incident was a result of the Chinese factional fighting. The Japanese probably insisted that the Chinese remove their troops from the neighborhood of the Japanese concession. He had no personal knowledge of whether they were withdrawn. At the time there was a permanent garrison of Japanese Army troops there by treaty right. * This covers the period to the next few weeks. As a result of the Incident, no new troops were brought in.

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On January 31, 1932, when he arrived in Nanking, in addition to the five Japanese warships he personally remembered only one American warship. Foreign powers had the right to bring warships up the river by treaty right. When he first saw the Japanese warships they were still in motion, but he saw them drop anchor as he crossed the river. * The ships were small destroyers, probably river gunboats. The witness learned of the shelling of Nanking after his arrival in Shanghai on February 1. This shelling occurred on the morning of the first. The witness did not know whether the Japanese ships moved after he saw them and whether they were under way at the time of the shelling. He had no direct recollection of the occasion for the shelling because the story was covered by another INS correspondent. He had never heard at any time that the Chinese fired from the forts on Japanese refugees, * or that there were Japanese refugees on board ship, or anywhere near Nanking at this time. The witness was not present at Nanking and did not write the story, and had no recollection of whether there were any casualties.

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* With reference to the first Shanghai Incident, the Japanese landing force would be estimated about 1,000 men, if they followed the practise of other leading powers. Japan was within its treaty rights in garrisoning such a landing party. The Commander of the 19th Route Army was a Southerner, but he did not know what province he came from. He did not know what province his soldiers came from. * While he could not testify as to the relations of the 19th Route Army with the National Government of China, he could observe that since the Army was within a few hundred miles of Nanking, the National Government had control of it. The early fighting took place in the confined area around the Chinese walled city down to the Wusong Forts. Gradually the Chinese forces were pushed out many miles from that perimeter and the Japanese Army, when it finally defeated the Chinese, landed many miles from Shanghai on the Yangtze. The distance was about two hours by motor. After the Chinese were driven back, the Japanese remained within well-defined lines. * The witness did not recall the exact details of the fact that on March 4 the Japanese notified China, through Britain, that they were willing to negotiate on the basis proposed by the League, since he was with the army. The witness returned to Peiping about March 15, 1932, and at that time the Japanese forces had started to withdraw. He had no personal knowledge of the negotiations leading up to the truce agreement. When the Japanese shelled Chinese areas in Shanghai, Shanghai was thrown into a state of war and the Chinese retaliated.

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* With respect to the Wusong Forts, Chinese troops were in them and did not surrender when shelled. While he could not speak personally for Shanghai, in North China there was no violent anti-Japanese demonstration, but there was a limited amount of student demonstrations. There were no demonstrations before the Manchurian Incident. * The witness stated that it could be a fair statement that when fighting broke out in Shanghai there were about 30,000 Japanese there with vast property interests, but he had no figures on the matter. The British were in Shanghai in 1927, but he did not know whether they had landed troops there in January or not.

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* The witness knew that during the Shanghai Incident in February 1932, SHIGEMITSU was the Ambassador and Mr. KURAI was the Consul General.

CROSS EXAMINATION BY MR. HAYASHI - Counsel
for HASHIMOTO, Kingoro.

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The witness stated that he had not testified, but Colonel Stillwell had told him the story about the maneuvers to be held on July 7, 1937. The report was mentioned at dinner that the Guard * intended to hold night maneuvers. This Guard was then under six hundred. The Japanese commander with whom the witness spoke outside of Wangping on July 8, did not speak English. He spoke Chinese. The witness presumed that the truce agreement concerning the Marco Polo Bridge Incident occurred on July 9, because during the armistice on the tenth he was in Wangping.

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* The witness did not recall with whom the truce was made, but it was made with respective Japanese and Chinese authorities. He did not know the terms of the agreement. The witness stated that he did not have to make inquiries concerning the incidents occurring between July 10, 1937 and August 10, 1942, because he watched the Japanese Army in action. The fighting he witnessed on July 8 he witnessed personally. On July 26, 1937, the witness was in Peiping and was present at the Incident at Kuang an Men.

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* This incident happened at night at the west gate of the city. In the dark, a Japanese truck was coming into the city and fighting started. The story is that a hand grenade was thrown at the truck. There was great confusion and no one seemed to know what happened. Major SAKURAI was wounded by jumping from the city wall to the ground, a distance of from 25 to 35 feet, and an interpreter was killed. Even with the armistice the situation was tense, and Japanese troops

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* were being reinforced at all times in the area. The witness stated that he had never spoken with General Chin Teh-chun. He may have seen him at formal ceremonies. The witness stated that he did not know whether, on the 27th of July, the bulk of the 27th Division attacked Feng Tai, but he knew that there was an incident there. He did not know what relations there were between General Chin Ten-chun and the President of China.

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3804 The witness stated that he was aware of the fact that on the 29th of July, Japanese residents of more than three hundred in number * were raped and massacred by Japanese forces at Tung Chow. On that day the witness had been told by the Japanese Embassy that there had been trouble at Tung Chow. He went there and saw Japanese airplanes drop bombs. He saw artillery bursts. He spoke to one of the Chinese gendarmes who were part of the guard in East Hopei, who was recruited and armed by the Japanese. He was wounded. He explained that the gendarmerie of East Hopei had revolted on Japanese officers staging an attack on the garrison inside the city. It required several days before he could secure from the Japanese Embassy in Peiping and the Army the estimate of how many Japanese had been killed in the revolt. The

3805 city was sealed * to all outsiders for one week. The first day it was opened he went there with the Japanese Army and saw the destruction which resulted from the battle between the Chinese puppet gendarmes and the Japanese Army.

CROSS-EXAMINATION by MAJOR BLAKENEY.

As the Chinese explained to the witness, removal of the capital of Hopei Province was tied up with the Japanese insistence that the army of General Yu Hsueh-chung, the provincial governor, be removed from the area.

3806 The witness cannot personally testify whether the removal of the capital was one of the terms of the agreement, but can only testify of what he had been told and the results he had observed. After the two Chinese armies were withdrawn to the south, the army of General Sung Che-yuan in Peiping and that of General Chang in Tientsin remained.

3807 * Without any official knowledge, the witness would estimate that the 29th Army, under General Sung, was around 25,000, and in the Peiping area, excluding Tientsin, it would be a fair estimate to say that the Japanese garrison was between 1500 and 2,000.

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- 3808 * Including Tientsin, he could not guess with any fairness, but he would probably guess that it was within 10,000. General Sung was appointed Chairman of the Hopei-Chahar Political Council by Chiang Kai-shek. Part of the time Ho Ying-Ch'in, the Chinese Minister of War, was there. The witness stated *
- 3809 that General Shan was commander of the 32nd Army which withdrew to the south. He did not know the number of General Yu's Army. General Shan was of an inferior rank to General Sung. The witness could state positively that the Chinese officials told him that the three steps were the result of the Ho-Umezu agreement. This agreement * was one of the important events in the '30's in North China. He presumed that General UMEZU was there for a special mission for the Japanese Army. * He was quite sure that General HO was Minister for China at the time. The witness stated that he did not know personally what Japanese threatened full military occupation unless the Chinese acceded to the demand for the agreement. He only knew that the Chinese were referring to the Japanese who were bringing the pressure on. These were not formal negotiations, but were under cover, and the Japanese handling it would not admit it and the Chinese handling things would not admit it either. They merely referred to the Japanese group that was working on the Chinese. It was the witness' presumption that the threats were made to the man who finally signed the Agreement.
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- 3812 * The witness was personally acquainted with General HO, and during 1935 he discussed the general situation, which was then Japanese pressure on North China, with General Ho. It would not be in the nature of things for a Chinese official, under pressure at the moment, to reveal to a correspondent what was being said to him. The witness stated that he came directly from the United States to testify in this trial.
- 3814 CROSS-EXAMINATION BY MR. WARREN
- 3815 The witness stated * that after the Nanking Incident of February 1, 1932, the Japanese made no attempt to occupy the city of Nanking. *The witness stated that he had talked twice with General DOHARA. On both occasions he went with other correspondents to interview him.
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CROSS-EXAMINATION BY MR. SLITH

The witness stated that he had never at any time, either to Mr. Smith or to anyone else, stated that there was plenty of justification for everything that the Japanese did in China and Manchuria. He had written probably a million words from the time of the Manchurian Incident, had written a book, had spoken to 500 audiences, and had been on the radio, and never could anything be found that would justify the statement alleged to have been made by him. The witness recalled that about three weeks ago he had ridden in an army sedan with Mr. Smith and Mr. Parkinson to the Dai Iti Hotel. * The witness did not know how he had been introduced to Mr. Smith and did not remember what they talked about, except that it was nothing serious. He did remember that Smith was introduced as a defense lawyer and that they talked about defense problems. The conversation made very little impression upon him. * The witness stated that he denied that he made a statement that there was justification for Japan's action in China and Manchuria, because he never felt it then and did not feel it now, and never had at any time such a feeling.

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The witness stated that he had not seen Pu-Yi in 1931. The first time he met him was in Peiping in 1924, when he attended his wedding. * He knew Pu-Yi's brother and sister-in-law. Up to 1931 he had not seen him since 1924. Since he was a colorful figure and newsworthy, he covered the stories which were events of importance. * He did not know Pu-Yi well enough to pass on his intelligence, but knew he was educated because the witness knew Mr. Johnson, who was his tutor for a great number of years.

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CROSS-EXAMINATION BY MR. NARITOMI - counsel
for SHIRATORI.

The witness stated that he could not remember whether he met SHIRATORI in Peiping in the spring or fall of 1940, and he could not remember whether it was cold or warm. SHIRATORI was either on his way home from or to his post in Rome. The witness stated that he did not know under what

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- 3827 circumstances SHIRATORI went to Peiping. He knew that he was received along with foreign correspondents by SHIRATORI as a member of the Japanese Diplomatic Service. They were not told whether or not he was on the waiting list, and he could not state whether he was there on official business. The interview was in the Grand Hotel, and was informal.
- 3828 The witness stated that he had not testified solely * with respect to the use of the words "Co-Prosperity Sphere", but that he had testified that SHIRATORI had said that a new dictionary of the English language was needed to cover the meaning of the words as they were used by Japan. This was in general, and was not limited to "Co-Prosperity Sphere". They were not
- 3829 discussing America and Britain. * The witness said that he had not testified that a considerable number of Chinese agreed with co-prosperity, but Mr. SHIRATORI had said that a number of Chinese agreed with co-prosperity and what the witness found to be the case were two different things.
- 3830 * The witness had known Mr. SHIRATORI ever since the latter was a junior secretary of the Japanese Embassy in Peiping in the early 1920's. The
- 3831 witness stated that when he met SHIRATORI in 1940, * he impressed him as a Japanese official.

CROSS-EXAMINATION BY CAPTAIN KLEIMAN -
Counsel for Hiranuma.

- 3837 The witness stated he was not qualified by personal experience to say what portions of China at the time of the founding of the East Hopei Autonomous Government was under communist control. He only knew what the reports were and that they were in the area south of the Yangtze. * In 1935 and 1936, China and Japan still had ambassadors to each other. However, negotiations being carried on between the two governments were very troubled, as shown by the fact that Japan constantly sent out and withdrew her ambassadors. This did not look like cooperation between Japan and Chiang Kai-shek.

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3839 The witness remembered that he wrote an article concerning the Chinese proclamations of war against the Japanese some time after the Mukden Incident.

3840 * He could not state from memory that he had stated in the article that the Chinese communists had asked Chiang Kai-shek to proclaim war against Japan, but if the story was published that is the way he sent it.

CROSS-EXAMINATION BY MR. LEVIN - Counsel
for Suzuki.

3842 * The witness stated that he was in Tokyo on September 27, 1939. The purpose of the visit was to find out about Japan's policy from the Japanese side,

3843 * having watched it on the fields in the other side.

3844 * He spoke with certain officials and he had an interview with General SUZUKI, along with Mr. Steele, of the Chicago Daily News. The witness did not speak Japanese, and his interview took about half an hour. At that time, the interview was in the offices of the Planning Board. The witness never met SUZUKI in China.

3844 * The witness stated that SUZUKI had told him that since they could not get Chiang Kai-shek on the Japanese side, then the war would have to go on.

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3847 * At the time of the interview with General
SUZUKI he was in civilian clothes. The witness had no
3848 knowledge whatsoever of his rank. The interview took
place in the office of the Planning Board. * On the same
day the witness spoke with Japanese officials in the China
Affairs Board and it was in General SUZUKI's connection
with that Board that he spoke with him. The arrangements
for the interview were made by Mr. Steele and there was a
Japanese interpreter present. At that time the Japanese
Army was in full scale military operation in China but
Japan had not declared it to be a war.

3849 This is the only time that the witness was aware
of having met SUZUKI * and the interview lasted approxi-
mately one half hour. Since the General gave an inter-
view and was a Japanese individual the witness could only
presume that he was stating the official case and he would
also credit the general with honesty in saying what he
believed.

RE-DIRECT EXAMINATION BY MR. KEENAN

3850 The witness stated that to the best of his know-
ledge * the Ho-UMEZU Agreement was never recognized by the
Nationalists Government of China as a state document and
was not published by them or anyone else.

RE-CROSS EXAMINATION BY MR. LOGAN, CCUNSEL
FOR MARQUIS KIDO

The fact that the agreement was not published
did not prevent the witness from trying to find out what
the terms of it were and the fellow correspondents as well
as the witness did find out the terms and cabled them
home.

The witness stated that he had testified that
Chinese officials had told him that the agreement had
called for the withdrawal of troops of General Yu and Gen-
eral Shan from the Peiping area.

DIRECT EXAMINATION BY MR. HAUXHURST

3852 * The witness stated that following the formal
military occupation of Peiping in August 1937 he met with
many Japanese military officials, including General NEMOTO

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3853 of the Special Service Mission at Peiping. The General on that occasion referred to the project of forming a puppet government in Peiping and referred openly to his difficulties. The Japanese in Peiping * gave the impression that the formation of the government was in the far distant future.

Late on the night of December 13, 1937 the witness received a telephone call from the press section of the Japanese Army and was invited to be present the next morning at 11:30 at the Imperial Palace in Peiping. He went there with his colleagues and at that time on December 14, 1937 the so-called provisional government of the Republic of China was started. There were present Japanese Army officers, civilians and members of the new puppet government. After the ceremony the members of the puppet government were introduced to the correspondents and one made a short statement.

3854 * The head of this regime was Mr. Wang Keh-min a former minister of finance whom the witness saw and talked with many times in the following years. The witness was also present when other regimes were being developed.

3855 * In November 1938 the spokesman of the Japanese Army press took a group of correspondents to Inner-Mongolia. This trip was initiated by the Army and all correspondents were guests of the Army. The witness talked with Army officers in Japan who were working out three local puppet governments. One was in North Shansi, the second was in Inner-Mongolia and the third was at Kalgan. From these three there was created the Autonomous Federation of Meng-chang.

3856 The leader was Prince Teh and in the company of a spokesman of the Japanese Army and local Army officers the witness went to Prince Teh's headquarters. * There Teh made certain remarks through a Japanese interpreter. Although Teh spoke for an hour and was the leader of Inner-Mongolia in his own right before the Japanese Army came in and although he was the puppet head of this new regime he was given no chance to say anything except vague comments. Teh was forced to sit there in the presence of the correspondents while a Japanese secretary produced a map and

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3857 described civic reforms that they intended to make in the city of Kueihua. Teh could not conceal his embarrassment * at having to sit there while unimportant matters about his own government were discussed by minor Japanese authorities.

The correspondents were then taken to Kalgan and there they tried to get statistics on economics and financial policy of the new regime from the Minister of Finance named Ma Yung Kwei. Although the witness's questions were addressed to the Finance Minister before he could answer a Japanese civilian produced the figures and proceeded to answer him. The Minister of Finance offered no comment whatsoever.

Specific information about economic and political policy were sought through the spokesman of the Japanese Army.

3858 In January 1940 * the witness went with a press relations officer of the North China Army to Tsingtao. At that time the Japanese Army had decided to combine the provisional governments of the Republic of China with the so-called reform government at Nanking. There the Japanese had brought Mr. Wang Ko-min and Mr. Wang Ching Wei. The first day there the witness met a Japanese in civilian clothes who through his conversation showed that he was playing a leading role in the conference. The witness was told that this was General KAGESA.

A few days later the witness was taken by the Japanese Army press section to talk with Mr. Wang Ching Wei and he was told that an agreement had been reached by all sides to form a Nationalist Government of China at Nanking. The witness was present in Nanking in March 1940 when that government was established.

3859 A group of foreign correspondents * were guests of the Army in mid-March when the preliminary conversations for the final opening of the government were had. The correspondents returned to Nanking on March 29. On the train there were leading Chinese puppet officials, Japanese officials and several American correspondents. About nine o'clock that evening there was a sudden stoppage of the train within the sight of Nanking and the locomotive and first three coaches were derailed. The Japanese Army censor

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did not stop the correspondents from telegraphing stories that this was obviously the work of opposition from the Chinese. The next day the correspondents were taken by the Army to the buildings where the inauguration of Wang Ching Wei was held.

3860 During his stay in Nanking he saw * General KAGESA again in uniform.

The correspondents talked with Wang Ching Wei who spoke in vague terms of cooperation with the Japanese and that the policy of his government was peace, anti-Communism and reconstruction.

These new regimes began immediately to implement the cooperation and co-prosperity sphere. In other words they immediately went into the economic life of the Chinese. Japanese civilians by the hundreds and thousands were in various offices, particularly on the economic and financial side. There was nothing to cover. When correspondents wanted information they went directly to the Japanese who had the figures and authority to speak.

3861 Shansi Province was an outstanding example of Japanese absorption of Chinese industry by the Army. In * 1939 the witness was taken to the capital of the Province occupied by the Japanese by a Japanese Army pressman. Shansi was known as a model Chinese province because its governor had created some forty-two industrial modern plants. The Japanese Army stated that these plants were under its operation and at the gates of such plants the witness saw signs proclaiming that the plants were under operation by the Imperial Japanese Army.

3862 These plants covered many categories. There was an iron smelter, tobacco mills, flour mills, cotton mills. Actual statistics on the operation by the Japanese Army of these plants was given by Lt. Col. YAHAGI, Chief of the Special Service Mission. In February 1939 YAHAGI said that within the first year the Japanese Army had brought six million yen from Japan and as a result of a successful operation of these plants * most of the six million yen had been repaid in the first year.

In the case of six cotton mills a profit of three million yen had been made by the Army within six months. The cotton mills produced materials need by the Japanese

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Army in the Province. Beyond what was needed by the Japanese Army was placed in the general open market for the Chinese. This was how the profit was made.

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* This operation was unique because in other areas the Japanese Army turned seized industrial plants over to Japanese civilian companies. In Shansi Province however everything was held in the hands of the Army and according to the spokesman the accounts were in the name of Colonel YAHAGI. In other areas, for instance, North China, it was turned over to the subsidiaries of the North China Development Company.

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The Chinese outside the puppet government were worried because the puppet governments were turning over Chinese government property franchises to the North China Development Company and its subsidiaries. This was * particularly true of the Peiping Railways. The former railways were officially sealed away for operation in North China by the North China Communications Company. Millions of dollars of public property was thus disposed of.

3865

The Japanese financial policy for North China created a new currency and a new government bank known as the Federal Reserve Bank. There were regulations that all exporters and importers * except Japanese who had to clear their foreign exchange through the Federal Reserve Bank. A Chinese importer, wishing to buy goods from abroad, would first have to find another person who had recently exported goods abroad and was holding foreign exchange. When such foreign exchange was found arrangements were made through the Federal Reserve Bank which took a certain percentage of that foreign exchange for its own foreign exchange pool. This policy in itself resulted in the gradual strangulation of all foreign trade other than with Japan. This newly imposed Japanese financial policy cut occupied China in two economically.

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* One result of the Japanese economic system was their bewilderment and confusion that they were not able to obtain coal for heating their homes. Before the Japanese operation coal was cheap and plentiful but following it the coal mines were operated by subsidiaries of the North China Development Company. It became more difficult to get and higher in price, although the mines were in full

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3868 operation and Peiping was the heart of the rich coal area. The retail distribution was handled entirely by a Japanese concern, another subsidiary of the North China Development Company. * The Japanese referred to the success of their operation but likewise frankly stated that much of it was made for Japan's peacetime and war industries and was being taken away. The made no attempt to hide this.

3869 The witness spoke with many of the minor officials of the North China Development Company and in 1940 spoke with its President, Mr. KAYA, one of the accused. Correspondents were invited by the Japanese Army press to interview Mr. KAYA. The spokesman * acted as interpreter. The interview began with a statement by Mr. KAYA. The witness made notes and wrote the story and sent it to INS. He had seen the story in what INS calls its "Fast Mail Sheet." The witness had with him a printed copy as issued by INS in New York on August 26, 1940, which he obtained in * New York. He had reread the story since he had been in Tokyo and the story contains quotes from KAYA's interview which were made from notes at the time the interpreter was speaking. The witness could by referring to the story state accurately the quotations.

3872 * The words of KAYA were that the plan of material mobilization in the area of North China had three main points. The first was to supply Japan with the war material being consumed in the conduct of Sino-Japanese hostilities. The second point was to expand the armament of Japan and the third to meet the needs of peacetime industry.

3873 Mr. KAYA * added that the plan was not necessarily limited to the needs of any one nation but rather to the requirement of the regular daily needs of China, Japan and Manchukuo. * In elaboration Mr. KAYA referred to the North China Communications Company. This subsidiary was operating 3750 miles of railway, 6,215 miles of bus lines and 625 miles of inland waterways. Mr. KAYA also mentioned the North China Telephone and Telegraph Company, the North China Aviation Company, the North China Salt Company, the Tatung Coal Mining Company and the Lung Yen Iron Mining Company

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CROSS-EXAMINATION BY MR. TAKANO, COUNSEL
FOR KAYA.

3875

* The witness had no information as to the exact date when the North China Railways were transferred to the North China Development Company. He only knew that the North China Communications Company began operating the railways and as previously stated Mr. KAYA had given him the exact mileage operated. The North China Development Company had numerous subsidiaries, one of which was the Communications Company which operated the railway.

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* The interview was started by the Japanese press spokesman to meet Mr. KAYA whom the witness was told to be the President of the North China Development Company. The witness well understood that the Development Company did not engage in business enterprises but invests or lends money to subsidiaries and controls them. * Mr. KAYA made no

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reference to the Japanese Army other than stated in the opening remarks. This was his only reference to the Army plan. The witness could not know what was in Mr. KAYA's mind. He could only presume that he was taken to speak to a civilian head of a Japanese civilian branch, that they were talking about the plans of that civilian branch. When correspondents wanted information on military matters they went to military headquarters. The witness did not recall any remarks of Mr. KAYA's that it was the purpose of the company to promote collaboration between Japan and China in order to develop Chinese agriculture, to increase Chinese food production, to control the Yellow River and thereby to promote the general well being of the people of China. * He had heard such things many times from the underlings in the organization and Mr. KAYA wouldn't devote his very valued time to making those statements.

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As to promoting Sino-Japanese collaboration, undoubtedly Mr. KAYA referred to that as did every Japanese with whom the witness spoke. The witness had not heard that Mr. KAYA, as President, had spent 20 million yen to relieve a big famine which occurred. The Japanese propaganda machine seemed to have overlooked that point.

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* The witness stated that the man he spoke of is one of the accused.

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CROSS-EXAMINATION BY CAPTAIN KLEIMAN, COUNSEL
FOR HIRANUMA

3882

* With respect to the story of the inaugural ceremony in 1940, each correspondent telephoned the story to Shanghai to be put on the cable or radio. The witness did not use the word "communists." It never occurred to him. The word he used was "guerrillas" or "partisans, Chinese partisans" but certainly not communists.

As an accredited correspondent with the Japanese Army the witness had no way of knowing the makeup of the Chinese guerrillas. However, in his Nanking story he referred to guerrillas and not to communists and he was quoting the Japanese Army as to whom they thought was responsible for it.

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* With respect to the March 30, 1940 story he did not say they were Chinese communists, he, however, had said that in covering the whole eight provinces over a long period of time that the Chinese communists were fighting the Japanese.

DIRECT EXAMINATION OF JOHN GILLESPIE MAGEE
BY MR. SUTTON

3893

* The witness stated that he was born in Pittsburgh Pennsylvania on October 10, 1884, graduated from Yale University in 1906, and also the Episcopal Theological School in Cambridge Massachusetts. He was Minister of the Episcopal Church at Nanking from 1912 to 1940.

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* He was in Nanking throughout the months of December, 1937, January and February 1938. So far as he knew there was no resistance on the part of Chinese forces or civilian personnel within the city of Nanking after December 13, 1937.

The action of Japanese soldiers toward Chinese civilian men after December 13, 1937 was unbelievably terrible. Killings began in several days. Often by individual Japanese or by groups up to thirty. There there was organized killing of great bodies of men. Soon there were bodies of men lying everywhere and he passed columns of men being taken out to be killed. These were killed by rifle fire and

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and machine-gunning and bayonetting. One man had his hands tied and was thrown into a pond.

3897 * On December 14 a boy was taken off with 100 other men outside the city walls. They were divided into two groups of about fifty each, their hands bound in front of them and while they were killing those in front the boy knawed frantically at the ropes around his wrists and finally got them released and slipped into a culvert underneath the railroad track. He escaped back about 38 hours later.

3898 * On the same evening or the next the witness passed two long columns of Chinese all tied with their hands in front. There were about 1000 in two columns but perhaps closer to 2000. There was not a single Chinese soldier, all were in civilian clothes. Some would feign death and get back and this way the witness got authentic information as to what was happening to these people.

3899 On December 16 the Japanese came to the refugees camp and took out 14 men, including the 15 year old boy of the Chinese pastor. Four days later he learned that they had been gathered together with about a thousand men and marched to the bank of the Yangtze River and there mowed down with cross-fire machine guns from either end.. One man who fell before the bullets got him * was able to make his escape.

3900 * On the same day the witness was told by his chauffeur that his two brothers were taken. The witness found about 500 Chinese seated on the ground, including the two brothers. The witness walked up to the sergeant and was driven away.

3901 The next day with two Russians and his colleague Foster, an American, the witness was standing on the balcony of his house and saw a man killed. Two Japanese soldiers called to him and he was so frightened he was trying to get around a corner in a bamboo fence but there was no opening. The soldiers walked in front of him and shot him in the face. * Both soldiers laughed and talked as though nothing had happened.

On December 18 the witness was asked by Vice Consul TANAKA to go to the northern part of the city to post

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notices to protect foreign property. The witness could not have gotten out except for the fact that he was in TANAKA's car. They went into an area but were unable to proceed because there were so many bodies in the street. They then went to the Bund and while TANAKA was posting notices the witness walked to the side of the river and saw three piles of Chinese dead. His estimate would be between 300 and 500 bodies which may be too small. Their clothing had been burned off and many of the bodies were charred.

3902

* On December 21 the witness went to the northern city with a policeman from the Japanese Embassy where the witness was trying to find the boy who had escaped. He told the chauffeur to go direct to the Bund but the policeman objected, but the witness insisted. He refused, however, to go any farther than the Yangtze Villa Hotel, insisting that the witness would be killed if he went farther. They turned down a smaller street and came immediately to a dead body of a Chinese. None of the dead were soldiers. On the Chahar Road they saw many bodies lying by the side of the road.

On December 22 the witness took pictures of 60 to 70 Chinese being gathered on Shanghai Road and the pictures show women kneeling in the streets before the Japanese, begging for their men.

3904

* On December 21 TANAKA told the witness that the bad division would be changed for a better one and that everything would be settled by December 24, but there was no change.

With respect to women, rapings continued day by day. If a woman resisted she was either killed or stabbed. The witness took moving pictures of such women. If a husband tried to help a woman he was killed.

One evening the witness was called to a house where a Japanese soldier had come at four-thirty in the afternoon. He was trying to * rape the man's wife and her husband helped her to escape. The Japanese soldier left and came back armed and killed the husband.

On the very first nights the witness was stopped by a woman and begged them to save her life. She had been

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taken from her husband three or four miles where three Japanese soldiers raped her. They sent her back to within a mile of her house. At this point she asked the witness to save her.

3906 On December 18 the witness went with Mr. Sperling, a German member of the committee, to the residential section of the city. It seemed that there were Japanese soldiers in every house after noon. They went into one house and on the ground floor a woman * was weeping and she had been raped. There was a Japanese in the house on the third floor and the witness tried to get into the room which was locked. After about ten minutes the Japanese soldier came out, leaving a woman inside.

On December 20 the witness went to a house where they told him a 10 or 11 year old girl had been raped. The witness took her to the hospital. When he returned from the hospital he was called to another house, drove out three Japanese in the woman's quarters on the second floor, and rushed into a room and found a Japanese soldier in the act of rape. He drove him out of the room and the house.

This was one of the biggest problems that the foreigners had. They couldn't do anything about keeping them from taking off men, but they could prevent them from raping the women.

Foster and the witness learned that they could never leave the house both at the same time. It was his custom to stand in the streets all day long, one or the other guarding the three houses and stopping Japanese soldiers as soon as they came. On New Year's Day certain Americans invited the witness and Foster to a New Year's party. They did not wish to leave but were told that nothing could happen in an hour. Most of the young girls were kept in these places. Before the meal was through two Chinese came running to say there were Japanese soldiers in there after the girls. They were not in time to save two girls from rape. One woman told him she had begged a soldier not to rape a girl but he hit her with his bayonet and raped the girl.

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* If there had been any real effort to stop this conduct it could have been stopped but it was looked upon entirely too lightly. Rabe, the Chairman of the Safety Zone Committee went to his home with a Japanese soldier. There they saw a Japanese soldier in the actual act of raping

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a woman. All the officer did was to slap the soldier's face.

On January 30 the Japanese tried to send the women back home. * They did not wish the women to be under the zone's care. The committee decided to comply and at first the older women were advised to go home and the girls were kept. They immediately began to hear stories of rapings.

The witness went with a Miss Vautrin, an American, vice president of Gingling College where there were between 12 and 13 thousand women and girls. There they had entered the front part of the house and a woman was weeping, the Japanese soldiers had killed her husband. They talked to a widow in her forties, a twelve year old girl and her old seventy-seven year old mother. The widow had been raped repeatedly. They tried to escape to the safety zone and the woman got separated from her old mother. She had been raped twice.

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* An old Japanese woman about eighty years old had been ordered to take off her clothes, when she refused she was shot.

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In 1938 the witness investigated a case in a small road where about 500 people had been killed. He went to one house * where only two children had escaped out of 13 people in the house. He was told the story by a little 8 year old girl who had been through the whole thing and was stabbed twice in the back. They killed the owner of the house, the Chinese who was kneeling behind him, the owner's wife and started to strip two young girls, 14 and 16. The paternal grandmother threw her arms around one girl to protect her and they killed the grandmother. They killed the grandfather. They raped the girls many times and the old maternal grandmother showed the witness a bamboo stick that

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* been taken from the vagin of one of those girls. In another room a mother was hiding with her one year old baby under the bed. They raped the woman and then killed her and also the baby. When the body was found there was a bottle pushed into the vagina of the woman. There was a child cut down through the head with a sword. The bodies had been carried out of the building but blood was spattered everywhere.

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The old woman took the witness out to an open space near the house and unrolled a covering. It was a bamboo covering--from the bodies of the fourteen year old girl, the sixteen year old girl and the mother and her baby.

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* One day a Buddhist nun was carried to the hospital. Her hip had been shattered by a bullet. She told them that her apprentice nun, a girl of twelve, had been stabbed. She was attended fo for some weeks in the hospital.

The Mother Superior of this nunnery had been killed and also the Mother Superior's little apprentice nun, a child of ten.

On February 1, a boy came running in to Foster and him to say the Japanese were after a girl. We rushed across an open space about a hundred yards wide. They broke down the door of the house and found two Japanese soldiers on the bed with a girl fifteen years old. One jumped for his gun and rushed out. The other one was too drunk to rush off and they threw him out of house. The witness then followed him to a nearby sentry and wrote in a few Chinese characters what had happened. The sentry only laughed. The father of the girl said that was the fifth time she had been raped.

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DIRECT EXAMINATION (Continued)

3919 On February 19, 1938, the witness took a fifteen year old girl to a hospital. He saw her many times.
* She was from Wufu, sixty miles away. The Japanese came to her home and killed her brother, accusing him of being a soldier, which he was not. They killed the brother's wife and the girl's elder sister because they resisted rape, and they killed the father and the mother. All were killed with bayonet. They took her to a barracks, where she was kept for two months. The first month she was raped repeatedly. They took her clothes away and locked her in. She became so diseased that she was sick for a whole month. She told her story to a Japanese officer who took pity on her and took her to Gingling College, where the witness picked her up and took her to a hospital. In January or early February, the witness
3920 went to a village * about fifteen miles away. There was a cement factory in charge of a German and a Dane, under the German flag, with ten thousand refugees. The witness met with twenty village elders and heard about the same things as he knew were happening in Nanking. The men were afraid to leave the refugee zone, because Japanese soldiers would come demanding women, and the men would be shot if they did not produce them.

3921 The Japanese soldiers took from the people anything that struck their fancy--wristwatches, fountain pens, money, clothing, food. The Japanese paid no attention to their own consular notices about foreign property or to American Embassy notices, * and at one time the witness saw Japanese soldiers carrying off a truckload of electric ice boxes from a Chinese store.

On December 21, practically all foreigners in the city signed a petition to the Japanese authorities and delivered it to the Embassy, beseeching them to stop the senseless burning of homes. The burning continued day after day. One of the churches was partly burned, and later completely burned on January 26. In addition, the Christian Disciples Mission, the Y. M. C. A., the Russian Embassy, and a great many homes were burned.

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3922 Every once in a while the soldiers would leave behind a little black stick of a substance which looked like thermite, highly inflammable, and these were no doubt used to set fire to buildings. * These events began to taper off after about six weeks, but individual events happened after that. The witness stated that he was a member of the International Committee for the Nanking Safety Zone, and also was Chairman of the International Red Cross Society for Nanking. The Chairman of the International Committee for the Safety Zone was Mr. Rabe, and the Secretary was Mr. Louis Smythe, an American. This Committee made daily reports to the Japanese Consular authorities as to what was happening to the civilian population. In addition, many of the committee went in person to the Embassy to settle all individual cases.

3923 The witness left Nanking on his regular furlough in May 1938, returning in May 1939, and finally left * in May 1940. At the present time he is minister to the Episcopal students at Yale University.

CROSS-EXAMINATION BY MR. BROOKS

3924 The witness stated it would be absolutely impossible to tell the exact population of Nanking on December 13. The Committee had estimated that there were about two hundred thousand in the Safety Zone alone. There were many more people outside. There were at least three hundred thousand, and perhaps more. * The witness said he would not say that there were five hundred thousand people in the city a few weeks after the Japanese were there-- in fact only two or three people he knew came back to the city. The people had largely fled into the interior. He did not remember hearing of any soldiers coming back. * He would have no way of knowing whether any soldiers came back. He just did not talk to anyone who stated that he was a soldier.

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Of the man Tanaka he spoke about, he did not know his first name. At the time, he thought

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Page he was Consul General, because he met with him all the time, but he has learned lately that he was only a Vice Consul. Tanaka came in shortly after the Japanese Army had come in. * In general, the witness thought the Consular officials and Embassy people wanted to help the Committee. He would say that they were embarrassed by their lack of ability to stop the acts. On one occasion he went someplace with Tanaka, and Tanaka was embarrassed because when he was remonstrating with someone they paid no attention to him. The witness had met a few Japanese soldiers that he thought were decent, but a great majority of them * were as he described.

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The witness saw some of the men from the Provost Marshall and the Kempeitai, but he did not remember a single name. He did not have the contact with them as Doctor Bates did. He only met Consular Police. The Provost Marshall did not meet at any meeting at which the witness was present. He could not even recall his name. He knew some of the men met individually and that Bates met some from the Consulate individually at his home. * At first there hardly seemed to be any military police, but there were a few. Then more were brought in, and it seemed that they were trying to make an effort, and some were used as guards in the Safety Zone. The Committee was encouraged by this and thought an improvement was taking place, but then it became a joke because these guards began to do the same things that the other soldiers were doing.

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He did not remember any off-limit signs. The only signs he remembers were Consular signs about foreign property. At the start, the Chinese police were not utilized to maintain order. A great many of them were killed. They had some safety zone police. The witness did talk to one policeman on the street in Nanking in 1940, who told him that he * had been a former policeman and he explained that it was only a livelihood for him.

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The witness personally witnessed the killing of only one man. He saw one man actually commit rape, and drove away two soldiers that were in bed with a fifteen year old girl. In this case the girl had been

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- 3930 raped before the witness got there. * For an act of robbery, the witness cited the instance of the electric ice boxes. In another instance, a woman rushed up to him, saying that a certain man had taken eighty dollars from her. He ran to the man, but could not force him to give back the money. No more could be seen, because the Japanese soldiers would enter a place when the witness entered. They seemed to be afraid in the case of women.
- 3931 The witness thought they had been given orders to leave all americans alone. * On one occasion, three of the Committee, two being Americans, were called to rescue a woman whom soldiers were threatening with a bayonet. One soldier left his bayonet and ran away. The bayonet was delivered to the Japanese Embassy. The witness did not look for any serial number. The next day a man came who told him he was investigating the case. When he told him of the story, the man began to laugh.
- 3932 * The witness took the ice box episode as part of the looting of the city. No one complained because it was not healthy to do so. * So far as the murder he witnessed, he did not remember making an individual report. He may have added that to many things he was telling Tanaka. He reported a number of various kinds of charges, but could not remember how many he had reported to Mr. Smythe, Secretary of the Committee. Plenty of the things he saw he did not report to anybody--i.e was too busy since * he was with the Chinese all the time. Those things he had reported are available in the printed reports of the Committee, and he thought they had the names of the men he reported on some of the reports, but he could not tell which cases he reported and which he did not. * There was no way of knowing the names of organizations and people who committed these things unless one stopped them. However, they were usually running away, but these things were reported * to the Japanese Embassy. They would send around a man, whose name the witness forgot, who had no real intention of investigating the case, his chief desire being to find out the names of the informers.
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3943 civilian uniforms. He knew of cases, in talking with Chinese soldiers who had given themselves up and had fainted when they were being shot at, and he knew it made no difference to the Japanese. * A Dane saw a soldier giving himself up, and on the way back he noticed that this soldier had been beaten to death. The witness had never heard of a single case of soldiers dressed in civilian clothes, acting as saboteurs or spies and shooting at sentries, happening inside the city after the city was taken. It was common knowledge that there were Chinese guerrillas in many places, but he made the answer that he did because he did not know what happened outside the city except that there were rumors that there were Chinese guerrillas in the country.

3945 DIRECT EXAMINATION OF HENRY PU-YI
BY MR. KEENAN

3946 The witness stated that he was born in Peking in 1906. In 1909 he was enthroned as Chinese Emperor. In 1911 a revolution started in China. * In 1909, when the witness was enthroned, his father, Tsai-Fen and his mother, Kuaerchia, were both in Peking. At that time the revolution started under Sun Yat-sen, who was * a great man.

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3948 * The witness' mother was very much in favor of China becoming a republic, and decided to give the governing power to the revolutionary party. The Chinese Republic became a fact in 1911, when the witness was five years of age. After his abdication, the witness continued to live in Peking, the Chinese Government having made an agreement to supply the royal family with four million Chinese dollars every year, and treat them as foreign royalty. * He continued to live in the Peking palace. In 1924, civil war broke out in China between General Feng Yu-hsiang and Chang Tso-lin. General Feng Yu-hsiang arrested the Chinese President and ordered the royal family to move out of the palace within a half day. The witness went to his father's home in Peking. At that time the newspapers were carrying threatening news regarding him, and the witness and his English teacher went to a German hospital.

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- 3950 *When the witness was 18 he moved to the Japanese Embassy. Arrangements were made through the British Ambassador, Mr. McClay, and the Dutch Minister, Mr. Oudendyk. The British Embassy was too small to accommodate the family, and the British Ambassador advised that he go to the Japanese Embassy. Mr. Johnston, the witness' English teacher, and a Mr. Cheng Hsiao-hsi went with him. He stayed in the Japanese Embassy about half a year or a little more, and after obtaining permission from the Chinese Government he went to Tientsin, where he lived * for about seven years.
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- 3953 * In Tientsin, the witness went to Port Arthur. In Tientsin there were some skirmishes between the Japanese Army and the Chinese Army, and also the September 18 Incident had broken out in Manchuria. On September 18, 1931, the Japanese Army occupied Manchuria * with force. When the Incident broke out he was in Tientsin. There were many queer things happening around him. In one instance he received a fruit basket which contained a bomb. He could not find out who sent it to him. * There were a series of threats and terroristic acts, but he did not know from whom they came. About the time of the Incident, the Japanese Commander of the garrison forces in Tientsin named Kashai came to see him and persuade him to go to Port Arthur, * and under his compulsion the witness was compelled to go to Port Arthur. In Tientsin he had been living with his wife and father in a strictly private capacity, without official connection of any kind. His wife and father did not continue to Port Arthur, but came later. The witness went with Cheng Hsiao-Hsi and Cheng-Tsui. * He resided in Port Arthur for about half a year without doing anything. At the end of the half year, General Nonjo, the Commander of the Kwantung Army, sent Itagaki, one of the accused, to see him. Itagaki told the witness that the political regime under Chang Hsueh-liang was antagonistic to both the Chinese and the Japanese. The conversation was held through an interpreter. He continued to say that as a result of this antagonism the Manchurian people were suffering and the events that had happened in the area * had impeded the vested rights of the Japanese people.
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* In order to get rid of Chinese militarists and to secure the social welfare for the people in the northwestern provinces, Itagaki stated that he was prepared to put up a new political regime in Manchuria. He said that he came on orders of General Honjo. He further stated that he hoped the witness would head this new political regime. * He further stated that the Japanese Government had absolutely no territorial design on Manchuria and would respect the sovereignty of any Manchurian regime that would be set up.

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* The witness refused the offer, the conversation having lasted over two hours. The witness refused because Itagaki demanded that as soon as the Manchurian regime was set up Japanese should be employed as Manchurian officials and treated as Chinese and Manchurians. The witness stated that after the Japanese had gone in Manchuria they practically occupied the whole area. They set up an organization known as the Local Peace Preservation Commission, in which Dohihara, the then Mayor of Mukden, was active, and exercised a great deal of pressure on the Chinese officials * left behind.

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So far as the Japanese Army maneuvers in Manchuria were concerned, he only knew from the newspapers that they expanded daily. The witness refused Itagaki's offer to become the head of the Manchurian State, and saw him once after the refusal. The proposition was made to him about a half a year after he came to Port Arthur, which place he came to in the winter of 1931. * After Itagaki had been refused, he was very dissatisfied and went back to his hotel. Itagaki asked the witness' advisers, Mr. Cheng Hsiao-shu and Mr. Wang, to come to his hotel, and there he told them that the idea was a determined policy of the Kwantung Army and in case the witness refused they would adopt drastic action against him.

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* This conversation was repeated to the witness by his advisers. They told him * that unless he acceded to Itagaki's proposition, his life would be in danger, and all of his advisers therefore advised him to accept. Itagaki was assuming a very stern and fierce attitude. The advisers did not mention what would happen to the Manchurians if the witness did not accept the offer.

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* The advisers did tell him that General Honjo, according to Itagaki, was insistent upon the witness becoming the head of the state. The witness did not know whether there were a large number of Japanese troops in the area at the time. There was no head of the Manchurian State at the time, the only organization being the so-called Local Peace Maintenance Commission.

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The witness stated he had four advisers altogether, Mr. Cheng Hsiao Hsu, Mr. Loh Tseng Yu, Mr. Wan Sheng Sze, and Mr. Cheng Ts'ui, none of whom * had any connection with the Chinese National Government. Although Itagaki had consistently put his demands to the witness, he did not want to accept them, but at that time not even the democratic nations were trying to resist the Japanese, and the witness as an individual was hardly able to resist them. His desire was to refuse them, but under military force and the advice of his advisers in order to save his own life he had to accept the proposition. It is true that statements were made to him that his life * would be in danger if he did not accept Itagaki's offer. Itagaki had said that if the witness refused it would be at the risk of his life. The advisers used the same line of reasoning. In the third place, the witness was living in Port Arthur, which is Japanese and was in Japanese hands, and if he refused and came out of Port Arthur the Japanese might fear that he would tell the secret.

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The population in Manchuria was about thirty million. * Politically, the witness had no experience in administering the affairs of the big nation, because he had surrendered his political power to the National Government when he was very young.

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* When the witness left Tientsin for Fort Arthur he was also accompanied by certain Japanese military authorities. He learned about the propaganda conducted by Japan about the Manchurian affairs from the newspapers. This was based on the Wan-Paoshan and Nakamura Incident and its purpose was to vindicate Japanese interests and rights. They also planned the incident at Lukuochiao so that it would appear to be engineered by Chinese in violation of those rights. As seen from the occupation of North China they were using the same tactics of propaganda * in both instances. Their tactics were the policy of aggression.

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On the surfact they were issued propaganda that the Japanese were relieving the people from oppression of the war lords but the situation was very different in fact. They talked about helping Manchuria become independent but the world can see for themselves as to what they did and the facts of the past 14 years.

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The chief factor which caused the witness to refuse ITAGAKI's offer was the demand that they employ Japanese officials. He felt that if he accepted this they would put further demands to him and the Manchukuoan State * would be nothing but a puppet.

He changed his mind, because being young and inexperienced in politics his four chief advisors had urged him to accept the demands. Their reason was that he would be subjected to danger. Manchuria was already under Japanese occupation and the Chinese Army was not resisting, and thinking of the future of Manchuria the witness thought that it would be advisable for the Chinese to grab their chance to enter Manchuria so that they would have the chance to train military and civil personnel and eventually a chance for the peoples of Manchuria and China proper to seize an opportune moment to resist Japan. It was with this ideal that the witness entered the mouth of the tiger.

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* When the witness became Chief Executive on March 1, 1932, General HONJO was Commander in Chief of the Kwantung Army and he, with his subordinates, particularly his Chief of Staff ITAGAKI, were the powers.

The witness stated that the ordinances issued on April 1, 1932 were not issued by him. When the witness took

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the job of Regent he was assured by ITAGAKI and others that Manchuria would be an independent state and that the witness would have the right to administer it at his will but as a matter of fact he could not do anything whatsoever.

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* The witness knew nothing about the treaty signed between Japan and Manchuria while he was Regent until the day before it was signed. (n the next day MUTO, the Ambassador to Manchukuo brought the agreement to the Prime Minister and told him to sign it. As a matter of formality the treaty was ratified by the witness but this was done under the threat of Japanese military forces and the witness had lost his freedom completely.

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* The witness had no freedom whatsoever of movement while he was Chief Executive or Regent of Manchuria. He did not live in a big establishment. The same condition existed after he became Emperor. The house was repaired after he became Emperor.

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The witness met Lord * Lytton while he was Regent at Chang-Chun in 1932. Lytton was there to conduct the inquiry concerning the Japanese movements into Manchuria and the witness saw him only once and then under the supervision of Japanese military officers. Wherever Lord Lytton went he was under the supervision of Japanese gendarmes under the name of protection.

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The witness would have liked to have * talked thoroughly with Lytton. He had considered meeting him alone but this wish was never realized. When he interviewed Lytton many of the Kwantung officers were present. If the witness had told him the truth the witness would have been murdered right after the mission left Manchuria. The situation was the same as if a robber came into your house and your neighbor tried to -- came to rescue you. What could you do under the pointed gun of the robber.

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The reason that he did not talk to Lytton was that the witness knew * that Lytton would be leaving and the witness would be unprotected from the Japanese in the Kwantung Army. This was not only true but of Manchurian officials and people who were prohibited by the Japanese from telling the truth.

but in fact he was
with respect to financial matters.

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* The Japanese paid special attention while the Lytton commission was there to people who spoke English, Russian or other foreign languages. Some of them were arrested and there were few people around who could speak foreign languages.

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* While the witness was Regent he did not appoint any civil officials of the government and he did not appoint any of the military officials or personnel of the Manchurian Army. The body set up to enact laws of Manchuria while the witness was Regent was the Legislative Yuan, but it never held any meetings while the witness was Regent. (ther organs of government were the National Affairs Bureau, the Councillors Office and the Supervisory Yuan.

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* Prior to becoming Emperor on March 1, 1934, in 1933 General MUTO, Commander in Chief of the Kwantung Army told the witness that Jpan had a plan to have Manchukuo converted into an Empire. General HISHIKARI also talked along these lines. He told the witness that Japan respects the independence of Manchuria and had no territorial desire and wished to have Manchukuo established as the Japanese Empire was organized. He further stated that the status of the Manchurian Emperor would be the same as that of the Japanese. The General MUTO is not one of the accused.

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* Under the organic law the witness as Emperor would have all the rights an Emperor should have and would be permitted to exercise the legislative power of Manchuria, but actually the witness had no power. The witness issued ordinances for the maintenance of public peace and order and for the promotion of the public welfare and for carrying out laws but he had no right to continue it at all.

The situation was such that the provision of the law was one thing and the actuality of the thing was another.

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* The Kwantung Army prohibited the Manchurians from doing things by themselves. Under the provisions of the law the witness was supposed to appoint all military officials but he was in no position to appoint anyone, because the Kwantung Army prevented him from carrying out his rights. Legally the witness had the right of giving instructions to the Army on its formation, training and movements but in fact he had no power. The same situation prevailed with respect to financial matters.

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* Nominally the Japanese were supposed to consider matters with the National Affairs Bureau, the consultation being in name only. There was no legislature at all.

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On paper in order to fool the people of the world Manchukuo was made to look like an independent state but in fact it was administered by the Kwantung Army. Nominally there were ministers and vice ministers in charge of the various departments of the government. * Practically every one of the vice ministers was a Japanese. Ministers were Chinese. On the surface the Chinese were put in charge but underneath the Japanese ran the show. There was a Fourth Section in the Kwantung Army in control of Manchurian affairs and everything ran from the commanding general to the Chief of Staff. There was a Japanese director in the General Affairs Bureau in the Manchukuoan State whose power was greater than the Chinese Prime Minister.

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There was a Tuesday meeting composed of the Japanese Director of the General Affairs Bureau, the various vice ministers and the Chief of the Fourth Section of the Kwantung Army. In this meeting all rescripts or other ordinances or enactments which were to be promulgated by the various ministries would be passed on. The Director of the General Affairs Bureau was the Chairman and the Director of the Fourth Section of the Army was the Vice-Chairman. All ordinances and enactments would be proffered by the vice ministers who were all Japanese and then they had to be approved by the Kwantung Army. Once approved it was practically passed.

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* Once passed by the Kwantung Army Headquarters they were sent to the National Affairs Bureau and in this way were passed. The meeting of the National Affairs Bureau was nominal only since all ordinances had to be first passed by the various vice ministers in the Army. For minor matters the vice minister could pass the law without even informing the witness.

The Chinese had no right to oppose any law or enactment. They figured that once they had been passed by the Japanese Director of the General Affairs Bureau they had no right to oppose them. If they did, they might be in danger of losing their life.

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On one occasion * there was a meeting of governors of the various provinces. Among them was Ling Sheng . During the meeting Ling expressed dissatisfaction of the Japanese attitude. After the meeting it was learned that Mr. Ling was arrested by the Army and after a so-called trial was sentenced for revolting against Manchukuo and being anti-Japanese and was executed along with his nephew and other members of the family. This act was purely demonstrative. Mr. Ling was a relative of the witness, his son being engaged to the witness's sister.

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General YOSHIOKA was ordered * by the Kwantung Army to supervise the witness. YOSHIOKA forbade the marriage of the witness's sister to Mr. Ling's son.

After this the Chinese were all frightened and in ensuing meetings were unwilling to speak up. There were meetings and resolutions through the National Affairs Bureau and the Councillors Bureau and to the witness but all were formalities. This situation continued at all times while the witness was Emperor.

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With respect to his personal movements the word freedom had no meaning. He did not have freedom as Emperor * or personally. YOSHIOKA was ordered to supervise him and was always present when the witness gave interviews to foreigners and later even when he gave them to Japanese. The witness could not see Chinese officials of the state at his will but could see the Prime Minister and Chief of the Councillor Bureau only once every week, the other ministers he could not see at all. Twice every year he could give an audience to the various ministers. The Japanese Director of the General Affairs Bureau supervised.

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All reports of the ministers were pre-drafted by the Japanese. They were brought in and read. * Twice every year the witness was allowed to interview the commanding officer of the military area in Manchuria, but this was also supervised. The reports brought by him were always the same. It was proffered by the Japanese advisors and then read by the official. The witness could not speak to these people freely. When he did speak to them the subject matter was written out by YOSHIOKA.

Even Chinese friends who came to congratulate the witness on his birthday were not allowed to see him.

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* YCSHIOKA gave him a list of the relatives that he was allowed to see. Even those specially permitted to be seen were watched by the gendarme and reported to the Kwantung Army. All personal correspondence was stopped and censored by Japanese in the Household Ministry.

Under orders of General UMEZU the witness was prevented by YCSHIOKA from paying visits to his ancestral tombs and directed to send a representative.

4001

The witness's wife contracted a kind of disease when she was 23. She was a very patriotic Chinese * and had advised the witness to be patient so that they could recover the lost territories in the future. However, she was poisoned by the Japanese and died. This was done by YOSHIOKA. At first she was under the care of a Chinese doctor but later General YCSHIOKA recommended a Japanese doctor. When the latter attended her YOSHIOKA had closeted himself with the doctor for three hours. The day after she was attended by the Japanese doctor she died. Her illness was not sericus. She was supposed to have had a glucose injection every hour but after the Japanese doctor arrived she was given only two injections during the night. YOSHIOKA was staying at the witness's place and throughout the night the gendarmes and nurses * were busy reporting to him.

4002

A month later YOSHIOKA proposed that the witness marry a Japanese girl. On the surface the witness could not refuse but did tell him that he could marry only a girl whom he loved. His first wife was of a rank next to the Empress. Later the witness married a young Chinese girl whom he felt he could educate the way he liked and would not be assimilated in the Japanese manner.

4003

YCSHIOKA told the witness that Manchukuo should be the center of the Japanese Empire. UMEZU was of the same opinion. Both always advocated the oneness of both nations and tried * to make Manchuria a colony. This opinion was expressed by YCSHIOKA as well as UMEZU. They derived this idea from the Japanese adage, "the world under one roof." It was derived from the rescript of the first Japanese Emperor.

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- 4004 * This doctrine was the basis of the Japanese
4005 aggressive idea. * General UMEZU, pursuant to the Japanese Government's desire tried to encroach upon the Manchurian State religiously. They had decided to enslave the people of the whole world and they started it in Manchuria. The witness opposed Japanese Shintoism. Under orders of UMEZU the witness was taken by YOSHICKA to Japan to visit the Japanese Emperor, where he was given two of the three treasures, a sword and a mirror. This visit was made in 1940.
- 4010 * The goddess AMATERASU-OMIKAMI had given the mirror to her sons and grandsons and had told them when they saw this mirror it was the same as seeing the goddess. This treasure was brought back to Manchuria by the witness and is the worst humiliation that he ever faced.
- 4011 * When Japan brought Shintoism into Manchuria they also invaded China with troops. It was their plan to enslave Manchuria first and then try to conquer all the peoples of East Asia. When the witness returned to Manchuria the organic laws were amended with respect to Shintoism. * This was a great humiliation to the people as a whole and to the witness individually. Japan wanted to subject the people to a situation from which they had no chance of reviving. They were going to subject the Chinese to the same ordeal and finally the people of all the world.
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- 4014 * The witness did not receive the jade and the reason for his not receiving it he did not know.
- According to the amendment of the organic law the practice of Shintoism was compulsory. It had to be practiced by the Chinese Army, civilian officials, in schools, everywhere. They were required to set up a temple for Shintoism. The witness himself was included and it was provided by law that if he ever showed disrespect to Shintoism he would be subjected to confinement for more than a year.
- 4015 * Shintoism required soldiers and civilians of Manchuria to worship the Emperor of Japan. These treasures represented the Japanese Emperor and all people were required to respect the Japanese Emperor. This was because they were out to assimilate the Manchurians.

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4017 * They were required to worship the Japanese Emperor, Amaterasu Omikami is equal to the Japanese Emperor. The law was carried out. It was enacted and ordered to be carried out by the Japanese. The Japanese had a high priest.

4018 * General HASHIMOTO, who was also Vice Chairman of the Councillors Bureau and former Provost Marshal and Chief of Staff of the Kwantung Army was high priest. The rescript as drawn by the Japanese required that all the witness's descendants were to worship according to Shintoism.

4019 * Fundamentally speaking, the witness never had any power though it was prescribed by the Japanese organic law. The only gain from the gifts of the treasures was that a temple was established.

The witness did not have any more power over the Army after he obtained the the treasures than before.

4020 The witness knew the accused HOSHINO who was Director of the General Affairs Bureau in Manchuria. * On the surface the Director worked under the Chinese Prime Minister, but in actuality he functioned under the orders and direction of the Kwantung Army. This office held most of the powers of administration in Manchuria. Under the agreement between MUTC and Prime Minister Cheng on the surface Japan organized in Manchuria a state of independence but the agreement provided that the Manchurian State shall tolerate the station of Japanese troops in the territory

4021 of Manchukuo. No sovereign state * tolerate this. HOSHINO was engaged in exploiting Manchurian industries and the control of economic affairs.

Loss to the Manchurian State was tremendous all industries were put under their control--farming, commerce, fisheries and electricity. These were put into Japanese hands and no Chinese was permitted to enter into them; consequently, many of the Chinese went bankrupt. The situation was deplorable. The Japanese lay emphasis merely on the mining industry which was done to expand armament industry.

4022 * There were 64 special Japanese companies formed, with capitals sometimes running into billions. Their plan was to make China bankrupt and expand their influence.

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4023 The banks were in the hands of the Japanese. The Chinese could save their money in the banks but were not allowed to borrow. The Japanese alone could borrow. The put in most of the savings. The banks were trying to absorb all funds from the Chinese. * A central bank was established but there were branch offices in various districts. There was also an industrial development bank which handled matters in connection with borrowing money. All banks were under the control of the Japanese. The Chinese were not allowed to do business at liberty but had to such special permits from the Japanese. The directors of the central bank had one Chinese but he had no power. This was part of the Japanese co-prosperity plan for Manchuria.

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* There were monopolies that were all in the hands of the Japanese. There was a Bureau of Monopolies under the control of the Japanese and all monopolized commodities had to pass through this Bureau. Opium is one of the most significant items. All laws and ordinances in respect to monopolies were carried out by Japanese officials.

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All matters in connection * with the growth of poppies and the distribution of opium were under the control of the Kwantung Army and carried out by the Director of the General Affairs Bureau. The purpose of distribution was to break down Chinese morale and to destroy Chinese health so that they could not resist the Japanese. On the other hand the Japanese said they were suppressing opium in Manchuria but they encouraged the growth of poppies. Formerly the growth of poppies was confined to Jehol and Hsinan West Province. Later on * the area was extended to Mukden, Chilin and part of Supin Province. The income from the sale of opium increased yearly and the latest figure was two hundred million dollars in a special account which was the net profit from the sale of opium.

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Permits for smoking opium were officially sold in Asia. The use of opium increased yearly after the Japanese came into Manchuria. * The fee for a smoking permit was two Manchurian dollars and those who obtained a permit were given two yen by the government to buy the opium. The Japanese set up a system regarding opium control among Japanese but the witness was not too familiar with that.

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* The smoking of opium by Manchurians was not considered as an offense of laws or regulations. On the one hand they were trying to suppress the growth of opium, but, on the other hand, they didn't consider opium smoking as an offense. This had been the Japanese policy ever since they came into Manchuria.

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* Up to the outbreak of the Mukden Incident and the establishment of Manchukuo, Generals HONJO and ITAGAKI were the staunch supporters of the Concordia Society and they established it.

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All matters with respect to the Courts of Manchuria were in the hands of the Kwantung Army and the General Affairs Bureau. The witness's personal guard was a matter separate * from the Army which was under the control of the Kwantung Army. Before the witness left Port Arthur and Manchukuo was established he had the idea of building an Army so that in the future he could join the Chinese to

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resist the Japanese. * As soon as the witness got to Manchuria he found that he had no power with the Army and without it he could not realize his desire so he enlarged his personal guard. This personal guard was financed by

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4048 him personally. Sometimes he had up to two or three hundred. They were secretly given some military training so that they could later be quickly joined up with the Chinese Army. The * Japanese, because these personal guards were not under the control of the Japanese military were always finding fault with them. There were minor quarrels with Japanese military people. One occasion when fighting ensued the Japanese sent a great number of soldiers over and sent for the Japanese Provost Marshal. The Provost Marshal saw that they were maltreated. Some were given cold water treatment, whipped, beaten up, stripped and made to dance without clothes on.

4049 YCSHIOKA told the witness that the Japanese military would take drastic action. * The head of the witness's personal guard, who was a personal friend, was dismissed by the Japanese.

The Japanese military preparations in Manchuria were considered by the Japanese as top secret and they never spoke to the witness about it. However, judging from the map which shows the Japanese had built railways in the north and east sides the witness had reason to believe that they had prepared militarily to invade the Soviet.

4050 * The Soviet nation had no aggressive plan against Manchuria. There are instances which will prove this. When UYEDA took charge of the Kwantung Army the Japanese Army at Chang-ku-feng challenged the Soviet army in order to test its strength and as a result the Japanese were routed. After the Japanese were defeated the matter was closed unconditionally and locally. If Soviet Russia had had territorial designs, they could have pushed on then.

4051 * The state of Manchukuo was no a sovereign state. It was under the complete control of Japan. The Manchukuoan people, the officials, and the witness lost freedom completely. Everyone had a desire to resist Japan but no one could do it.

CROSS-EXAMINATION BY DR. UZAWA

4053 * The witness stated that in 1909 when he assumed the throne in China he reported to his ancestors. These ceremonies were arranged by his father since he was too young.

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4059 The coup d'etat created by General Feng the witness felt was only temporary, and he felt that he would rather move out of the Forbidden City because living inside it was difficult to get in touch with the people living outside and he desired to get outside. Of course, General Feng could have employed more peaceful means to get him out. * The witness did not feel good when he was moved out in one day. As explained, the witness felt that it would be better to leave the Forbidden City, because the atmosphere was not wholesome.

4060 The was fully recorded in Mr. Johnston's book called "Twilight of Life!" The only resentment the witness had was that General Feng should not have resorted to the forceful manner. Mr. Johnston's book correctly expresses the witness's view point.

4060 * The government under General Feng was a temporary provisional one and not a formal government. In a few days another provisional government under General Tuan was formed. The Chinese at no time thereafter carried out fully the terms of the abdication agreement. From the time of maturity the witness had been a serious student of Chinese history and he knew that during his lifetime that China had been wracked by civil war, banditry, flood, famine and pestilence.

4061 The witness was more interested in ancient history * instead of contemporary or modern history. He knew about the condition of Manchuria under the dynasty of the Changs only from the newspapers. From the newspapers he could have discovered many of the Japanese aggressive acts in Manchuria. The witness did not know whether the inhabitants of Manchuria were oppressed in taxation by the Changs. The inhabitants of Manchuria were not oppressed by the Changs by being forced to labor. The witness had never heard of that.

4063 * That he had never heard that the inhabitants of Manchuria were forced to serve in the Army for the Changs.

4064 * The witness recollected something about the Russian invasion of Manchuria in the late 20's but he was not clear about it. When asked with respect to banditry of Manchuria and North China he stated he could not recall it. The witness had heard in the late 20's there were some

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* The witness stated that in the past ten years or more he had not kept a diary so he cannot remember particular statements.

After he had acceded to ITAGAKI's demands he had adopted an entirely new system. On the surface he adopted a sort of pretense so as to obtain the confidence and trust of the Japanese. If he did not, he could not ever do anything he wished. Under the circumstances he could not very well tell the Japanese that he was out to recover the lost territory. He had embarked upon a very adventurous career. If he succeeded, he would naturally be considered as one of the most patriotic Chinese. If he failed, naturally he would be considered as an absolute failure and his reputation would be at stake.

4108

* The witness stated that he knew a H.G.W. Woodhead, a friend of his in Tientsin. He remembered having an interview with him at his palace in Hsinking soon after he became Regent. With respect to the statement that he is alleged to have made to Woodhead he said that he intended to vindicate himself and to improve the lot of the people of Manchuria. He could not very well recall his words to Mr. Woodhead.

After he got into Manchuria he had to adopt a hypocritical, pretensive attitude. Otherwise he could not get the confidence of the Japanese. Even if he made this statement it was a kind of counter-propaganda.

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* The witness stated that he became Emperor two years after he became Regent.

Page

did not know he had been declared a traitor in 1931 by the Chinese Government, but he was under the supervision of the Japanese Kwantung Army and could not pay too much attention to outside matters.

4130 * When the witness travelled from Tientsin to
Port Arthur in 1931, he went under the compulsion of
4131 General KASHII. * A Japanese man named YOSHIDA,
Chutaro, took him in an automobile, and went to the
wharf at Tientsin. From there they went to Yinkow,
from there to Takukow, and from there to Port Arthur
by boat. There were also Japanese soldiers on the
boat. There were three or four Japanese along, but
he did not remember their names. Other Japanese
soldiers came with YOSHIDA, but he had no chance of
asking their names.

4132 * There was still fighting going on in
Tientsin, and conditions were chaotic. There were
bullets flying around, and some fell into the yard
of the witness' house. The witness was told that he
was being taken to Port Arthur by the Japanese
military. He did not believe there was any necessity
for his going, but after insistent persuasion by the
Japanese he went, thinking it was not serious if he
did go. At first he was persuaded to go, but later
he refused. They insisted, and this insistence
amounted to compulsion. Furthermore, since he was
living in the Japanese Concession, the Japanese had
4133 * almost declared that part of the city under martial
law, so the witness had to leave. The witness had
not stated in the past that he went to Port Arthur
voluntarily.

4134 With respect to his supposed statement to
Mr. Woodhead that he had said that the story of
his kidnapping from Tientsin was ridiculous, the
witness stated * that when he interviewed Mr. Wood-
head he was already in Japanese hands and had no
freedom of speech. Whatever statement he made was
made by ITAGAKI. He felt very badly when it was
made, but on second thought he felt it would be a
4135 kind of propaganda * by which he could gain the
confidence of the Chinese.

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4144

* The witness stated that when the Russian Air Force arrived, he was taken to Po-Li along with his various ministers, and were housed in a villa in the outskirts of Po-Li in Khabarovsk until the present. They were taken there by the Soviet Air Force and had been detained there, but had been given the freedom to go out and walk around the river. When they were out they were under armed guard.

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* He came to Tokyo under guard. No threats * or promises were made to him whatever. He has told the truth, that he knows of.

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With respect to the instructions that UMEZU had given to YOSHIOKA that the witness was not to be permitted to visit his ancestral tombs, YOSHIOKA told him that he had received orders from UMEZU. This was when the witness was on an inspection tour in Mukden. As his ancestral tombs were nearby in Mukden the witness proposed to visit the place, but YOSHIOKA told him that according to the order of General UMEZU he was not allowed to go to the tomb. This was during the regime of General UMEZU, but the witness cannot recall the exact year. The witness visited Mukden twice. He cannot recall * the dates, but the dates are to be found in the Manchukuo Yearbook. This episode happened on the second visit. The first visit was made during the regime of General UEDA. UEDA's period in Manchuria can be found in the Manchukuo Yearbook. However, he was in Manchuria prior to UMEZU. The witness has prepared a note bearing all of the dates of the arrival of the different Kwantung Army officers, and without them he cannot state the times. UEDA was in Manchuria a few years. * UMEZU was in Manchuria after UEDA, but he could not answer accurately.

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With respect to his notes, the witness stated that they were jotted down from time to time when he was in Manchuria, but they were not put down exactly right after the event happened. He had taken down the dates of the arrival of the Commanding officers as soon as they arrived, * and some of them he put down after he was informed by the Chairman of the Privy Council, which was right after the event.

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The paper he has * is a re-written copy of the original which was in pencil. The rewriting was done in Tokyo, and the originals were in Tokyo.

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* The witness stated that it was by order of General UMEZU that he visited in Japan. This order was told to him by General YOSHIOKA. * He visited Japan in 1940. He made two trips to Japan, the first one being made when he came to pay a courtesy call to Prince CHICHIBU, which was at the time General MINAMI was the Commanding General of the Kwantung Army. In 1940 the witness was accompanied by General YOSHIOKA, who was with him at all times during his visit.

4159

While UMEZU was in Manchuria, the witness spoke to him often, approximately three times a month. UMEZU also came to where the witness lived. The interpreters were present, the name of one being NAKAJIMA. There was another interpreter who came from the Japanese Headquarters, but his name the witness did not remember. Most of the time NAKAJIMA did the interpreting. If he was ill, the other interpreter came. Comparatively speaking, UMEZU stayed in Manchuria a long time.

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* With respect to the establishment of the National Foundation Shrine in Hsinking, the witness said that it was not a voluntary act of his own upon his return from Tokyo. * Everything was in the hands of the Kwantung Army. Every official act was decided by the Army General Affairs Bureau, and they asked Manchukuo to carry it out.

Prior to the witness' second visit to Tokyo, General UEDA talked to him with respect to the establishment of the National Foundation Shrine. UEDA was then transferred to Japan because of his defeat at Nomonhan. UEDA expressed the fervent desire that Manchukuo should have the same kind of religion that Japan had. The witness replied that the Chinese had their own religion and did not need any foreign religion. The discussion was discontinued. After UMEZU arrived in Manchuria, the practice of Shintoism was put into effect. Prior to being put into effect,

Page

4171 there was a meeting among the Japanese lower staff, * held at the Officers' Guild. Among the persons present was the Fourth-Section Chief of the Japanese Kwantung Army, and it was also attended by the staff of the General Affairs Bureau. At the meeting the director of the Fourth Section of the Army announced that Chinese, as well as Manchurians and Japanese, were present. It was also announced that it was the decision of the Japanese Government that in the future the so-called Amaterasu Omikami would be imported into Manchuria and be worshipped by the Chinese. Mr. Ku-Tsuhung, a Chinese official working in the General Affairs Bureau, was present and expressed objection to the proposition made by KATAKURA, Director of the Fourth Section, and after a lengthy discussion the Director of the Fourth Section stated that it was the fixed policy of the Japanese Government and the Chinese officials were not to debate the issue or express any opinion. The witness was not present at the meeting, * but Mr. Ku-Tsuhung reported the matter to the Chairman of the Privy Council, who in turn reported it to the witness.

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The Chairman of the Privy Council was Tsang-Shihyi. The witness knew only what was reported to him by the Chairman of the Privy Council, and he could not give the names of the different vice ministers then present. The then Director of the General Affairs Bureau was HOSHINO. He, with other Japanese high officials, reprimanded Ku-Tsuhung and stated that the Chinese should never have tried to object to this arrangement and to Japan's fixed policy.

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YOSHIOKA said * it was the decided policy of the Japanese Government that Manchuria should worship Amaterasu Omikami. He further stated that he came to see the witness on the order of General UMEZU, and UMEZU directed that the witness go to Japan to fetch the Amaterasu Omikami. As a gesture to the public, he stated that the witness was to make it known that he was going to Japan of his own free will. * The witness objected to this vigorously, but under the compulsion of the Kwantung Army he had to go.

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* The witness said that Sir Reginald F. Johnston was his English tutor and served him for a good many years. He was merely his tutor. For ordinary times Mr. Johnston knew a little bit about the witness, but after he went to Manchuria Johnston did not know anything about the witness. His book, "Twilight in the Forbidden City" contained many

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sections. * In the section describing the witness's life in the Forbidden City is correct. The witness had never read the whole book. Mr. Johnston had explained to him what he was writing about. He agreed with Mr. Johnston with regard to the section which described his life in the Forbidden City, but so far as the section describing his life in Tientsin is concerned he did not know what was being written.

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When they were in Peking they lived together but they lived apart in Tientsin. The last time the witness saw Sir Reginald was in Manchuria but he could not recall the time or the year and he could not recall the date of the last time he saw him before he left Tientsin, * or whether he saw him within a month from the time he left Tientsin for Fort Arthur.

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He did not recall that he had written a preface to Sir Reginald's book. * The witness was shown Exhibit 279 purporting to be a preface of a book written by Sir Reginald Johnston and was asked whether he wrote the preface. He stated that it looked like it was written by Cheng Hsiao-hsu, but it was not written by the witness and he had never seen it before.

CROSS-EXAMINATION BY CAPTAIN KLEIMAN, COUNSEL
FOR HIRANUMA

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* The witness stated that he visited Japan in the year of 1940. Whether it was springtime he did not remember but the date was in the year book. If the year book

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* says it was spring, then it is true. He visited Japan previously when MINAMI was Commanding General of the Kwantung Army but the date he did not remember.

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* When he referred to the Japanese-German Pact in which the Japanese Imperial Rescript was issued concerning the eight corners of the world he was referring to the German-Italian-Japanese Alliance, but he could not tell the

Page

date. He learned of the fact from his friend, Tsan-Shihyi. He had never read the original text of the rescript but he learned about it from his friend.

4187 * The witness had also heard of the phrase "eight corners of the world" from General YOSHIOKA and in the last eight months no one has spoken to him about the eight corners of the world.

The witness said that he used to be rather proficient in English, but in the past ten years he had no chance to read foreign books and speak foreign languages with the result that he now cannot speak them, but can understand a little bit. Once he attempted to order some English texts, but YOSHIOKA refused to allow him to have them. Some of the questions put in English in the Courtroom he understood and some he did not.

4188 * YOSHIOKA further elaborated the phrase "eight corners under one roof" by saying that it included all the people of the world and said that the people of the world all over were descendants of AMATERASU CMIKAMI.

The witness stated that all documents signed by him ever since he went to Manchuria was done under compulsion.

4190 * The treaty he referred to as the Japanese-Manchukuo Treaty was signed by General MUTO and Cheng. This is known as the Japanese-Manchukuo Agreement. The day previous to signing it they didn't know anything about it. When MUTO came to see them he brought the agreement. The witness did not personally know the provisions or its terms long before that time. So far as he can recall he never discussed any of the provisions with any Japanese prior to the day before signature.

4191 * When the witness spoke of six million immigrants he meant to say that they had a plan to bring over six million immigrants. The Japanese were immigrating continuously, but he did not know the exact number of immigrants who had come in. * The witness stated that all Japanese activities economically were selfish ones. At the time everything was controlled and all control laws were made by HOSHINO. Consequently, the Chinese became bankrupt. It

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must be remembered that there is a difference in time between the Lytton Report and the time the witness is speaking about. If the Manchurians had exploited their own industrial resources, they would have benefited, but the Japanese exploited them solely for the benefit of the Japanese people. There was some increase of agricultural products under Japanese guidance but all the profit and benefit went to the Japanese and not to the Manchurians.

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Manchuria is a vast territory and is resourceful and its population after 1905 was not big. The Chinese were tilling the land and were self-supporting. This was very different from the latter situation when they were being robbed by the Japanese. Japanese immigrants kicked out the Chinese natives, grabbed off the tilled land and made the Chinese go to further places. The result was * that the Japanese occupied all the tilled land and the Chinese were occupying undeveloped land. Of course, in some cases they promised to pay nominal amounts and in some cases they were so paid and in others they were never paid at all and the result was that the Chinese were made bankrupt. Even before the completion of the immigration plan the Chinese were bankrupt.

If the immigration plan had been realized, the witness could hardly imagine the state that the Chinese natives would be in.

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The witness stated that he did not know whether the Soviet Government had an aggressive policy against China. The so-called invasion by Soviet troops in 1929 was purely Japanese propaganda for some consumption. * At the time of Chang Ku-feng incident the Japanese Army Commander was General UYEDA. The Japanese Army was completely defeated. The intention of this incident was to test the strength of Russia.

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- 4202 * The Chang Ku-feng Affair occurred when General UYEDA was Commanding General of the Kwantung Army. The Incident was closed in a short time and UYEDA was removed due to his defeat by the Russians.
- 4203 As to the * Nomonhan Incident, Japan attacked Outer Mongolia and Soviet Russia went to the aid of Outer Mongolia and defeated Japan. This serves to prove that the Soviet had no aggressive designs on Manchuria, because all these incidents were provoked by the Japanese and the Japanese were defeated. This is in contrast with what Japan did after the outbreak of the Marco Polo Incident in China and the Mukden Incident in Manchuria and clearly proves that Japan had aggressive intentions. These facts were practically known to every Manchurian as was the fact that UYEDA was recalled from his position due to his defeat.
- 4204 At that time the witness saw the Chairman of the Privy Council, Tsang-Shihyi, * once every week and it was from him that he got his reports. The fact that the Soviet had no aggressive intentions toward Manchuria was proven by the facts that they did not push forward after the incidents were closed and settled.
- 4205 The witness had not learned of these facts in the past eight months. He had learned all of them when he was in Manchuria and this was known to all the people in Manchuria. * Before the witness went to Manchuria the only question with the Soviet was that of the Chinese Eastern Railway.
- 4208 * The witness stated that he learned about the Wanpaoshan and NAKAMURA incidents from the newspapers. These incidents could have been easily settled but they were used as pretexts to occupy territory. * With respect to the Wanpaoshan Incident he learned of the facts from the newspapers. Japan tried to put the blame on China and it was on this basis that Japan marched in and occupied Manchuria.
- Incidents of this nature could have been settled by the nations very easily and had been settled by these nations. Japan magnified these incidents into an aggressive design. In the Mukden Incident Japan said that the Chinese were firing on the Japanese and they made use of it as a pretext.

Page

4210 The witness stated that he was not clear about the facts of the Wanpaoshan Incident but many Chinese were massacred. * He did not remember the particulars or details. The witness read mostly Japanese papers, many of which were propaganda.

The witness stated that whether Manchurian currency was depreciated or not is another question from that of printing of currency. The currency methods as well as other methods were under the control of the Japanese.

4212 * The witness stated that he never talked to anyone about the matter of being aided in the future in the event he testified before the Tribunal and no promises had been made to him. He was willing to come before the Tribunal in order to testify * because from this opportunity he could tell to the world the oppression the Japanese had imposed on the Manchurians for the past ten or more years.

4213 He was asked to come to be a witness in the trial but nothing was said as to what would happen if he refused to appear before the Tribunal. It was his own free will by which he came to testify.

4215 * All that he testified to was out of his own knowledge. He had been questioned by the Russians and had made statements to them. * He dictated his statements to his subordinate, Tsang-Hsihi and other Chinese. These statements were from his own memory as well as from materials found in the yearbooks. He also wrote out a special note bearing a few of the major events he remembered and this note he had with him. He did not have a copy of the statement that he made. There was a separate sheet which he wrote out when he was in Manchuria but he did not bring this sheet with him. It is still in Khabarovsk. After he came to Tokyo he wrote another small piece from memory.

4217 * Restating his explanation he wrote out a very brief note when he was in Manchuria. This was concerned with dates and the names of officials. That note he left behind at Khabarovsk. There was another short memorandum he wrote out from memory and also material he found in the yearbook. This was the basis of the statement which he dictated to Tsang. Right now he has with him a brief note book which was the transcript of the one he had in Khabarovsk and the papers he had here in Tokyo were copied from the note he just mentioned.

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- 4218 * When he made his first statement to the Russians
Colonel Rudziavtsev, Military Interrogator, was present.
4219 * The witness first learned that he was going to be a witness before the Tribunal when he was in Khabarovsk and he came as soon as he was told to.

CONTINUED CROSS-EXAMINATION BY MAJOR BLAKENEY
COUNSEL FOR ITAGAKI

Counsel read a statement from the book by Sir Reginald Johnston, "Twilight in the Forbidden City" which is summarized as follows:

- 4220 * The Mukden Incident took place on September 18, 1931 before the Johnston ship reached Japan. Johnston went on to China and went to Tientsin arriving on October 7.
4221 * The Emperor expected him and he was met at the station by one of his suite. There was a rumor that he had already left for Manchuria, which Johnston knew to be incorrect. Johnston spent the next two days in his company and was given information which enabled him to foresee what was to happen in the near future. This was corroborated by Cheng Hsiao-hsu. At dinner there was only one topic of conversation.

When asked with respect to this conversation the witness stated that Johnston was, as a matter of fact, in Tientsin, but there was no such conversation. Johnston wrote the book with a commercial end in view.

- 4223 * The witness stated that he was sorry that he made a mistake yesterday. That the pencil notes he referred to were left behind in Khabarovsk. He had one written in ink in Tokyo. He had altogether three copies. The one left behind in Khabarovsk was written in Manchuria. There was one copy in Manchuria written in pencil. This was left in Khabarovsk. The one written in Tokyo was more or less a summary of statements he made to the Russians.

CROSS-EXAMINATION BY DR. Kiyose, Counsel
FOR SATO

- 4230 * The witness stated that the yearbook referred to by him was the Manchukuoan Yearbook printed in Manchukuo.
4231 * The witness was looking for events on matters which he wanted to look up. He did not pay any attention to the name of the publishers or the location of the publishers.

Page

All such matters were being run by and under the control of the Japanese. When writing his statement he was relying on memory and he had to look in the yearbook for necessary references. As to the particular articles of the laws or details of the laws, or printing or publishing of a certain book, he thinks the Japanese know better than he does. The one he used was printed most recently. He could not recall the exact year.

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* When the witness went to Port Arthur he did not anticipate that he would assume a position in the new government. All he knew was that General KASHI suggested that he should go to Port Arthur. There was some writing in the papers at the time about the establishment of a new government in Manchuria, but the witness didn't think that it had any connection with him.

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* The witness stated that he did not know a Japanese named KAWASHIMA. KAWASHIMA was a friend of the witness's relative Soo Ching-wan, whom the witness did not see frequently. He did not know KAWASHIMA personally but he had heard of his name.

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* The witness stated that he heard the proposition for the first time from ITAGAKI. The idea of biding time to recover lost territory in collaboration with China was his idea all along. * When the witness was asked to go to Port Arthur the suggestion was that he should go there to avoid the chaotic conditions in Tientsin. At that time he did not have the slightest idea of becoming the Monarch or taking any political regime. He had not thought of the establishment of a state in Manchukuo. When he was faced by the demands of ITAGAKI he thought that he might as well make the best of the situation when he could not resist his demands. As a result he thought it would be the best idea to go in with him for a chance to recover the lost territories. At the same time his four advisers were persuading him to accede to their demands. They stated that if he refused there might be attempts on his life.

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* The witness decided that it would be best to go into Manchuria and make the best of the situation. Before the demand was put to him by ITAGAKI he, as an individual, could not have had the idea of recovering the lost territory.

Page

4239

* The witness had spoken of this matter to his family, but he did not fully confide in them. This was an idea which he had in his mind, but the situation was impossible for him to fully express the idea, because his life would be in danger. It must be remembered that when he was living in Hsin king he was surrounded by Japanese gendarmerie and General YOSHIOKA. He could not express this idea to these people.

He is regretful that he failed and his dream not realized, but there is one comforting circumstance that the situation was dragged out until the Japanese surrendered and Manchuria is part of China.

The witness said that he didn't make himself clear. That he hadn't even talked to his own family members, because he could not express himself freely.

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* With respect to written instruments at the time the witness accepted the position of head of the Manchukuoan State he stated that on one occasion General HONJO wrote to Cheng Hsiao-hsu, asking him to acknowledge or concede something. This was the greatest humiliation ever given to the Chinese in Manchuria. One day Cheng came to see the witness and presented him with a list which he said was presented by HONJO. In it there were certain demands on which the Japanese asked immediate reply. The witness had to accept all of these. The situation continued this way until the Japanese surrendered. On these occasions the witness was asked to accept these in his own name instead of the Premier's name.

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* So far as he can remember when he became the head of the state he had received demands from HONJO in which they were asked to let the Kwantung Army control the railways, airways and navigation waterways and demanded that Japanese would be employed as officials, that their appointment and dismissal would be under the control of the Japanese army.

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* Without being shown the articles of agreement he couldn't recall anything about it. The witness * stated that the Northeastern Political Council requested him to assume the post of Regent but this was fabricated by the Japanese. They had to have several acts in the play so as to satisfy the people of the world. The time when he was asked by the Council was about the time * he saw ITAGAKI.

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NARRATIVE SUMMARY OF THE RECORD
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4254

* Before the witness was made head of the State there were two conditions: first, that he would attend to the affairs of the government experimentally for one year; and second, that he would resign if his administration of the government did not satisfy the expectations of the thirty million people.

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* When he became the head of the State, there was a declaration written by Cheng Hsiao-hsu. The witness accepted this declaration and announced it as his own.

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* A document was shown to the witness, who stated that it was a kind of unilateral demand, which was not an agreement or a treaty. It showed only the signature of one party. The witness said he accepted the document, but under the circumstances there was nothing else he could do. The document was identified as * exhibit No. 280.

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* When the demands were made upon him to sign these documents, the witness was already in the hands of the Japanese. The document bears his signature, but like many of his signatures made in the past ten years they were made under duress. The witness stated that after he returned to Japan from his first visit

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* he issued a rescript called "Instructions to the People on My Homecoming". However, it was shown to him after being prepared and drafted by the National Affairs Bureau. These matters were all in the hands of General YOSHIDA, the Japanese officials and the National Affairs Bureau, and also the Kwantung Army.

4662

When the witness went to Japan, in his suite was HAYASHIDE, Kenjiro. The witness says, with reference to a certain passage in Mr. HAYASHIDE's book in which the witness was supposed to have stated * that after his return to Manchukuo he would have issued a rescript giving directions to the people. The witness stated that while he was traveling, the Japanese director of the General Affairs Bureau had already told him what he should say when he got to Japan. Whatever statement was made was first told him by YOSHIOKA, whose whereabouts the witness does not know.

Page

4264

* With respect to a statement alleged to have been made by him in Japan that after his return he would consolidate good will between Japan and Manchuria, the witness stated that whatever statement he made was one which he was told to make by the Kwantung Army and YOSHIOKA.

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* The witness did affix his signature to the rescript, but ever since the establishment of Manchukuo everything was done by the Japanese, although on the surface it was purported to be done by Manchukuo.

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*When asked whether he composed any poems which showed his real sentiment, he said that one could give a very concise answer, that one could not scold the Japanese while under their oppression.

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* When he composed these poems, it was a kind of entertainment and did not express his ideas or the feelings deep in his heart. The first verse of one poem stated of having completed a long voyage across an ocean whose tranquility is like a mirror, both countries shall cooperate closely to consolidate the eastern world.

With respect to these poems, the witness stated that Japan had already established its own foundation in Manchuria, and on the surface he had to write something to make the Japanese happy. It could not be taken very seriously.

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* General YOSHIOKA accompanied the witness on his first visit to Japan. On the trip he was representing the Kwantung Army, and not as an official of the Manchukuo State. He did not recall whether YOSHIOKA was present when the witness was supposed to have made the statement referred to or when he composed the poems, but YOSHIOKA did give him a memorandum showing the scope of statements to be made.

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* Whatever statements were made at the time were according to instructions given by YOSHIOKA at Changchun, and from time to time when necessary YOSHIOKA handed him a piece of paper, and the witness

Page

never went beyond the scope. YOSHIOKA was on the same battleship as the witness, as was a man by the name of KUDO. KUDO's first name was Chu, which name had been given to him by the witness at KUDO's request, since he wanted a Chinese name.

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* With respect to the Imperial treasures he brought back, they were stated to be replicas, but whether this was true or not he did not know. Whether they were real symbols or replicas, the fact remains that the Japanese wanted to impose Shintoism on Manchuria. The mirror was enshrined in a national or state foundation within the Imperial Household, by order of General UMEZU and General YOSHIOKA.

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* The law, with respect to Shintoism, provided that whoever was found not to have worshipped Shintoism or the temple or showed disrespect, would be confined not less than a year. There were many religions in Manchuria, and the Japanese could not get rid of all of them immediately, but the witness was told by YOSHIOKA that the time would come when they would exchange the other religions and only permit Shintoism. All students and soldiers were compelled to worship Shintoism, and shrines * were set up in schools and army quarters.

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With reference to his trip to collect the symbols, YOSHIOKA told the witness that it was by order of General UMEZU and that it was decided by the Japanese Government by fixed policy and could not be altered. YOSHIOKA had a Japanese lecture to the witness on Japanese religion, * and this person drew a tree with a Shinto trunk and branches, representing Buddhism, Christianity, and others. YOSHIOKA explained that human beings all over the world were derived from this trunk. There are many Buddhist temples in Japan. The witness himself does not have any religion.

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With respect to the death of his wife, the witness stated that his wife had been young and strong. * While under the care of a Chinese doctor, the doctor's opinion was that her illness was not serious, but when she was put under the care of a

Page

Japanese doctor she was not given the glucose injections she was supposed to have. During the night YOSHIOKA had a three hour secret conference with the doctor. She died the next morning. Throughout the night YOSHIOKA lived in the place and had frequent conversations with Japanese gendarmes and nurses. As soon as he learned the patient died, he left immediately. According to the Chinese doctor she should not have died from this illness. When a month later YOSHIOKA showed him pictures of Japanese girls, everything was plain to him. The Japanese doctor was recommended by YOSHIOKA.

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* The witness stated the fact that they did not give his wife sufficient glucose injections, coupled with the circumstances described, gave him the impression that it was the Japanese doctor who had poisoned her. As a layman, he could not tell what kind of poisonous injections the doctor had given her, but circumstances justified him in thinking that way.

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* With respect to Ling Sheng being killed, when asked whether he was not in fact shot for having given military information to the Russians, the witness stated that the courts in Manchuria were organized and controlled by the Japanese, who took orders from the Kwantung Army and whoever was found to have made any patriotic speech was punished. Many people were killed because the Japanese fabricated stories. The court trial of Ling was a mere formality, the court taking orders from the Kwantung Army.

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* With respect to the Woodhead interview in October, 1932, ITAGAKI came to Hsinking from time to time and told the witness what to say. When asked at the time Lytton came to Hsinking whether the liaison official between the Kwantung Army and the Manchurian Government was not ITAGAKI but MATSUI, the witness stated that the duty of the liaison officer is to keep contact between the parties, but the major policies were made by the Kwantung Army Headquarters.

Page

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* When asked whether at the time he went to Port Arthur, a Manchurian by the name of Hsi-Sia sent him two hundred thousand yuan and asked him to come to Kirin, the witness said he did not know. Lo Cheng-yu was handling all these matters. The witness had heard that Lo Cheng-yu had once went there, but what he did there the witness did not know since it was purely his own personal activity.

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* With respect to the rescript issued by him on December 8, 1941, allying Manchukuo with Japan, the Chinese officials were advised by the five Japanese Vice Ministers, together with the Director of the General Affairs Bureau, and the witness was advised by YOSHIOKA, who told him that the matter had been decided by General Umezu of the Kwantung Army. * All rescripts were issued in the witness' name as Emperor, but this had been the case ever since the witness had become Emperor. Of course, there was nothing he could do about it.

4287

Food, cotton, and other articles were placed under control because Japan took Manchuria as a military base so as to further aggressive desires. *When the witness, on August 20, 1945, arrived at the airfield in Mukden, there were a few Japanese whose names he did not know. He never knew these Japanese, and he did not recall that he had made any statement to the effect that he was thankful to the Emperor of Japan and the Japanese people. YOSHIOKA accompanied him from the middle to about half the trip. He was pointed out as a Japanese, * and was dropped off. The Soviet guards were asked to separate them. They separated before they got to KHABAROVSK.

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CROSS-EXAMINATION BY MR. T. OKAMOTO

The witness stated that his tutor Johnston left Tientsin in September, 1930, going back to England. When asked whether he gave his tutor a fan, he said it was such a trifling matter and so long ago that he could not remember. The witness was shown a picture of a fan, which he identified, with a poem written in the Tang Dynasty, in his own handwriting. The copy of the picture of the fan was

Page

marked exhibit 282 and received in evidence.

- 4295 Shown the preface of the book * and asked whether the Imperial sign and manual on the picture was his seal, the witness stated that he had many seals and sometimes Cheng might have affixed them without his knowledge. The preface was not written by him, and sometimes Cheng affixed his seals to some of the things which Cheng wrote, but the witness was not responsible for acts committed by Cheng.
- 4303 * The witness had about two hundred seals. He had them made from time to time. In 1931 he did not have any gold seals. Cheng and Lo might have used this seal, but he could not say exactly because he did not know what they really did. He never gave them any authority to use them. * When he discovered that they had used his seal on Johnston's book, he told Cheng to be more careful in the future. Actually the seal was his, but it was used without authority.
- 4304
- 4305 * The witness had never had the occasion to read the entire book of Johnston's, but had only read the translated portion, which is the section describing his life in Peiping, because Johnston had been living with him at the time, and he thought the description was fairly correct. As to what he wrote in Tientsin, he wrote merely what he had learned from friends. Johnston, in writing, was responsible only to himself, and the witness should never be held responsible for what Johnston wrote.
- Cheng was with the witness all the time he was in Peiping. They lived apart while in Tientsin, but Cheng later came back. In Peiping he was Minister of the Inner Household. He had possession of the seals, but whether he used them privately or not the witness could not tell.
- 4306 * Cheng was made Prime Minister of Manchukuo. At that time Cheng showed the witness a list which had been prepared by General HONJO, on which everything was decided.

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4309

* With respect to his use of the term "recovery of lost territory", his desire was to recover it for the Republic of China. The witness did not think in 1931 of collaboration between China and Japan.

4310

The witness did not believe * that in 1931 it was the policy of the Japanese Government not to expand. They had already occupied the whole of Manchuria. In 1931, the witness was living in the Japanese concession in Tientsin, and most of the newspapers read by him were printed by the Japanese. Whatever was said in the paper by the Japanese Government was much nicer than was actually done by them.

Page

4373

* Exhibit No. 291 was offered and received in evidence and is summarized as follows.

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DOHIHARA, on November 2, 1931, interviewed the Emperor, and according to secret conversations he insisted that the favorable opportunity should not be missed and that the Emperor * should reappear in Manchuria before November 16 and Japan will recognize him as head of an independent state, concluding a secret defensive and offensive alliance. Japanese troops would be withdrawn the day after independence. If Chinese troops cross over, the Kwantung Army will crush them and will give fullest support. The Emperor seemed willing and expressed the desire to know to what extent Japanese government intends to assist and also wanted to know the method of his escape. An answer was promised for later. DOHIHARA's arrival in Tientsin was reported in the "Star".

Exhibit No. 292, being a telegram from KUWA-SHIMA to SHIDEHARA dated November 4, 1931, was offered and received in evidence, and is summarized as follows.

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* A Chinese newspaper reported on the 4th that the purpose of DOHIHARA's visit was to instigate PU-YI under order of Japanese War Ministry, and to take him to the northeast to form a new government and to incite the Japanese to trouble with Chinese to have a pretense for non-evacuation. It is reported * that when PU-YI refused to go to Mukden he was threatened by DOHIHARA and was obliged to go against his will.

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Exhibit No. 293, being a telegram from KUWA-SHIMA to SHIDEHARA dated November 12, 1931, was offered and received in evidence, and is summarized as follows.

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* A local newspaper reports that a Japanese military launch left the Japanese and French concessions, and it is believed that the Emperor PU-YI was abducted in this launch. The paper also reported that while DOHIHARA had failed to cause riot in Tientsin and establish a new reign, he had threatened the Emperor about going to Mukden which the Emperor

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(August 28, 1946)
(Manchurian Aggression)

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4378

had not agreed to, but DOKIYAMA has had the Emperor's circled agree to his plan, and the plan of restoration has been generally settled.

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* Exhibit No. 294, being a telegram from ARAKAWA, Consul-General at Yinkow, to SHIDENARA, was offered and received in evidence and is summarized as follows.

4379

* From what could be gathered from the captain of the escape boat, DOKIYAMA was head of the plan for the escape of the Emperor from Tientsin. He went by motor from the concession and was brought to the pier under armed guard, and boarded the boat. DOKIYAMA * is said to be engaged in plans to get the Emperor out. Furthermore, certain Japanese officials and Chinese left on the same train with PU-YI. PU-YI was in his usual military uniform.

4380

Exhibit No. 295, being a telegram from KUWA-SHIMA to SHIDENARA dated November 13, 1931, was offered and received in evidence, and is summarized as follows.

4381

* This morning the writer was advised by a representative of the Japanese Army that despite the statement of the military that they had no knowledge of PU-YI'S movements as formerly reported, * the Army actually knew about it. Both the Imperial and Kwantung Armies desired it. PU-YI fled on November 10 by car, and on the 11th boarded the steamer. Although the army would take full responsibility, they fear that there will be trouble for the consulate. They will deny all connection and thus think they will escape discovery, but if it is discovered they will say that it was PU-YI'S plan because of his fondness of Manchuria and the recent bombing affair. They will say that he fled, and after fleeing from the Japanese concession after several days appeared in Manchuria. This is the understanding between the

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army and PU-YI, * and care must be taken with the dated to prevent contradictions with the Foreign Affairs Department. The army representative was assured that all details would be reported to the minister, but the consulate could not admit and would

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oppose explanation and asked the army to consider measures to prevent the spread of rumors that PU-YI was coerced and being used by the army.

Exhibit No. 296, being a telegram from KUNASHIMA to SHIDHARA dated November 13, 1931, was offered and received in evidence, and is summarized as follows.

4384

* A Chinese newspaper reported the Emperor's escape from Tientsin to Dairen. There have been inquiries from the American Consul-General as well as the Japanese press. A statement on the following lines should be made. There has been for a long time rumors of a movement for the restoration of PU-YI. The consulate has repeatedly remonstrated with PU-YI against such rash action. Although PU-YI did not wholly agree, he repeatedly admitted that the time was not ripe.

4385

On November 6 he received a basket of fruit in which there were two bombs (manufactured in Minkuo 16/1927). Several threatening letters had also been received.

On the 8th there was a riot, and the consulate sent word that special precautions were to be taken. Since then the Emperor was confined to his room, * with the excuse of being ill.

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Investigation has been made, and on learning of his escape from the newspapers it was discovered that he fled on the 8th secretly, his destination being unknown.

Exhibit No. 297, being a telegram from Consul-General HAYASHI in Mukden to SHIDHARA dated November 13, 1931, was offered and received in evidence, and is summarized as follows.

4387

* On this date, the Commanding General advised that PU-YI had arrived at Ying Kou but is expected to go to Tangkungau. The Japanese Army * will for a while prevent political activity by cutting off communications, placing him in a state of light confinement. The Japanese Army intend to

4388

Page

have this carried out by the Kwantung Government.

Exhibit No. 298, being a telegram from YAMAZAKI at Liaoyang to SHIDEHARA, dated November 19, 1931, was offered and received in evidence and is summarized as follows.

4390

PU-YI arrived at Tangkangtsu.

Exhibit No. 299, being a telegram from YAMAZAKI to SHIDEHARA dated November 15, 1931, was offered and received in evidence, and is summarized as follows.

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* While PU-YI's action as a Chinese is theoretically of no concern to Japan, his behavior and the conduct of the new regime is of keen interest to the powers. Under present conditions, it is recognized internationally that a new regime is impossible without the support of the Imperial army. Therefore, when PU-YI enters into the new regime ostensibly according to the wishes of the Manchurians and Mongolians, there is a fear of world suspicion of the army's intent, which will inflict injury on the attitude of Japan and will invite extremely unfavorable conditions in Japan's policies toward the powers. It is not wise to have such hasty actions when there are signs of favorable results with the League.

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* For the time being the general public should be led so that PU-YI will not be connected in any way with politics. If Japan takes the wrong attitude, she must expect intervention by the United States or by a council of the powers. Deliberations are being held with the Foreign Ministry on the proper measures to be taken. Japan must act so she will have a legal argument against the powers, while the Foreign Ministry is considering PU-YI's leadership through the wish of the people, when it is definitely decided to place him at the head of the government it will be necessary to maintain close connection with the Central Government.

Exhibit No. 300, being a telegram from KUWASHIMA to SHIDEHARA, was offered and received in evidence, and is summarized as follows.

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4394

* The object of DOHIHARA's visit to Tientsin on behalf of the Kwantung Army was to entice PU-YI and crush the influence of Chang Hsueh Liang.

4395

* On this matter he rebuffed all intervention and knowing it was against the national policy, he entered into all sorts of plots with the support of influential politicians, determined that it was unavoidable for him to take free activities from the standpoint of the Kwantung Army. He finally caused a riot on the 8th, but when he saw it end in failure he took opportunity to carry out PU-YI's passage to Manchuria. A secret investigation reveals he first attempted to contact the An-Fu faction, but when this failed he persuaded CHANG-PI and LI CHI CHUN, of the Peace Preservation Corps and the Spin-pang society to bribe the Peace Preservation Corps and supply working funds and use * some garrison troops to provide armaments from the Kwantung Army. The proofs are unmistakable that he participated in all riots.

4396

On the 7th, the consulate warned the army that it was advisable to sever these relations immediately. However the army denied them, but in fact had already decided to carry out the riot on the 8th. The Public Safety Bureau kept strict watch and the Peace Preservation Corps did not rally, and the riot ended in failure.

4397

The riot has turned into a clash * between China and Japan, and the trouble started by DOHIHARA has caused difficulties for Japanese residents and thrown Tientsin into disorder. It has hurt the prestige of the Empire and created an unfavorable international situation. The reactionary element has committed unpardonable acts and has drawn the suspicion of the Japanese and the rest of the people of the world. KUNAKI HIMA has spoken with him several times not to commit such atrocities, but he continues to plan to overthrow CHANG and there is fear of another incident.

The Chinese are concerned about his intrigue. His movements require close attention.

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Exhibit No. 310, being a telegram from TSUKAMOTO, Governor-General of the Kwantung Army to SHIDEHARA dated November 22, 1931, was offered and received in evidence and is summarized as follows.

4398

* The army has no objection to the Express coming to Port Arthur, but since the Emperor's whereabouts is being kept a strict secret, all information regarding her travels should be kept secret.

Exhibit No. 302, being a telegram from ARAKAWA to SHIDEHARA dated November 22, 1931, was offered and received in evidence and is summarized as follows.

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* On the 20th, PU-YI was moved to Port Arthur.

Exhibit No. 303, being a telegram from YANG at Peiping to SHIDEHARA dated November 26, 1931, was offered and received in evidence and is summarized as follows.

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* According to rumors, KANASHIMA, acting on the request of ITAGAKI, has arrived in Tientsin to abduct the Express. DCHIHARA has confirmed this to the attendants of the Express.

Exhibit No. 304, being a telegram from KUNASHIMA to SHIDEHARA dated November 27, 1931, was offered and received in evidence and is summarized as follows.

4408

* On the 26th, the Express, accompanied by KANASHIMA, escaped and left Tientsin on the 27th, as reported by the army.

Exhibit No. 305, being a telegram from MORISHIMA to SHIRATORI dated December 6, 1931, was offered and received in evidence and is summarized as follows.

2328

1403 * The National Guard is a wished amount engaged in plundering. An attempt has been made to disband it, but investigation discloses that it is a get-up affair, based on the policy of T'ANG and oriented with the collaboration of brigands, and the participation of the head of the telephone office and two Japanese residents. In view of this behind-the-scenes activity immediate disbanding was withheld, and it was decided to reorganize it and change its appearance. It seems to be the plan to take over the premises east of Shanghai in like manner in the future and implant Japanese influence.

1404

Intelligent Chinese who have great confidence in the Japanese army are shocked by the trials. This return does not suit local conditions, and it will be fortunate if it does not make the maintenance of peace with the city difficult in the future. The economy, considering foreign relations it has tried to keep it secret. Despite this, the guard unit appears to proudly announce to the Chinese that they have the support of the Japanese army.

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DIRECT EXAMINATION OF HAROLD FRANK OILL
BY MR. SUTTON

1408

The witness is a citizen of Great Britain, born in London 1905, and has lived in China since 1929, living in Shanghai at the present time. The witness was a policy officer of the International Settlement at Shanghai. Prior to Manchurian hostilities, the National Government had launched a program aimed at eradicating opium in China. A new code of laws known as the Opium Suppression Law, superseded the old ones, and those in turn were superseded by an even stricter code of laws known as the Provisional Regulations Governing the Traffic of Opium and Heroin Traffic. Both the old and the new regulations were intended to bring and manufacturing societies. It was apparent to the witness that those served to stop and cut down the use of narcotics in far as Shanghai was concerned. When the puppet Government of Wang Ching-wei took over in Shanghai, one of its early acts was to reverse the strict penalty and go back to the earlier provisions.

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4409

* Prior to the Japanese occupation, there was definitely no open sale of opium in the Shanghai area because the people would not run the risk of severe punishment, such as life imprisonment and death. In certain cases the death penalty was carried out. With the occupation by the Japanese the situation deteriorated, and in October 1938 the witness learned of discussions between the Japanese and puppet officials regarding the establishment of an opium monopoly.

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* Two of the persons participating were Colonel KUSUMOTO of the Special Service Section of the Army, and Major General TAKESHITA. One of the proposals was that twelve opium hongs should be established in western Shanghai outside the International Settlement, each to have twenty dealers. An estimate of possible monthly revenue from sales was about six million Chinese dollars.

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From the autumn of 1938 until the beginning of 1939, opium houses appeared in the western district and was being bought by the people. KITAOKA, a Japanese, was very prominent in the sale. Shortly after the Opium Control Bureau was taken over by the Opium Suppression Bureau for three provinces, with offices in the Japanese portion of the International Settlement, * and opium selling became larger. During 1939, opium selling made its appearance outside the settlement. In one notorious district many houses were converted into shops selling opium. Anyone could buy in small quantities of an ounce or half an ounce. Chinese detectives were sent by the witness to report on these facts. There were signs on the outside advertising the sale, and the opium control was not functioning satisfactorily because there were frequent clashes over opium and opium revenues.

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In April, 1939, a motor car in which a Japanese was carrying three thousand ounces of opium was hijacked.

* The Hong-Chi-Shanten was an organization formed in May, 1939, to take full responsibility

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for the distribution of opium in Shanghai. Opium was brought to Shanghai at this time in Japanese ships. When they arrived in Shanghai they unloaded at the Japanese wharves in the Settlement. The Council had no way of exercising authority over the wharves, which were under the control of the Japanese army. Opium would be taken from the docks and warehouses for distribution.

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* The witness had arrested Japanese nationals for dealing in opium, but unless they were caught in the act the procedure to be followed was somewhat difficult. He would have to first go to the Japanese Consulate and obtain a consular warrant and would then have to get assistance of Japanese Consular Police. This was difficult to obtain at times.

The result was that by that time the Japanese suspect had generally sold his opium and disappeared. With other courts he could get the warrant immediately and carry out the raid.

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* With respect to the Japanese Consular Police, when he was able to obtain their help they were helpful and the raid would be carried out and the Japanese arrested. Once arrested, the person would be dealt with by the Japanese Consular Court, and the witness had no way of knowing how the trial proceeded. Repeat offenders among Japanese was not particularly noticeable.

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* At first the opium sold was of Chinese origin. However, later in 1939 and 1940 foreign opium was to be found. When he speaks of narcotics, he refers to heroin and morphine. Prior to 1938, the witness had not found a great deal of narcotics in Shanghai. The Chinese have the habit of opium red pill smoking, which is made from opium dress, Heroin, saccharine, and coloring. This habit had gradually died out, and in 1939 there were few red pills. After this Heroin appeared in ever frequent quantity. From 1930 the witness frequently seized fifty to one hundred ounces at a time. This would

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* have been sufficient for ten thousand people. Frequently these were in rubber bags with Japanese characters. Invariably the witness was told that it came from Tientsin or North China.

2222

When Japanese influence extended to North China, some Heroin came in. The witness had arrested dozens of peddlers in Shanghai, and they invariably were Japanese or Koreans, that is, Japanese anti aids. They would sell packets of Heroin, and he found hundreds of these small packets in their pockets. Under the law he had to hand them over to the Japanese Consulate for trial. Within a few days they were back on the streets. Despite the large numbers he had arrested, he was never called to testify at their trial, and he would be informed that they had received a small fine.

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From the year 1935 on, the witness was attached to the Narcotic Section of the Police Headquarters to deal with narcotic and opium offenses. He was later in charge of the Bureau, and with his detectives worked to stamp out the traffic in the settlement and was in a position to give advice regarding narcotics in Shanghai. The work was hampered because the police could not function properly in the Japanese part of the International Settlement. After the Japanese occupation there was little or no effort made to suppress or punish addicts outside the area of the settlement. The witness had arrested hundreds of addicts.

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The Heroin addict is a pitiful sight. After a few months a healthy man becomes wasted, filthy, emaciated, and diseased. He does not care about food, work, and family. If deprived of the drug for a long time, they will go to any length to obtain it. Addicts have been known to drink their own urine because of its narcotic content.

For several years the witness prepared reports for the League of Nations. At the end of 1941 he prepared the usual report and submitted it to his Japanese superiors, but was told it was no longer necessary to prepare them.

Returning to the Heroin addict, the addict would purchase the drug from a peddler and then would inhale it or inject it. For injections he went to a den where there was usually only one

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4421 syringe and one needle. * Venereal diseases could be transmitted through their use.

After 1941 no reports were forwarded to the League, and the witness received no communication from the League Opium Committee. The reports previously submitted dealt with seizures, number of persons arrested, and outstanding cases.

4422 * The witness was interned in February, 1943 in Shanghai and was released after the Japanese capitulation, and now works for the British Consulate General in Shanghai.

CROSS-EXAMINATION BY MR. LEVIN

The witness stated that he had been a police officer in Shanghai since 1929.

4424

DIRECT EXAMINATION OF TUNG SHU-MING
BY MR. CHIU

* After certain preliminary questions, the witness stated that after leaving school he joined the staff of the Pu-Tung Electric Supply Company at Shanghai in 1919, becoming its Director and Manager in 1933, which position he has held ever since.

4425 * The witness remained in Shanghai until March, 1938, when he left for Free China to join the government service as secretary General of the National Resources Commission. He returned from Chungking to Shanghai in September, 1939, and then left for Chungking again in December, 1940, returning to Shanghai in January, 1943, where he has been living ever since.

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* During the hostilities between Japan and China in August, 1937, the witness' company tried by all means to maintain the power supply. The generation was stopped on August 14, and arrangements had to be made with other power companies. The power supply to Pu-Tung was cut about November, 1937, after the withdrawal of Chinese troops. The company was occupied by the Japanese in November, 1937, and they resumed operations in March, 1938. In June, 1938, the Central China Water and Electricity Company

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took over the address' company, under Japanese management. The Japanese valued the company's fixed assets at approximately 470,000 yen against the original value of 1,000,000 Chinese dollars, and were invested in the Central China Company. The shares acquired were held by the Ministry of Industries of the puppet Japanese Government on the pretext of 'owner's absence'.

4487

The Central China Water and Electricity Company was an affiliate of the Central Indochina Company, which on its face was a Sino-Japanese concern, but it was actually operated and controlled by the Japanese, all policy being decided by them and all high positions held by them. The plant was in good operating condition before the occupation. There was no damage done to it during the hostilities in Shanghai. The address book over the company after the surrender in September, 1945, and completed his table, over on September 30, when all Japanese staff members were dismissed.

4488

When he took over, the power plant was in very poor condition. The company had installed a turbine alternator and two water tube boilers. All this was completely lost when they got the plant back. Attempts were made to locate the missing equipment by writing to the Ministry of Economics in October, 1945, requesting instructions to Japanese officials of the Central China Water and Electricity Company to report on the missing equipment. In November, 1945, he received a reply stating that the Vice-President of the Central China Water and Electricity Company had replied that the equipment had been sold to the Central China Mining Company at a price of 150,000 yuan, and this equipment had been moved and installed in a coal mine in Hsiao Province.

Acting on this information, the witness sent one of the officials of the company to Hsiao Province to investigate, and they reported that the missing equipment could not be found. On taking over, the distribution equipment was very badly damaged. The company had about five hundred kilometers of overhead lines, of which fifty to sixty percent were

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lost. Part of the remaining lines had been replaced with smaller wires, and in some places even steel galvanized wires had been used. The company had two routes of submarine cable in the Wang-Pu River to connect up supply lines of all power companies in Shanghai. * When the company took over one cable was lost and three others were in very bad condition. Transformers, meters, and motors--about sixty percent were lost. Four buildings of the power plant at Changkiapong were found completely destroyed, * and two buildings badly damaged; and all premises in the new power plant at Wang-Chiatu were completely damaged and there was further heavy loss in office furniture and transportation equipment.

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* Besides his directorship in the company, he was concurrently Manager of the Chinese Electric Power Company in Nan-Ton, Shanghai, which was taken over by the Japanese * and taken back by him. This company operated the power supply and tramway service before the war. The tramway service was suspended on August 14, and current on August 20, 1937. After August 20, electricity in this district was distributed through the French Power Company. In June, 1938, this company, under Japanese management, was taken over by the Central China Water and Electricity Company. The Japanese valued the assets at 1,700,000 yen, against the original value of about eight and a half million Chinese dollars. These were invested in the China Water and Electricity Company and the shares were held by the * Ministry of Industries of the puppet government.

4436

When the witness took over, the boilers and turbo-alternators were completely missing. With respect to the tramway, the twenty-two kilometers of track rails and all poles were completely lost. These materials have been recovered only to the extent of twenty percent. None of the trains, trailers, converters and transformers have been recovered.

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* Some of the buildings were badly damaged, and some were left in a state of disrepair for years. The big tram shed was completely demolished. The witness also knew the general situation of other companies during the Japanese occupation through

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friends working in the various power companies, who told him about conditions.

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* He knows about the Chepei Water and Electricity Company and the Shanghai Power Company, which is American owned, and the French Power Company. The Chepei Water and Electricity Company, was taken over immediately by the Japanese, and although it had had a generating capacity of thirty-six thousand kilowatts, it was so badly damaged that no power can be generated now. This company also lost transmission and distribution equipment. The Shanghai Power Company was taken over after the outbreak of the Pacific War. Out of its 157,000 kilowatt generating capacity, it now has only 136,000 kilowatts. One-sixth of its transmission and distribution lines were lost.

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* The French Power Company was not taken over by the Japanese, but was operated under the influence of the Japanese during the war. Its original generating capacity of 28,000 kilowatts has been reduced to 16,000.

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* During the period of occupation, electric supply to domestic consumers was again and again curtailed, until each family was only allowed to use seven kilowatt hours per month. Excessive consumption entailed a heavy fine, and supply would be cut off if the breach occurred two or three times. Supply of power to factories was likewise curtailed, until finally all but a few Chinese factories were not allowed to use electric power. The exceptions were those which were producing materials needed by the Japanese Army. Applications for supply were difficult of approval.

4442

* Shanghai has a very serious shortage of electric power. The existing total capacity is only 150,000 kilowatts, which is insufficient to meet the increasing demand. Strict restrictions have been imposed, and sometimes the supply must be cut off for certain hours a day. It will take two or three years to restore the generating capacity to the pre-war level.

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(Tung - Gross)

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CROSS-EXAMINATION BY MR. LEVIN

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* The witness had made a personal examination of the properties to determine the extent of the damage of companies other than his own. He inspected the power plant, the transmission lines and other properties on many occasions.

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* The witness stated that they had never received a single penny from the Japanese in payment. The original value * at the time of taking over of the Fu-Tung Electricity Company was 1,800,000 Chinese dollars, and the value of the assets of the Chinese Electric Power Company * was 8,500,000 Chinese dollars. Before then, the ratio of Chinese dollars to Japanese yen was about one to seven, or about 25 cents to a yen. Exchange was made on about a twenty-five per cent level. In 1937 and 1938, Chinese currency had not been inflated, so the exchange rate remained nearly the same as before, but there was actually no foreign exchange because of hostilities.

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* Although the Japanese had valued the assets of the companies, the companies never received a single cent from the Japanese.

Page

is a disparity in the punishment imposed upon offenders by the Japanese and Chinese courts and he cites specific examples.

Exhibit Number 415, a report of the United States Treasury Attaché, dated January 2, 1938, is summarized as follows:

4854

• After prolonged negotiations between Japanese military and Chinese opium merchants the question of opium monopoly is settled. The opium merchants refused to accept a scheme to pay a fixed amount of revenue and dispose of a minimum quantity of opium. They advocated a flexible system on the basis of business done under present conditions. They offered to pay a sum of \$15,000 per month to the Japanese as license fees, and about 60 firms will resume trade under the Japanese • and will share in paying the license fees. They also offered to pay a tax of 30¢ per tael on opium with no minimum sales. The Japanese are represented by officials of the municipal government. The real authority is a Japanese. It is believed the Japanese will accept the offer and will have to depend upon the cooperation of the opium merchants for the time being. The Japanese are now considering the plan. If accepted, the power will lie with the opium merchants. They are the only ones who can give the Japanese • a reasonable amount of revenue and make money for themselves.

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It is believed that Jehol, Manchuria and Chahar opium will be the main source of supply through Tientsin. There will also be Persian opium from Formosa. This is the shipment of 10,000,000 cunee seized and kept by the Japanese Army, who now use it for aggressive purposes in China. In 1933 they offered it to General Tu Chi-yun as a subsidy and part was sent to him. The scheme leaked out and he was executed. The remaining 6,000,000 cunee • were kept in Formosa and will probably be sent to Shanghai. The supply from Kuman, Szechuan and Kweichow is cut off and the hoarded supply is low. The question of narcotics has not yet been touched on but the Japanese are believed to include narcotics in the agreement and will officially push their sale.

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Exhibit 383 was continued. • The Mitsubishi Trading Company Imported to the Kwantung Leased Territory

4862

200 cases in 1939 and 2,800 cases to Manchukuo. The Mitsui Bussan imported 1,150 cases to the Restoration Government of China in addition 35 more cases were imported. On March 14, 1938 the Mitsubishi Trading Company and Mitsui Bussan through the Foreign Ministry * concluded an agreement with respect to the purchase of Iranian opium. The purchases for Japan, Manchukuo and China are to be negotiated jointly as a single unit by both companies. Mitsubishi is to distribute in Japan and Manchukuo and Mitsui in central and South China, North China being equally divided. The three governments shall inform the two companies of the amount of purchases for 1940 after ascertaining the actual opium collections in September. The agreement is to be valid for the deliveries to be made during the two years of 1940 and 1941. Thereafter a new agreement shall be concluded based on the actual results of the previous two years. At the request of the Asia Development Board the Foreign Ministry urged the conclusion of a compromise agreement * at a later time, as a result of which the Iranian Opium Purchasing Association was established by the two firms on October 30 of the same year.

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The agreement provides that the governments of the three nations shall arrange to have this body have a monopoly of purchase. The opium business handled by the association is to be equally divided. The methods of organization, purchase, transportation, delivery and calculation of profits is to be mutually decided. Amount of purchases shall be decided annually and notice given to the association by the government officials.

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* Reference was again made to Section 6 of Exhibit 361.

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Continuing with Exhibit 373, Minutes of the 25th Session of the League Committee on Opium, Mr. Hoo of China stated that he had a copy of the proclamation issued by the Japanese, urging the growth of poppies. According to the proclamation the villages are told to sow it in good time and that it could be sold * at the current rate, freely without restriction.

Exhibit Number 417, a report of the United States Treasury Attaché, Shanghai, April 1, 1939, is summarized as follows:

PAGE

This is a report that a Japanese ship carrying Persian opium from Dairen arrived in Shanghai with 800 chests of opium.

Exhibit 418, a report of the United States Treasury Attache, Shanghai, December 10, 1938, is summarized as follows:

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* For the past few months the Japanese Special Service organ in Shanghai has been sending Persian opium to the International Settlement and French concession for sale by secret hongs permitted by the Japanese authorities. In addition to these hongs 22 more have been established right outside the settlement. Twelve are sanctioned by the city government and the remaining ten by the reform government. The two governments divide the revenue. Daily protection fees vary from \$50.00 to \$100.00 and revenue of \$1.00 per taol is collected.

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* Persian opium is imported by the Mitsui Bussan acting under the wishes of the Japanese military. A chest of 160 pounds is sold to the Japanese Special Service organ at \$5.00 per ounce and the latter sells it for \$7.00. The hongs sell it for \$9.00, giving to the Japanese military \$3,000 to \$4,000 per chest.

Exhibit 419, a report of the United States Treasury Attache, Shanghai, December 27, 1938, is summarized as follows:

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In order to meet urgent military expenses Japanese authorities conferred with puppet authorities in Nanking for a uniform system of opium monopoly. All district setups will be abolished immediately and a central opium monopoly for Kiangsu, Chekiang and Anhwei will be established to control all importation, transportation and distribution of opium and like matters.

Exhibit 420, a report of the United States Treasury Attache, Shanghai, January 12, 1939, is summarized as follows:

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* According to information from the puppet Ministry of Interior the Japanese have decided to hand over the opium trade administration to the reform government to avoid criticism. A General Opium Suppression Bureau has been established to be advised by the Ministry

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4871

of Interior in Nanking. The puppet officials and opium merchants nominated the director, but he declined in fear that he would be held liable if he could not raise the required revenue for the Japanese. The Japanese are preparing to whitewash the situation by ordering the Ministry of Interior and Ministry of Foreign Affairs to set aside \$2,000 per month for opium suppression propaganda.

Exhibit Number 421, report of the United States Treasury Attache, Shanghai, February 21, 1939, is summarized as follows:

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* The Japanese military expect to raise a revenue of \$300,000,000 a year from the narcotics policy in China. They believe that through the Port of Shanghai they can control the supply of the whole southeast. They figure they can distribute 100,000 taels of opium daily or a total of 36,000,000 taels per annum. They, likewise, feel that they can distribute 1,000,000 ounces of narcotic drugs. As the Chinese source of supply from the west has been cut off the only opium allowed will be that from Jehol, Persia Suiyuan and Manchuria. A special agency will collect the continental opium at low prices at a cost of about \$1.00 per tael, while Persian opium does not cost more than \$2.00 per tael in local currency.

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* As to morphine and heroin the price is \$400 per pound and the sale price in Shanghai is more than \$1,500. The Japanese have several factories in Shanghai to refine these drugs. The lowest wholesale price for continental opium is \$6.00 to \$7.00 per tael, while Persian opium is \$7.00 to \$8.00. To this must be added taxes, license fees, bribery and escort fees. The Japanese can make \$5.00 net profit on every tael of opium sold and they can make about \$180,000,000 a year from opium and with income from other narcotic of approximately \$300,000,000.

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The Japanese are behind their project because they do not fully control the traffic. Furthermore they have not secured the cooperation of the right opium merchants. * Opium is being sold in a disorganized way. The army, navy, gendarme, special service, puppet, and various all take part in the trade, but there is very little

Page

revenue actually recognized by Japanese authorities, because everyone gets a cut.

Exhibit 422, a report of the United States, Treasury Attache at Shanghai, dated January 14, 1939, is summarized as follows:

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In order to do away with further international criticism the opium trade in Japanese occupied areas in this part of China is to be governed by a network of charitable organizations * with a Chinese chairman and Japanese vice-chairman and personnel selected by Japanese authorities. This society will function with the Suppression Bureau for the carrying out of an opium monopoly scheme in this part of China.

Exhibit 423, the affidavit of HARADA, Kumaichi, is summarized as follows:

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* The deponent was Japanese Military Attache in Shanghai in 1937. In November of that year he became head of the Tokumu Bu and remained there until the formation of the Ko-A-In Office at Shanghai in March 1939, when he became liaison officer between that body and headquarters of the China Expeditionary Forces. When with the Tokumu Bu he received instructions from the military to provide opium by establishing an opium suppression board. He did establish it. Neither the Tokumu Bu or Ko-A-In ordered the Chinese Government but only advised them. * When there was disagreement they advised the Chinese and usually the discussion ended with the Chinese following their advice.

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When in Manchuria in 1933 to 1935 as liaison officer with the Kwantung Army the opium organization was good. Manchukuo was advised by the special staff of the army indirectly through Japanese advisors in the Manchukuo Government. As a result of Japanese advice they formed the opium monopoly. In the early development of Manchuria results could not have been realized without Japanese support.

Exhibit 424, report of United States Treasury Attache, Shanghai, April 5, 1939 is summarized as follows:

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* One of the most important programs of the Ministry of Interior of the Puppet Government for 1939 is the enforcement of the opium monopoly under cover of opium amelioration work. A General Opium Amelioration Bureau is to be established and branches have been set up. The real power of the bureau is in the hands of the Japanese co-director Mr. HAMATA. The regulations for the organization of the bureau were promulgated on March 20, 1939. The bureau is to have three sections--General Business, Revenue Collection, * and Preventive Service, and each branch is to have similar branch sections.

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DIRECT EXAMINATION OF SATOMI, Hajime by
Major Hummel

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* The witness stated that he is a Japanese now living at Sugamo Prison. When reading Chinese he can grasp the general meaning but cannot say that he understands it all. Sometimes he used Chinese names of Li-Ming and Li Su Wa. * He had lived in Shanghai for quite some time off and on. The last time he went there was in 1937. He left Shanghai last year. Since 1938 he was engaged in work connected with opium in Shanghai under the Special Service Department of the China Expeditionary Army. The Special Service Department in Shanghai did not handle opium for more than six months. The work relative to opium was transferred to the China Affairs Board and at the time * the Renovation Government was created the witness was engaged by the Han-Chi-Shantung as vice-president.

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* At first the opium sold was opium imported from Persia, after that it was Manchurian opium. He sold 4,000 cases of Persian opium in two shipments, one being in 1938 and the other being in 1940. * During his six years he sold about ten million liang. * A liang is an ounce. He could not give a very accurate figure about profits but he would say that in the first period 1,000 chests would amount to about \$20,000,000. One thousand chests were directly handled by the Special Service and the KO-A-In and the profits went to these two sources.

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* His recollection is very foggy with respect to the use of opium.

The witness was shown Exhibit 425, being a report of the United States Treasury Attache in Shanghai dated January 21, 1941, with the Chinese inclosure. The witness

Page

stated that the seal on this instrument was Lee Ming his own signature.

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* At first the pound sterling was used in purchasing the Persian opium and later the United States dollar.

CROSS-EXAMINATION BY MR. KANEZAKI

As the witness recalls, when the Renovation Government was established the Special Service organ was dissolved and the Ko-A-In was created. He could not remember the exact month. After the Renovation Government was established the Special Service organ did not handle opium.

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So far as he recalls as to the first shipment was in the spring of 1938. When he was asked by Lt. Colonel KUBOMOTO to sell the opium he did and he recalls that he brought the proceeds to the Special Service organ. * While his memory may not be exact as to details he did say positively the Special Service organ ordered him to handle the business which he did and the difficulty is probably due to the duplication of dates in the establishment of the Renovation Government and the Special Service organ. The whole business was brought to the organ and the proceeds to the organ and the work was later transferred to the China Affairs Board.

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CROSS-EXAMINATION BY MR. FURNESS, COUNSEL
FOR SHIOEMITSU

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* The witness stated after he left Shanghai he came directly to Tokyo after visiting Fukuoka and was apprehended March 1, 1946 and taken to Sugamo Prison. He was taken into custody because of connection with opium and is being held as a witness.

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* While in China he used his aliases in connection with the business and he conducted the sale of opium under an alias. He conducted the business on his own responsibility in the first year after that the Renovation Government was created and the Hun-Chi-Shantung were created. The Hun-Chi-Shantung was organized by wholesalers of opium who handled its sale and he was vice-president * and paid by it.

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Exhibit #26, a report of the United States Treasury Attaché at Shanghai, dated July 21, 1939, is summarized as follows:

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Information discloses that the Japanese authorities have decided to grant a monopoly for the manufacture and distribution of narcotic drugs for medicinal and scientific purposes to a leading Japanese drug firm. The source of raw materials will be the monopoly opium from which 30% of morphine is to be extracted. The residue will be mixed with other elements to make a new formula which will facilitate official control.

Exhibit #27, a report of the United States Treasury Attaché at Shanghai, December 15, 1939 is summarized as follows:

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* There has been irregularity in the arrival of Persian opium resulting from the European War and the price has risen from \$20,000 to \$30,000 and \$40,000 per case. One shipment arrived on November 27 but has been delayed.

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* The Japanese authorities have dispatched 2 destroyers to bring this cargo to Shanghai around December 20. The stop in the preparations for the new central government by Wang Ching-wai was due to a difference of opinion between the Japanese and Wang regarding the control of the gambling houses and opium business by the Japanese. Important revenues of \$5,000,000 per month with the opium revenue being the largest item. The Japanese eventually agreed to waive control but are

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holding on to the business of opium supply. The Japanese have instructed Mitsui to make arrangements with the Chinese Hong as agent for Mitsui. The Chinese will sell all Persian opium to the monopoly bureau at a profit of \$5,000 to \$6,000 per case, acting as a screen for the Japanese and will receive 25% of the profits up to \$1,000,000 on each thousand cases sold to the monopoly bureau.

Exhibit #28, a report of the United States Treasury Attaché at Shanghai, August 8, 1939, is summarized as follows:

Page

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* Investigation into the cocaine factory of Fomosa reveals that two cocaine factories are one and the same. The Kwailo Sugar Manufacturing Company which controls the cocaine has a monopoly right to grow sugar cane and manufacture sugar in the area. For five years previous to the death of Mr. Takahashi, Finance Minister of Japan, the cocaine plant produced 200 to 300 kilos of cocaine per month. * This was marketed mostly in the South Sea Islands. Since Mr. Takahashi's death the factory met difficulties. After the outbreak of the China Affair special permission was given to the factory to dispose of its product to realize revenue for war purposes. The Fomosan Government took over partial control and supplied special labels. The factory, however, lost its market in the South Sea Islands and was turned to Shanghai.

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* Continuing with Exhibit 381, this report states that the amount of cocaine manufactured by the Fomosan Pharmaceutical Company since 1932 has far surpassed the amount actually consumed. There are about 25 kilograms remaining. On December 7, 1938 the Board of Managers of the Opium Committee decided on a plan to use up the stock in the next three years by consumption in Fomosa by shipment to Japan proper and other countries, and by supplying the proper demands in manufacture. This plan was approved on December 12, 1938.

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* The testimony given by Harold Gill commencing on page 4407 of the Record properly belongs at this point.

Continuing with Exhibit 383, the minutes of the 22nd session of League Committee, the speech of Mr. YOKOYAMA is summarized:

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YOKOYAMA called attention that Japan had reinforced her legislation against illicit traffic by means of three ordinances to control opium and narcotics. The third one controlled traffic in narcotics by Japan in Manchukuo. In the previous year the Japan-Manchukuo Treaty providing for the application to Japanese national of the laws and regulations in force in Manchukuo. These laws provided for maximum penalties of five years' imprisonment and a fine of 5,000 yen. These were in conformity

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with the 1931 convention. In addition the Japanese Government had asked the Consular authorities in China to apply the severest penalties.

The cooperation between Chinese and Japanese authorities was not easy. With regard to North China the Japanese intended to ratify the 1936 convention but patience was necessary.

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* Everyone wishes to improve the deplorable state of affairs in Tientsin. The reason for the situation was chiefly political and geographical. Tientsin was situated between two different governments. In South China there was a total prohibition of narcotic drugs which did not exist in Manchukuo. Japanese went elsewhere to do their job. The statement that the increase of illicit traffic in China coincided with the Japanese advance is exaggerated if not wholly inaccurate. It might be said that there were other influences at work. In other cases it might be a mere coincidence. The Japanese army went where military defense necessitated, * and this was the major problem.

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Narcotic drugs were a grave danger, but bombs and machine-guns were greater still. As much time as possible was devoted to illicit traffic suppression. The solution of the problem would come only when peace and tranquillity were restored. He held no brief for the existing system. There were critics of this system even in Japan. The difficulty was that the law was not properly applied.

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* With respect to Korea he had no information on Mr. Fuller's statement with respect to poppy cultivation and sale of opium, but would make inquiries and notify the Japanese Government if there is anything wrong.

The chief of the gang concerned in the Seattle cocaine case of March 1937 had been arrested on May 28th 1946. As an idealist YOKOYAMA would like to have action taken immediately, but the difficulties were so great that no formal promise could be made.

Exhibit 368 was continued. The Japanese representative was asked to have his government investigate and report under Article 23 of the Convention for 1931, but the Japanese Government had not submitted a report.

Exhibit No. 429, Records of the Banking High Court, is summarized as follows.

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The opium business in China was the system of high officials of the Japanese Government for two reasons. First, the Hongkai-Singhai Anti-Opium Government, a puppet, sought to solve the financial deficit by purchasing opium in Inner Mongolia. Second, Japan looked to opium as a possible way out of her financial difficulties due to the war. The money for Hongkai purchase of opium had to be first credited to the Japanese Ministry in Tokyo, where part of it was retained. These figures were kept strictly secret. The greater part of proceeds of opium sold in Shanghai and other Chinese cities was also sent to Tokyo to be allotted as secret subsidy funds to the cabinet and members of the Diet. This was an open secret and known to people at home who were opposed to TOJO's policy. Likewise in districts to collect.

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In December, 1943, students in banking and other cities demonstrated against opium, urging opium shops and dens. As a result the Japanese Government sent an economic adviser to banking, promising to help China restore her pre-war opium suppression measures on condition that it should consider the fact that opium was the chief revenue of the Mongolian Government.

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Three reasons exist for this change. First, the TOJO Cabinet had been attacked inside and outside Japan for use of opium profits for political and secret purposes. Second, Japan wished to lessen the hatred of the Chinese. Third, at that time Japan was getting much more income from control of commodities, so there was no fear of lack of funds.

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The Banking Government had to consider the following points. Since opium was the chief Mongolian source of income, it opium could be tapped on banking because of Japanese pressure the Banking Government would be the agent for selling opium. Second, the income of the Banking Government was then sufficient to cover all expenses. If the Japanese relied on the increased collection of the opium tax to lower other taxes. In favor of Japanese movements, the results

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would be bad. Three, negotiations with Japanese for many years had been unsuccessful. Despite promises to never interfere, they invariably interfered on every occasion.

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The Nanking Government took the following position during the negotiations. The former opium suppression policy must be maintained, and the opium evil eradicated beginning April 1944. The planting of poppy in Inner Mongolia is to be prohibited within a definite period of time, the amount produced being drastically reduced. Three million ounces * of opium imported from Mongolia must be reduced by one-half. Pre-war rules on producers, dealers, and addicts to be observed, and the Japanese to help, and Japan to help China to stem opium smuggling.

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* The Japanese authorities accepted these conditions completely. However, since Wang Chin-wei was in Japan, the Council of Military Affairs was unable to take charge of the program and the acting Chairman was too busy to take care of that task, which was assigned to the Minister of the Interior. However, the regulations stipulated by the Council were observed.

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The work from April 1944 to the end of that year was as follows. All narcotic producing organs in Shanghai * had vanished. Likewise in Nanking. The average monthly import of opium from Inner Mongolia was reduced to less than 100,000 ounces, a reduction of over 60%. Opium smuggling continued to be unchecked, but did not increase. Opium suppression hospitals were established in Nanking and Shanghai, and the public and private hospitals were likewise entrusted with the task. Opium addicts were registered and all opium dens closed down. * Although there was no taxation for revenue purposes, the total opium tax collected in the period amount to between forty and fifty million dollars.

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Exhibit No. 490, a Letter from the United States Military Government in Korea, re the Production, Manufacture, Import and Export of Narcotics in Korea from 1930 to 1945, is summarized as follows.

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* For the years 1938 and 1939, the figures on Heroin were 1200.000 kilograms and 1327.000 kilograms. With respect to morphine hydrochloride and heroin, 1938 1200 kilograms, 1939, 1200 kilograms, all consigned to the Manchukuo Monopoly Bureau.

Exhibit No. 431, Report of the Permanent Central Opium Board, Geneva, January 29, 1946, is summarized as follows.

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* According to reports of the Japanese Government, no diacetylmorphine was produced in Korea from 1935 to 1939. (This should be compared with Exhibit No. 430).

Exhibit No. 432, being a letter from the United States Consul at Geneva, dated February 12, 1946 including a letter from the Chief of the Drug Control Service of the League Secretariat to the Consul.

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* According to the statement of the Consul at Geneva, no annual report, as provided under Article 21 of the Convention of July 13, 1931, has been received from Japan or her territories with respect to any year subsequent to the report for 1938. No report of cases of illicit traffic discovered by Japanese authorities has been filed for any year subsequent to 1939.

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With respect to the annual estimate of drug requirements required by the convention * the last estimates received from Japan refer to the year 1940 with respect to Japan proper, and to the year 1941 for the Japanese territories and the South Sea Islands mandate.

Exhibit No. 433, being a letter, enclosure and side-memoire from the U.S. Ambassador to Japan re Narcotic Drug Traffic in Occupied Areas of China dated April 14, 1939, is summarized as follows.

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* The Ambassador acknowledges receipt of directions to present an aide-memoire to the Japanese Foreign Office. This procedure has received the approval of the British Embassy. The memoire was presented to the Japanese Foreign Office on April 13, 1939. * The official

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of the Foreign Office who received it had no comment other than to say the matter would be studied.

4949 The side-memoire states that in the parts of China now under Japanese control, * Japanese authorities are not taking effective measures to cooperate in the suppression of drug traffic. The situation is as indicated in the enclosure to the side-memoire. The *
4950 reason the matter is brought to the attention of the Japanese is because of their restrictive influence in China and because the United States is deeply concerned for the following reasons. Evidence indicates that Heroin found in illicit traffic in the United States has since 1935 come in large measure from the Japanese Concession in Tientsin. Practically all smoking opium found in the United States comes from China, a blend of Chinese and Iranian opium, being prepared in Shanghai, South China, and a little in North China. This type of opium is put up solely for traffic in America.

4951 * Recent seizures by the United States point to a substantial increase in illicit shipment from the year last to the United States, the United States having seized in six months 5/6 of the total amount seized in the previous years.

4952 * With respect to Manchuria and Jehol, the Director of the Opium Section of Harbin informed the press on May 4, 1938 that there were one thousand unlicensed dens in that city, as against seventy-six licensed ones. In the Province there were approximately two thousand Japanese and Koreans addicted to narcotics. The Opium Administration of the People's Welfare Department of Manchukuo on August 27, 1938 showed * that there were 585,267 registered addicts in Manchuria.

4953 In Tientsin, notwithstanding the announcement of the local press that all opium dens in the Japanese Concession had been closed on October 1, 1938, many places in the Concession continued to dispense opium.
4954 * The large dens which had been operating in the Japanese Concession are now operating in areas nominally controlled by Chinese outside the Concession. There were at least five hundred of these. All varieties of habit forming drugs are readily purchasable in numerous places in the Japanese Concession.

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* According to a daily newspaper in Tientsin controlled by the Japanese, the tax office had received instructions from Peiping to permit the total of licensed dens to be increased by 23 to 189. In Peiping, the only restriction is the payment of taxes, and as a result there are three hundred establishments there as of October, 1938. Heroin is being sold with no effort to stamp out the trade. In Tsinan, since the Japanese occupation, sale has been permitted publicly upon the payment of certain taxes.

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* As of September 1938 there were four shops authorized to sell raw opium and forty to sell opium paste. By the end of November the forty shops had increased to 136. During November, one hundred thousand taels of opium arrived in this city, of which ten thousand were transhipped.

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In Hanking, according to Dr. Bates, an experienced investigator and a man of unquestioned integrity, prior to 1938 there was no large supply and consumption of opium nor open sale, especially during the five years before 1938, and Heroin was practically unknown. Bates' investigation showed that in 1938 legalized opium sales amounted to two million dollars monthly, and Heroin sales * Three million dollars monthly. There are at least fifty thousand Heroin addicts out of four hundred thousand population. Many young people are addicts. The major supplies come from Dairen through Shanghai and is controlled by the Opium Suppression Bureau under the Hanking Municipal Government.

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It is also reported that the Japanese Army Special Service has close and protective relations with the trade in Heroin. There is a good deal of testimony that the wholesale trade is carried on by Japanese firms ordinarily dealing in tin goods and medicines. In Shanghai, according to the American Consulate General, * the situation is accurately presented by a series of articles published in the China Press, since the facts contained therein were obtained from the Narcotic Section of the Shanghai Municipal Police and from court records.

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* The Consulate added that the traffic was most active in areas controlled by the Japanese, and no efforts were made by them to suppress it and it appeared likely to increase.

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Pointing out that the Chinese laws had resulted in a marked diminution in the traffic in morphine and Heroin and in some degrees in the Opium trade, Alcott writes that since Shanghai came under Japanese control Heroin has been reintroduced into the area and the importation and distribution has steadily increased. Sixty to Seventy stores adjacent to the International Settlement are selling it, and addicts are spending monthly about a million and a half dollars. * An increasing number of poor are using opium, and the Jehol opium is the chief source of supply for cheap drugs, while most of the Heroin comes from Dairen and Shanhaiwan. The Japanese are making no effort to suppress the traffic, and there is considerable evidence to show that many Japanese are deeply involved in the import and sale, including a group within the Special Affairs Organ.

Other reliable sources confirm this evidence.

Exhibit No. 434, being a letter from the Department of State to Lt. Colonel Hornaday, is summarized as follows.

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* According to the records of the Department of State, the Japanese Government did not acknowledge the receipt of or make reply to the side-memoire.

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CROSS-EXAMINATION BY DR. KIYOSE, COUNSEL
FOR TOJO

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* Upon being shown Exhibit Number 401, the witness stated that he signed the one in Chinese, but the Japanese text he had seen for the first time. The Chinese text is very different from the Japanese. On the whole, the original Chinese text represents what he said, but the questions and answers at the time were far longer than appear in the Affidavit and the Affidavit is only a part of it.

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* His statements with respect to Generals TERAMUCHI, SUGIYAMA, TADA and OKAMURA with respect to the China Incident were as written in the Chinese text. In the Chinese text there is a character literally meaning attached to the ground and what he meant was that they advocated the prosecution of a battle. He did not mean that these Generals advocated war against China before the war began.

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* With respect to TOJO, he had been asked who was responsible for the China Incident and he replied KONOYE, and being asked who was responsible for the Pacific War he replied TOJO. The Chinese text gives only a part of the question and answers, although the statements about SUGIYAMA and TOJO are in the same paragraph there were other questions and answers given in between.

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* With respect to his statement about TOJO he meant that TOJO was in favor of prosecuting the war after it had started. Since he was in Japan before the war he could not know TOJO's policies. He did not have many opportunities to meet TOJO, but he did meet him in May, 1941 at a conference of Division Commanders, but he had no opportunity to ever listen to his ideas concerning the international situation.

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* With respect of the North China Political Council in 1938, the government assumed an overall policy of prohibiting the use of opium in accordance with the laws of the formal Chinese central government. In 1940 the North China Political Council adopted a new overall policy which was the same as the old law.

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* The witness was shown Prosecution Document Number 1680 and stated that he believed that it was the

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opium suppression law of the North China Political Council. The Opium Suppression Board had a main office with a number of branch offices but there were 50 or 60 people in the main office including the chief.

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* By Japanese commissioners he did not mean Tuan Yuan. There was only one by the name of INOUE. There were a number of lower officials who were Japanese.

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* but not more than one or two. The conditions were such that it was impossible to carry out the regulations due to the fact that there was no stable government,* and Chinese

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Communists resisted the Japanese. It was, therefore, impossible for political administration to be carried out and it was impossible to enforce the opium regulations in the local districts. Other reasons were that in North

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China there were many secret opium smuggling organizations which were very powerful and difficult to break up. The policy of the North China Provisional Government was to prohibit the use of opium * as the Chiang Kai-shek Government had done. Also the Hsin-Min Society organized a movement to discourage opium smoking.

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* The Chinese and Japanese differ on two points. First with regard to opium--the Affidavit gives the impression that there were many Japanese committees working under the Board but that wasn't so. The second discrepancy is with respect to the responsibility of the war. He had replied that TOJO was responsible, but that did not mean he knew of this before the war broke out. The witness stated that he was at home from last night until this morning and slept there.

CROSS-EXAMINATION BY MR. FURNESS, COUNSEL
FOR SHIGEMITSU

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The witness stated that he was in Mr. Furness's office from 9:30 to 10:30 and was free to leave when he wished. The Affidavit was made in Peiping and the questions were asked in English and translated by an interpreter.

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The Affidavit which he signed was in Chinese. * He can speak a little English, but not so much as to be able to

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4963 speak with responsibility on official occasions. * As far as he remembered he signed the Chinese text but he doesn't believe he signed the English text. * He could read and write Chinese fairly well but as far as speaking perfect Chinese he isn't quite sure of himself. The circumstances under which the Affidavit was prepared were as follows:

Page

4965 Mr. Sutton questioned him in English, he answered in Japanese, the Chinese prosecutor, Chin, took down the answers and the Chinese affidavit was drawn up in my presence and he read it. * Sutton asked him if he could sign an affidavit written in Chinese and replied, "Yes," and signed it. The witness left Peiping on May 25, arriving in Tokyo on June 12 and has been there ever since except for short trips.

4966 * With respect to the suppression of opium, when the provisional government was established it continued to enforce the previous laws. In August 1940 the North China Political Council promulgated a new ordinance suppressing opium. * The ordinance mentioned was the one shown to him. The Japanese army, the Chinese police, the Japanese gendarme and Japanese consular police were used to suppress opium smokers. * As an all out measure to suppress the Opium Suppression Board was established and it is the policy of the Council, the Special Service Division and the Ko-A-In to control and suppress the opium traffic. In doing so, opium addicts were registered and licenses given and only those who had licenses were able to buy and smoke. Under Articles 3 and 4 * licenses could be issued only to old people of 50 and to young people who were addicts and their health would suffer from a sudden cessation.

4972 * Under the puppet government opium could be openly sold and meaning it could be openly sold to licensed persons. * The witness believed that the system was an effective one in carrying out the policy of suppressing opium as a whole. * By permitting opium sales only to licensed people control could be enforced. Opium smuggling was a trade in China for a long time and they had a secret and complex organization. Most of the smugglers were Chinese, but a part of them were Japanese and Korean.

4976 * After the Ko-A-In was established a general administrative work concerning opium was in charge of the Chinese government. The policies were decided upon * after a consultation with the Japanese army headquarters and after a mutual agreement was reached the policy was transmitted to the Chinese government.

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The witness was supposed to appear at 11 o'clock.

RE-DIRECT EXAMINATION BY MR. KEENE

4978 The witness stated that Exhibit 401 contained his signature in the English language * which he wrote himself, and also contained his signature in the Chinese language. This was the first time he had seen the Japanese text. He signed his name to the Chinese text in Japanese characters. There were three pages to Exhibit 401 and he signed his name in English and in Japanese on each page. * He read the statement which said that it was voluntarily made and understood.

4979 * Before he signed the papers one or two corrections were made. There were a few parts where the Chinese and Japanese meanings differed but on the whole he considered the affidavit correct and did not make any further corrections. * The corrections were made with his own pen by himself. * The witness stated he saw the Japanese text only when Dr. KIYOSHI handed it to him and he would not have seen the English text if he had not seen it lying on the desk of an American defense counsel, but he did not read it. The corrections he made were in the Chinese text.

4990 The affidavit contains a statement that he had read the recorded material and that it was true without mistake. * When he signed the Chinese text it was already past one o'clock in the morning and he saw that it was on the whole in line with what he had said and he accordingly signed it. He did understand the contents of the text.

4991 He never saw anyone before he saw Mr. Sutton in Peiping and the interview lasted for 3 1/2 hours. He had never seen anyone in the Prosecution since or communicated with anyone. * The first time he had heard of the matter since was when he dropped into Major Farness's office this morning.

Yesterday he received a notice from the police station to report at room 305 of this building this morning. After that a message came from Dr. KIYOSHI, stating that he had given someone the witness's address but he

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wished to ascertain whether it was actually the address. He reported to KIYOBI that he had received a notice from the police. At eight o'clock in the morning he dropped into Dr. KIYOBI's on the way to the War Ministry Building and came to the War Ministry Building with him. He could not remember when the messenger came.

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ECONOMIC AGGRESSION IN MANCHURIA AND CHINA.

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Opening Statement by Mr. Huxhurst.

Exhibit No. 436-A, Organic Law of Manchukuo, is summarized as follows.

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* Article 1. The Regent shall rule over Manchukuo. Article 5, he shall exercise the legislative powers, with the approval of the Legislative Yuan. Article 9 provides that it is impossible to convene the Legislative Council; the Regent with the approval of the Advisory Yuan may promulgate an emergency ordinance having the validity of law, but it shall be reported to the next session of the Legislative Yuan. Article 17, the organization of the Legislative Yuan is to be provided in a separate law.

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* Article 18, all statutory bills and budget bills require the approval of the Legislative Yuan. Attention of the Court was called to the fact that no such legislative body was organized.

Exhibit No. 437, being the Organic Law of Manchukuo of 1934, is summarized as follows.

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* Article 1. The Empire shall be governed by an Emperor. Article 5, he shall exercise the legislative powers with the approval of the Legislative Council. Article 8, the Emperor, with the approval of the Privy Council, when it is impossible to convene the Legislative Council, shall have the power to issue Imperial ordinances with the effect of law, but they shall be reported for the following session of the Legislative Council. Article 17, the organization of the Legislative Council, shall be determined separately. Article 18, all legislative and budgetary bills and similar matters shall require the approval of the Legislative Council. * Article 21, the Legislative Council shall be convened annually and shall last for one month, but its session may be prolonged by the Emperor. Article 41, the Emperor, for the time being,

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may issue Imperial ordinances or decrees possessing the force of law, fix the budget or make contracts entailing obligations on the National Treasury, with the approval of the Privy Council. All previous ordinances, orders and laws are to remain in effect.

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Exhibit No. 438, being the ordinance and agreement between Manchuria and Japan in connection with the establishment of the Manchuria Development Company, is summarized as follows.

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• Japan and Manchuria, desiring to strengthen the bonds of indissoluble relations by exerting combined efforts to promote emigration to develop the lands of Manchuria, agree on the following articles. Article 1, the two governments shall cooperate • to have established a joint stock company under joint management, which shall engage in the promotion of emigration to, and in the development of land in Manchuria, to be known as the Manchuria Development Company. Article 3, the shares shall be registered and can be held only by the two governments or by public organizations or subjects of the two countries, or by juridical persons created by the laws of either country and controlled by subjects of either country. Article 5, the President and Directors shall be appointed by the two Governments, the president to have • term of five years and the Directors four years, • and auditors three years. Article 6, the Company may issue debentures up to ten times the amount of its paid-up capital, but the approval of the two governments to the payment of principal and interest is to be jointly and severally agreed by the two governments.

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Exhibit No. 439, being the charter of the South Manchurian Railway and the ordinance creating it of June 7, 1906, is summarized as follows.

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• Article 1. The Government of Japan shall cause the South Manchuria Railway Joint Stock Company to be established for managing railway enterprises in Manchuria. Article 2. As of 1940, the shares of the Company shall be registered and owned only by Japan or Manchuria, or by their nationals. • The Japanese Government may give in payment railways and attached properties in Manchuria. Article 7 is an amendment of 1940; the Company is to have one President, two vice-presidents, four or more directors, and three to five auditors. Article 8. As revised in 1929, the president is to represent the / Company and superintend the business affairs. The President and Vice-Presidents are to be appointed by the government for five years.

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Plan

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Article 13. The Government may issue orders necessary to supervise the Company. * The Supreme Commander of the Kwantung Army may issue directives in connection with the military affairs involving the business affairs of the Company, and in war time may issue orders involving the business affairs of the company. If the Company suffers losses because of these orders, in 1942 it was provided the Government may make recompense for these losses ordinarily arising. Article 14, as amended in 1942, the government may rescind the resolutions of the Company or dismiss its officials in case their acts are against the laws or objectives of the Company, or detrimental to public welfare, and in case they fail to carry out their business affairs as the Government orders or do not obey Army orders.

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Article 15. * In case the Government deems it necessary, upon notice it may apply to the Company the laws or regulations about railroads within Japan.

Article 4. The charter is summarized as follows.

Article 4/1 The objects of the Company are to operate eight railroads, mining water transport services, motorcar services, electrical industry, warehousing, management of lands, and the operation of such other business as the Government may permit.

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* Article 21. Shareholders are to be limited to the Japanese and Manchukuo Governments and to the nationals of Japan, Manchukuo, Japan, and China. Article 22, the Japanese Government shall invest certain assets and the Company shall give to it two million shares for every hundred million yen of investment. The assets to be included are the existing railways, with minor exceptions, all properties belonging to the mentioned railways with minor exceptions, coal mines in Fushun and Yantai. In addition, the Japanese Government has subscribed for shares of ¥ 120,000,000 on December 1, 1920, receiving 2,400,000 shares. * The Company shall allot to the Manchukuo Government fifty million yen out of the capital increase decided on January 2, 1930, and shall issue one million shares, in addition shall allot to the Manchukuo Government the amount of ¥ 175,000,000 out of the capital increased on January 20, 1945, and shall issue 3,500,000 shares for them.

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Article 54. On debentures which the Company issues, the Government shall guarantee the payment of interest, and if necessary principal, but the total amount of debentures to be guaranteed by Japan shall not exceed twice the amount of paid-up shares or the total amount of capital. * Article 55, in case debentures are issued, the Company shall be supplied by the Government with an amount equivalent to the interest, and if the dividends exceed six per cent of the paid-up shares the debentures shall cover their interest. Article 56. In case there is a good profit after the payment of interest of debentures, the remainder shall be paid on the shares owned by the two governments until the dividend rate for the paid-up amount of the total shares becomes equal. If the profit dividend owned by the two governments reaches 4.49 per cent, * the Company may pay a second dividend up to 4 per cent. If the profit dividend on the shares owned by the two governments is in excess of 4.49 per cent, the Company may increase the second dividend up to two per cent. The Government is to receive its dividend on July 31 of every year.

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Article 57. For the subsidies of the Japanese Government, interest of six per cent a year shall be borne, and shall be included among the principal and be calculated as a debt of the Company.

Exhibit No. 440, the protocol between Japan and Manchukuo of September 15, 1932, is summarized as follows.

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* Whereas Japan has recognized Manchukuo as an independent state and Manchukuo has declared its intentions to abide by all international engagements of China insofar as they apply to Manchukuo, the Governments of Japan and Manchukuo in order to establish a perpetual good neighbor relationship and respecting the territorial rights of each other, and to secure the peace of the Far East, agree as follows. (1) Manchukuo shall confirm and respect all rights and interests possessed by Japan or her subjects within the territory by virtue of treaties, agreements, and arrangements in contracts, private and public, with China. * (2) They agree to cooperate in the maintenance of their national security, and such Japanese forces as may be necessary for this purpose shall be stationed in Manchukuo. The protocol is to be effective from the date of its execution.

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Exhibit No. 441, being an excerpt from the fourth report of progress in Manchuria up to 1934, is summarized as follows.

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* Simultaneously with the establishment of the State Railway System, Manchukuo felt it imperative to unify existing lines which were losing money because of diverse management in order to promote economic and technical efficiency, * and it was felt that it was most appropriate to assign the management and operation of all State railways to the South Manchuria Railway Company. This would be mutually advantageous in settling Manchukuo's great indebtedness to the Company in connection with the several railway lines financed and constructed by the Company in the past. The Government entered into a contract with the Railway Company for the latter to take charge of the operation and management of State railways.

Exhibit No. 442, Excerpts from "The Economic Construction Program of Manchukuo" of March 1, 1933, is summarized as follows.

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* It is proposed to set forth the basic principles and cardinal points of the plan of construction so that guidance can be afforded to the Government and the people. * In planning the economic construction of the country, efforts will be made to promote a healthy development of the whole national economy by applying to capital such State controls as are necessary and by making the most use of capital. The ultimate objective of the proposed economic construction is to enrich and secure the economic life of the masses to uplift the level of livelihood, to replenish natural resources, to contribute to the economic development of the world, to enhance the culture and civilization of the country, and to realize a model state. The following four basic principles should be proceeded with. (1) To make the promotion of the interests of the whole nation the keynote so as to obviate the evil of monopoly by one section of the community. (2) To supply State control and rationalization measures in the important branches of economic activity in order to open up the natural resources and to promote a coordinated development in all fields. (3) To abide by the principle of the Open

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Deer and Equal Opportunity, and to seek for capital widely in the world, and above all to import and effectively use the best technique and experience of the more advanced nations. (b) To aim at the coordination and rationalization of East Asian economy, placing the emphasis on cooperation with Japan and to make this relationship increasingly closer.

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* In the light of these principles, the Government proposes to take the following measures to make B a guiding principle that important enterprises of national defense or public utilities should be managed by public bodies or special companies, and two, to leave other industries, natural resources and other economic matters to free management by private industry, it being understood, however, that there would be effected such adjustment as may be necessary to both production and consumption.

Exhibit No. 443-A, excerpts from the "Manchukuo Government Bulletin of January to March 1945", is summarized as follows.

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* This excerpt is the purchase agreement by Manchukuo of the North Manchurian Railway (China Eastern Railway from the Soviet Union.) Article 1. The Soviet Union shall cede to Manchukuo all rights they possess in the Railway, and Manchukuo will pay to the Soviet Union the sum of one hundred and forty million yen in Japanese currency. * Out of this one hundred and forty million yen, ¥ 46,700,000 is to be paid in cash and the remaining ¥ 93,300,000 is to be effected in the form of payments made by Manchukuo for goods delivered to Manchukuo by the Soviet Union. The guarantees appear in four letters exchanged on March 23, 1935. * In the first note, HIROTA, Foreign Minister, stated that with regards to the agreement between the Soviet Union and Manchukuo, the Government of Manchukuo has requested that a request be made by the Soviet to Japan to guarantee that Manchukuo will fulfill all the obligations of payment, * that the request

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be accepted by the Japanese Government in view of the close and special relations existing between Japan and Manchukuo.

With respect to this request, HIROTA informed Manchukuo that he had exchanged official notes with the plenipotentiary of the Soviet Union in Japan. In the

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note exchanged with the Soviet Union, Japan stated that the Japanese Government undertakes to guarantee the exact fulfillment of Manchukuo, within the limitations of time set forth in the Agreement of obligations of payment in money, as well as in goods, which Manchukuo owes as a result of the agreement. The other three letters are duplicates in expression and confirmation of these statements, and were not read into evidence.

Exhibit No. 444, being the law controlling important industries from the Manchukuo Government Bulletin for May 1937, is summarized as follows.

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Article 1. * Any person desiring to engage in any of the important industries, shall obtain permission from the State Minister concerned. Important industries are to be determined by Imperial ordinance.

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Article 2. Any person engaged in the important industry shall submit to the State Minister concerned a written statement of his program and a report on the business. Article 5. Permission shall be obtained from the State Minister when the person desires to enter into an agreement to effect and control or revise or abolish such agreement; when the person desires to enlarge his equipment for production or change it, when he desires to change to other persons, the whole or part of his business, and when the merger is to be effected by a juridical person.

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* Ordinance No. 67 defines the following as important industries. Arms manufacturing; aircraft manufacturing; motorcar; liquid fuel; iron and steel; aluminum; magnesium; lead, zinc, gold, silver, and copper refining; coal mining; wool textile; cotton spinning; cotton textile; hemp thread; hemp spinning and weaving; * flour milling; beer brewing; sugar refining; tobacco manufacturing; soda manufacturing; fertilizer; pulp manufacturing; oil milling; cement manufacturing; match manufacturing.

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• With a view to strengthening this bloc the Japanese-Japanese Economic Commercial Agreement was signed July 15, 1935.

With respect to the mining and manufacturing industries the policy will be designed to increase the wealth of the country, to exploitation of mineral resources and the establishment of basic industries as well as those necessary for national defense. In mining the resources are abundant. More law is promulgated on September 1, 1935 in order to subject them to state control or to exploit from the point of view of national defense. The control of both state and private enterprises has been put into effect.

By utilizing the coal mines and rationalizing production efforts will be made to supply an ample quantity at reduced prices and increase the export. The following

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(Economic Aggression)**

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Exhibit Number 145, the official report of the Japanese Government of February 17, 1937, on the results of the first period of the Five Year Administration and the outline of the Second Period Construction Plan, is summarized as follows:

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Reporting on the results of the First Period Five Year Administration, it is stated that the encouragement of business was the primary objective of the New State and the outline for the establishment of the economy was established on March 1, 1933. The fundamental policy was decided as follows: (1) Based on the interests of the whole nation priorities from the development of natural resources and the promotion of business is not to be monopolized by a few. (2) There is to be national control of the important economic fields. (3) For the development of natural resources and the promotion of business the principle shall be that of equal opportunity and open door and the government will attempt to get capital, technology and experience from all over the world and to effectively take advantage of it. (4) The strengthening of the Japanese-Emmanime Axis by controlling important enterprises in the sphere of national defense and public benefit, including transportation, communication, the metal industry, motor cars, soda and lumbering. Other industries are to be left to the management of private persons.

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industries will be developed under necessary control: metal, machine, oil, milling, pulp, soda, alcohol, tussar silk, spinning, flour milling, cement, brewing and distilling. Industries not included in this list will for the time being be permitted to develop freely. The government continued investigation about the unification of systems of weights and measures and in January 1934 passed the Weights and Measures Law and in February published regulations with the enforcement of this law effective March 1, 1934. At the same time it established the Bureau of Weights and Measures.

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Tariff policy will be designed to protect foreign trade and international transactions. At first the tariff rates of the Chinese Republic were adopted. The government set about making an investigation for revision and made the first revision in July 1933. The new tariff policy was adopted to strengthen the relations between Japan and Manchukuo with the primary objective of revising the rates on construction materials needed in Manchukuo and all necessities of livelihood.

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With respect to the Second Period Construction Plan the country is going to undertake positive construction. This plan was announced at the conference of Provisional Governors and the Chief of the General Affairs Board at the beginning of 1937. Its success cannot be expected without zealous cooperation of the whole nation. The conditions to meet the needs of this plan can be summarized around two facts: (1) The inevitable state of development of Manchukuo in the five years since Manchukuo was founded through the whole-hearted support and cooperation of Japan as well as the unremitting efforts of the Manchukuo government the state has succeeded in re-arranging the administration and economy and in laying a foundation for the future. As an administrative course there has been positive activity in finance, economy and industry control. (2) The strengthening of the Japan-Manchukuo Economic Bloc. This is necessary even under the positive system and has been gradually carried out. * In order to strengthen this bloc to maintain everlasting prosperity, taking the necessary counter-measures * for both the transfer of the transfer of the present international situation and the change of the Far East situation it will not be sufficient to keep the present condition. Therefore, the government

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Plan

designed the Second Period Policy to develop resources for national defense and for the eventual establishment of self-sufficiency of consumption goods within the country, as well as to supplement the resources of Japan. The nucleus of this plan is the Five Year Plan which seems to establish and expedite important industries and to promote national economy.

With respect to the establishment of important industries the government has designed a plan for developing natural resources and establishing the fundamental industries such as coal mining, iron mining and coal liquification. With respect to coal the estimated deposit of over 10 billion tons of coal is one of the most important mineral products of the country. In view of its value as the principal motive power in modern industry a plan of increased production has been brought up. The government will raise the capital of the Manchurian Coal Mining Company to ¥80,000,000 to enlarge its organization and to develop the resources.

5065 With respect to iron and steel up to now these materials have been imported from foreign countries so the increased production plan has been drawn up * for strengthening the Japan-Manchukuo economic bloc to make Manchukuo self-sufficient in iron. Since Manchukuo has an almost inexhaustible supply of coal it is natural to think of the liquification of coal. Because of the increased demand for liquid fuel and the lack of petroleum resources the Coal Liquification Company will be established with a capital of ¥50,000,000.

5066 With respect to the promotion of national economy agriculture is the back bone of the national economy and most of the population are farmers and the development of the national economy rests on the rural economy. The government has exerted every effort to rehabilitate rural communities by increasing agricultural output, * improving quality and farming methods, correcting rural finances and reorganizing the social structure.

5067 * With respect to the customs tariff system revision has been made many times to get rid of tariffs which would obstruct the industrial development of Manchuria or lower the livelihood. Various facilities for advancing

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foreign trade have been provided with the result that it has increased year by year and revenues from customs are increasing. The fundamental revision of customs tariff system and the improvement of import-export duty system will be carried out with the view of encouraging internal productive industry and the adjustment of the Japan-Manchukuo trade.

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Formerly the monopoly system was confined to opium, petroleum and a part of the salt, but since 1937 the country's entire salt production and matches have been placed under monopoly. The result has been that the price of salt * has been reduced from MY10.16 per 100 chin to MY7.95 per chin. These monopolies' systems will be directed to the rational adjustment of price, the increase of production and the smoothness of distribution. In order to adopt a prudent policy for the money market the government decided to organize the New Industrial Bank of Manchukuo.

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On these announced objectives the following plan has been drawn up. The appointment of Japanese prefectural school inspectors, one for each prefecture and the rearrangement and promotion of the teachers' training system for the training of Japanese teachers and business school teachers for middle school.

Exhibit 446, the Five Year Industrial Plan of Manchukuo, January 1937, is summarized as follows:

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* The Policy: This Five Year Program has been prepared according to the fundamental principle underlying measures for economic control of Japan and Manchukuo and emphasis has been laid on opening up Manchukuo's national resources necessary in time of emergency. It is also desired to develop various types of industry in order to make Manchukuo self-supporting and supply Japan's shortages. All efforts are directed to the expansion of national power and stabilization of the people's livelihood. With regard to mining and other industries munitions industries will be firmly established. Basic major industries such as iron, liquid fuel, coal and electric power will be developed and emphasis * will be laid on the development of iron and liquid fuel industries which are necessary for national defense.

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With respect to agricultural and stock farming all means available will be used to increase the production

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of agricultural products required as military stores, and the plan for increased production of rice needed by Japanese immigrants and the production will be adjusted with regard to the demand and supply of rice in Japan. Emphasis will be laid on improving and increasing production of horses and sheep.

With respect to transportation, railways and harbors will be provided with facilities necessary for industrial development in addition to the program required for national defense already prepared.

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* In the iron and steel industry there will be a goal of 2,530,000 tons of pig iron and 1,850,000 tons of steel. This will be expanded by developing the rich ore mines as well as by operating the existing plants of the Shewa Steel Company and others, taking into consideration the supply and demand situation in Japan. The Shewa and Honkeiko Shotetsu Companies will manufacture pig iron and steel while the new mills will produce only pig iron. The government of Japan and Manchukuo will take the following steps: * They will immediately investigate the iron ore resources in the new area and take necessary measures on the basis of actual conditions toward Shewa steel. It will increase the production of the Honkeiko coal mines to 800,000 tons per year to be distributed to the various iron mills for mixing with coke. They will provide proper governmental assistance to insure the realization of the Japanese iron and steel plan under which 650,000 tons of pig iron and 400,000 tons of steel are to be supplied to Japan.

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In case the expansion * should meet a curtailment of operation, appropriate measures will be taken with regard to the ratio of operation curtailment between Japan and Manchukuo.

With respect to liquid fuel the goal will be 800,000 for shale oil with Fushun and Bankang as the production centers and 800,000 tons for liquified oils to be produced at various places. For the time being the various methods will be promoted independently of one another, but a comprehensive overall operation plan will be worked out. The plan for production increase of shale oil at Fushun will be carried out and the output expanded to 500,000 tons per year while at Bankang the condition

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will be repeatedly developed so as to increase the annual output to 300,000 tons after five years.

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With respect to liquified coal the production plant Fushun will be expanded to 250,000 tons per year; Kanto * to 300,000 tons; and the Dapingtai Carbonisation Company will be increased to 100,000 tons per year.

With respect to coal the Manchurian Railway Company and the Manchurian Coal Mining Company will carry out their fixed production plans and all coal mining companies will carry out a further production expansion plan of 5,000,000 tons so the annual Manchurian output will reach 25,500,000 tons a year.

With respect to electric power industry, a total power plant equipment of 1,405,000 kilowatt, will be installed which means new equipment for 956,000 kilowatt. Hydraulic power will be relied upon for the new equipment, but until these plants are ready additional coal power stations will be constructed for immediate needs and as a future reserve. The coal power installations will be 356,000 kilowatt.

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* With respect to rolling stock the current plan for 1414 locomotives, 1,770 passenger cars and 12,750 freight cars will be executed to be prepared for any emergency. In the meantime necessary plants will be constructed with a capacity of 25 locomotives and 350 freight cars and a large repair capacity.

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With respect to aluminum under the Manchurian Light Metals Company, equipment for 4,000 ton production will be completed and after that further expansion will be had to bring the total annual output to 20,000 tons. With regard to the additional 16,000 tons it may be advantageous from the point of view of electric power * to confine the Fushu plant to the manufacture of aluminum and then transport it to other localities. Japan is to take appropriate steps with respect to tariff and execution of customs duty.

With respect to magnesium, the goal set is 2,000 tons in the future. For the present only semi-industrial experiments will be conducted and on their results a policy determined. The experimental enterprise has a capacity of about 200 tons and will be affiliated with the Manchurian Light Metal Company.

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The present gold production of ¥10,000,000 will be increased to ¥200,000,000 for five years, * and the government will grant subsidies for this purpose.

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* With respect to motor vehicles, busses and trucks will be divided into two classes, five tons for medium distance transportation and three ton for short hauls. The Dowa Automobile Company will be reorganized as an independent concern and will be affiliated with two Japanese concerns and it will gradually build up until a full-fledged automobile concern.

With respect to ordnance, including tanks, existing equipment will be expanded to maintain and replenish ordnance possessed by the Army in Manchukuo. The appropriation is to be about ¥100,000,000. The major portion of this cost will be borne by the Japanese government.

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* With respect to aircraft an independent company with a capacity of constructing 20 planes a month and repairing 20 will be established.

The total amount needed for carrying out the plan is ¥2,575,675,000. Of this the Manchurian government was to invest a total of ¥345,614,000, the South Manchurian Railway ¥947,970,000, private investment and loans ¥1,182,091,000.

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The revised plan for the mining and manufacturing industry dated May 1938 provided that * it is necessary to re-examine the original plan and to make an upward revision in the objective of the production of mining and manufacturing. This has been done with respect to iron and steel to meet the increased demand of Japan and the progress of the construction work in Manchuria. The Five Year objective has been revised so that the production of pig iron will be 4,850 metric tons, steel ingots 3,550, ordinary rolled steel 1,700, special steel 100, higher grade iron ore 2,990, and lower grade 13,000. Japan is to be supplied with pig iron 1,500 metric tons, steel strips 1,125 metric tons. In addition some 400,000 metric tons are to be exported to third countries, including China.

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* The development of coal mining will be expedited and the output of some 35 million tons is aimed at. In 1938 there will be supplied to Japan 4,100,000 tons. With respect

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to gold an increased production • will be attempted and efforts will be made to accelerate production of alluvial gold.

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• With respect to machine tools for airplanes, efforts will be made to bring the annual production up to the 5,000 mark and calculations of value will be made according to the scheduled price adopted in Japan.

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With respect to automobiles the existing equipment of the Dowa Automobile Manufacturing Company will be adjusted and efforts made to establish the industry firmly so as to make the annual production of • reach 50,000. For the present, completion of 30,000 automobiles will be aimed at.

With respect to airplanes, dispersion and construction of the Manchurian Aircraft Manufacturing Works will be attempted with a view to making an annual production of about 5,000. The rough estimate for capital required for this effort the second year is ¥595,000,000.

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With respect to electric power, in order to encourage various industries, the equipment for transmission and transformation will be extended. The funds required will be ¥4,962,000,000 as compared to ¥2,582,500,000 in the original plan. • Of the total required funds of ¥4,960,000,000, 42% is dispersed within the country, 30% in Japan and 28% with third powers. This latter amount is ¥1,350,000,000, an increase of ¥650,000,000 over the original plan.

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With respect to raising of funds, those in Japanese yen accruing to Manchuria from export to Japan of materials produced according to the plan are deducted from total of payments to be made directly or indirectly in Japan. As to the remainder, the amount to be raised in Japan, namely, mining and manufacturing is ¥1,690,000,000 and for the other industries ¥690,000,000 or a total of ¥2,380,000,000. Disbursements to be made to foreign powers • for ¥1,350,000,000 against which Manchuria can raise about ¥610,000,000. In the foreign exchange fund obtainable in accordance with the Japan-Manchukuo Agreement there will be a deficit of ¥740,000,000 to be raised according to the plan for foreign exchange number IV.

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Plan III which is the outline of the policy for the second and following years of the Five Year Industrial Plan, Manchuria, 1936, provides that the shortcomings of the plan will be corrected from actual results of the first year and the plan will be re-examined to cope with the existing international situation as well as the condition of Japan and Manchukuo. * Japan and Manchukuo will be taken as one organic whole. To meet the current international situation Japan, Manchukuo and North China taken as a whole will raise the objective of production:

The allocation of the projected production for each year will be re-examined to make the plan balanced and practicable. Important additions for the mining of zinc and copper and the manufacture of fertilizer will be made.

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* Agriculture and stock raising will be treated separately from mining and manufacturing and other industries in which the increased production depends upon human ingenuity. The methods of agriculture and animal husbandry will be re-examined and changes may be made to avoid placing undue emphasis upon crops in special demand.

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The following factors will be taken into consideration: (1) Results in the business operation of the Manchurian Heavy Industrial Development Company so that the executive officers of the company will actively participate in planning as well as in execution. * (2) The allotment of increase of production will be made to each company and the scope of responsibility of the companies and of the government will be clarified. (3) In the execution of the plan each company is to follow the government policy and will not convert itself into a mere union factory under the prevailing state of affairs but will establish business on a permanent basis. (4) Free enterprise will be properly directed and encouraged and small factories engaged in work connected with heavy industry will be developed as part of the organic whole. (5) To maintain close cooperation * between companies in various lines of production regular joint conferences will be held and necessary measures taken.

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With respect to labor and technical dependence upon Japan for supply of technicians and skilled labor will be re-examined and institutions will be developed for Manchurians.

Page

5097 The entire industrial development will be re-examined both politically and technically and research work will be encouraged. In order to expedite natural resources systematic surveys will be made, mining administration simplified and the adjustment of organization * will be carried out. Japan and Manchukuo will be given priority in acquiring equipment, machinery and raw materials and the placing of orders will be controlled. Special arrangements will be made for acquiring machine tools and their equitable distribution. The amount of funds required will be re-examined. The Economic Planning Commission will be organized to take charge of the re-adjustment and coordination of the commercial and economic administration of the various government organizations to insure proper collaboration * and to deliberate on the plan and measures for executing the Five Year Plan. The Five Year Plan will be examined with respect to each district so that the accomplishment may be well-proportioned and cooperation insured.

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Exhibit Number 557, an excerpt from the Japan Year Book 1941-1942, is summarized as follows:

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* The Five Year Industrial Development has been carried out for four years and is to end in 1941. A new plan is being contemplated in the fourth year 1940. * Results were much better than in the preceding year, although there were various difficulties because of the international situation. In iron and mining industries, taking production in 1939 as 100, pig iron was 104, steel ingot 102, steel 110, coal 108, liquified fuel 100, lead 308, zinc 213, copper 196, light metals 200, and asbestos 107. Electricity has obtained the goal fixed for the year.

With respect to agriculture, taking the fixed amount under the Five Year Program as 100, kaoliang 104, white rice 127, barley 122, wheat 75, rice 116, hemp 100, beans 90, cotton 70, oil and soy beans 80, ground nuts 50.

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With respect to colonization, with the goal fixed for the year at 100, Japan 85, Korea 65, volunteer 80. The number of households cultivating new lands * reach 90,000 for Japan, 24,000 for Korea, 20,000 countrymen, 40,000 volunteers, and 20,000 seasonal volunteers.

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With respect to livestock, sheep 100, cattle 80 and pigs 90.

Despite difficulties the necessary amount of capital for expansion has been obtained, 5% coming from Japan. Facilities for transportation and communications have been improved and enlarged as planned.

Exhibit Number 449, the progress of economic construction in Manchukuo from the Tokyo Gazette of June 1939, is summarized as follows:

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• The essence of the plan is to insure raw material resources to the designated 15 industries. Without this basis even the successful expansion of equipment for production did not mean much in an emergency. Fortunately Manchukuo possesses abundant resources and the expansion of productive power in Manchukuo forms a most important part in the comprehensive program centering around Japan.

Exhibit Number 450, the ten years of the new state from the Tokyo Gazette, November 1941, is summarized as follows:

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• Iron, coal, oil and electric power are the four essences of modern civilization. Japan, as leader of the co-prosperity sphere, lacks iron and coal and Manchukuo is able to make up the deficiency. • In addition to her vast agricultural wealth, Manchukuo has abundant deposits of iron and coal and non-ferrous metals and a rich supply of electric power. With the exception of oil she may well be called the second America. Four years ago Manchukuo launched upon a Five Year Plan of industrial development, which is proving highly satisfactory, especially in light metals. • She also has excellent agricultural facilities with soy beans as the chief crop. This new state is coming to play the roll of East Asia granary.

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With regard to electric power, formerly Manchukuo depended on thermal generation but hydraulic generation was started on August 1, 1941 and in 1942 hydraulic generation will be regular on the Sungari river. The reservoirs are as large as Lake Biwa and the two power plants • will have about $\frac{1}{2}$ of the entire hydro-electric supply of Japan. Many more power stations can be constructed and



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Manchukuo's hydraulic electric power may properly prove to be the largest in the world.

The proportion of the amount of capital for production raised within the country increases annually. The domestic supply of producers' goods is rising along with the industrial development and Manchukuo has good prospects of being able to supply her own requirements of machine tools and equipment.

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* In 1932 the national budget of ¥110,000,000. While in 1941 it was ¥2,500,000,000, the net revenue in 1932 was ¥99,000,000 as against ¥377,000,000 in 1941. Quarterly revenue in 1932 was ¥53,350,000 and in 1941 was ¥178,000,000. Investments by the government in 1932 amounted to ¥1,750,000 and in 1941 to ¥6,000,000,000. Deposits in 1932 were ¥271,000,000 and in 1941 were ¥1,710,000,000.

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Exhibit No. 451, ordinance establishing the Manchurian Affairs Board, December 26, 1944, is summarized as follows.

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* The Manchurian Affairs Board is under the jurisdiction of the Premier and deals with affairs concerning the Kwantung Board, coordination of administrative matters regarding Manchuria in each Ministry, and encouragement of colonial enterprises in Manchuria except diplomatic matters, superintendence of the South Manchurian Railway Company and the Manchurian Telegraph and Telephone Company, and the cultural enterprises in Manchuria. In addition to the staff, four administrative officials are to be appointed from field grade or company grade officers in the army, or from captains * and officers below lieutenant commanders in the Navy.

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Exhibit No. 452, being the sixth report of progress in Manchuria to 1939 by the South Manchurian Railway Company, is summarized as follows.

Up to 1931 the Japanese had four fronts in Manchuria: the Kwantung Government, the South Manchuria Railway Company in the Zone, the Consulates, and the Kwantung Army. Each has its own special mission.

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* The outbreak of the Manchurian Incident and the establishment of Manchukuo materialized the desire for unification. The Commander of the Kwantung Army became the Governor of the Leased Territory and the Ambassador to Manchukuo. No changes, however, were effected in the sources of the control in Tokyo. After further study in 1934, the Commander of the Kwantung Army and the office of Ambassador were combined and the office of Governor-General was abolished. The Kwantung Bureau was established. The General Director of the Bureau and the Councillor of the Embassy supervised * the general Japanese diplomatic activities. The Governor of the District Government moved to Dairen in 1937, and the Leased Territory came under the general supervision of the Bureau, and the Railway Company came under the supervision of the Ambassador. In Tokyo the Manchurian Affairs Board was created under the Cabinet and the Prime Minister supervised the Ambassador's jurisdictional activities while the Foreign Minister supervised his

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1932

diplomatic activities. The Army Minister held the office of President of the Bureau and thus coordinated civil and military administrations. General MIRAME became the first Ambassador and Commander-in-chief. He was succeeded in 1936 by General UYEDA.

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The relinquishment of extra-territoriality in the railway zone on December 1, 1937 caused a re-organization. This was done by Imperial ordinance of December 1, 1937. In the Bureau, the Police Department was abolished and the Education Department was created to take over Japanese educational activities in Manchuria. In the Kwantung District Government, all offices operating in the zone were transferred to Manchukuo, and the city of Dairen came under the direct supervision of the Kwantung District Government. At the same time, several Japanese consulates in Manchukuo were abolished at Mukden, Kirin, and other cities.

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The Court's attention was directed to the testimony of Pu-Yi with respect to the General Affairs Board of Manchukuo and with respect to HOSHINO.

Exhibit No. 453, Interrogation of HOSHINO, January 28, 1946, is summarized as follows.

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HOSHINO left Japan for Manchuria on July 12, 1932. He was first told that he was going at the end of June by the Private Secretary of the Finance Minister, and competent assistants were picked. During his period as Chief of the General Affairs Bureau from 1932 to 1936 there was constant liaison with the Kwantung Army, which resulted from the Japan-Manchurian Treaty, on such matters as the taking of Japanese nationals who enjoyed extra-territoriality, questions of the railway zone under direct Japanese control.

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In connection with the abolition of extra-territoriality and special privileges, the Kwantung Army was an organization that had to be controlled. The Army had no jurisdiction over the railway zone, but the Commander of the Army was also Chief of the Government of the leased territory, and in this capacity he had jurisdiction over the railway zone and leased territory. When he took matters up with in the Kwantung Army depended upon the

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- question. From ^{to 1936} 1932 the Chief of the Army was first of all HONJO, followed by Generals MUTO, HISHIKARI, MINAMI, and UEDA. As an example of taking a matter up with the head personnel, he stated he had discussed with General UEDA the question of the abolition of extra-territoriality. * Another instance, in 1932, was the floating of public bonds in Japan, and he requested moral support of the Army from General MUTO. Since Manchukuo had been newly established and the people in Japan were not well acquainted with its affairs, it was deemed advisable to obtain the support of the Kwantung Army, the most powerful organization in Manchuria, to insure success.
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- 5125 * The witness stated he first knew Mr. KISHI, Shimizu, in 1934 or 1935, when he came to Manchukuo as Vice-minister of Commerce and Industry. As Vice-minister of Finance, HOSHINO came into contact with Kishi. One
- 5126 instance was the five-year plan, * which was formulated by the Commerce and Industry Ministry with the assistance on financial questions by the Finance Ministry. HOSHINO had a great deal to do with the drawing of the plan, as did many people from the railway and the General Affairs Board. It was deemed necessary that a concrete plan be formulated and that the plans of the Manchukuo Government be coordinated with developments planned by the railway, and in making up the plan it was the purpose to coordinate
- 5127 the two as an integrated whole. Mr. Kishi later became Vice-Chief of the General Affairs Board under HOSHINO and worked together on the economic plans for the development of Manchukuo. They worked on the five-year plan for industry and development of resources, and in connection with agriculture on reforming the variety of crops and the increase of production.
- 5128 * With respect to the five-year plan, the last word in the Kwantung Army was in the hands of the Commander and in the Chief-of-staff. The Commander had served for a long time and knew the actual conditions. The Manchurian Heavy Industrial Company was a corporation to combine and develop heavy industries. The plan was started in 1937, and the corporation began early in 1938. * The industries of Manchuria which formerly had been under the railway and the forming of a new corporation brought hesitancy on the part of MATSUOKA. However,

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since the railway had to give aid to the development of North China Railway, MATSUOKA agreed to the formation of the Industrial Corporation. There is no other reason for MATSUOKA's disagreement with the Army on the formation of the Corporation. The Army agreed to and supported the plan.

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* A special ordinance was used to set up the Corporation, because the ordinary laws were not appropriate. This new law took in matters concerning investments by the Government, and to supervision by the Government. The Director of the Industrial Department had responsibility over industry. The General Affairs Board assisted in making the law for the operation of the Company. HOSHINO left Manchukuo in July 1940, to become

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Director of the Cabinet Planning Board in the second Konoye Cabinet. * There were one hundred persons in the Planning Board. The Planning Board made economic plans for Japan, including one for business, manufacturing, and industry. It provided for organization of industries in the same line of business into a solid group, which should undertake to carry on the duties under government control. The head of each group was to be nominated by the Government. * This plan was different from the one in Manchuria, since in Manchuria there was one big corporation and then other independent corporations, while in Japan there was an association for holding

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various independent businesses together. In Manchuria, the Government appointed the President of the big corporation. * In Japan, the Government appointed the president and Director of the control association.

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The plan for East Asia in which HOSHINO assisted envisaged the development of the resources of Manchuria, China, and East Asia in general, because Japan lacked necessary resources. MATSUOKA was Konoye's Foreign Minister, but HOSHINO did not remember whether he announced a new foreign policy. * MATSUOKA's plan did include China as well as Japan and Manchukuo. The MATSUOKA plan treated the Nanking China Government differently than Manchukuo, due to the fact that Japanese relations with Nanking were not as close as those with Manchukuo. HOSHINO became Vice-Minister of the Finance Department in 1936, * and Chief of the General Affairs

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Board in December 1936. This Board was directly under the

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5136 Premier of Manchukuo, and took charge of the budget, statistics, personnel, legal matters, and information. The Board had some control over other bureaus. The Premier controlled the Board and the Board controlled the other bureaus under his orders. The Board was one of the most important divisions of the Government.

5137 * When HOSHINO became Chief, Mr. SEKIYAMA was Vice-President. The first Chief was KOMAI, the second KIDO, third MAJAKA, fourth ODATE, and then HOSHINO. On his return to Japan in July 1940, he was Head of the Planning Board under the Premier, and Minister without portfolio. * He resigned in April 1931, during Kato's second cabinet.

5138 While Minister without portfolio, he was at all times Head of the Planning Board, but was not in charge of any other bureau. The Planning Board was formed to coordinate the various departments and to make plans. It had no connection with the Manchukuo Government, but made plans for Japan proper only. It did make plans for exports and imports for Manchukuo. * While it made plans for Japan only, it necessarily included in those plans the relationship between Japan and Manchukuo so far as imports and exports were concerned. No special disputes arose between Manchukuo and the Planning Board. Within the Japanese plans there was a financial plan for financing of industry in Manchukuo. There was a certain amount allotted to assist Manchukuo. There was ~~no~~ amount to be invested in Manchukuo, not only in industry. They included industry and governmental requirements. * The Board did not concern itself with how the money would be used by Manchukuo. This was the business of the Finance Department. When HOSHINO first came to Manchuria the Kwantung Army was separate from the railway zone, but the Commander was Governor of the Kwantung Territory. There were also Consulates with separate functions. A change was made in 1932 wherein the Commander became the Ambassador, and thus controlled the Consulates, the railways and the Kwantung Government. * There were some changes made in 1934. The Commander of the Army was made the Ambassador, with the result that he represented Japan in all functions of Government so far as the leased territory and the foreign zone were concerned.

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- 5141** It became necessary that a military man become the Ambassador at all times. He assisted with the financial side of the five-year plan * which went into effect from 1937. After he became Chief of the General Affairs Board he had general connections with the plan, working with the Finance, Industry, and Agriculture Ministries, the Head of the Enterprising Bureau, the Communications Minister, and the Vice-Chief of the General Affairs Bureau.
- 5142** * Mr. AIKAWA was encouraged to come to Manchuria by the Japanese Government. Several men had been sent to Manchukuo to study and investigate * its economy. Mr. AIKAWA was one of them. At first there was opposition from the Kwantung Army to the Zaibatsu, investing in Manchukuo, but there was no special objection. While the Army in general did not oppose the Zaibatsu, there was such an atmosphere among the officers who did not want a Zaibatsu monopoly in Manchukuo as there existed in Japan. There was no particular difference between the Kwantung Army and the railway, although the railway wanted a Japanese corporation while the Army wanted a Manchukuo corporation. * The Army advocated the Manchukuo corporation because it would be controlled in Manchuria. It was the policy of the Army to make Manchukuo self-controlled in materials and manufactures.
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- 5145** To communicate with Japan, the Manchukuo-Japan Economic Committee was formed. HOSHINO met AIKAWA two or three times in Tokyo, * and discussed with him the matter of coming to Manchukuo and interesting himself in the development of the country. AIKAWA stated that Japanese machinery and financial aid were insufficient, and therefore other foreign investments, particularly American, were needed. AIKAWA's plan required that the coal, steel, and machine industries be consolidated, to be controlled by the Industrial Corporation. Japan alone could not finance such a big project. AIKAWA may have published a pamphlet on his plan. HOSHINO had discussed the plan with KISHI.
- 5146** * With respect to the Corporation formed, the General Affairs Board had conferences with the various ministers. In order to formulate the treaty between Manchukuo and China (Japan) The Japan Manchurian Economic Commission was the liaison between the two

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two countries, and the Chief of the General Affairs Board was a member of the Liaison Committee.

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HOSHINO was present at the Conference * and agreed on the plan, although he did not draw up the agreement and did not make any changes or suggestions before signature. Mr. ARAWA was not present. Those present were the Foreign, Finance, and Industrial Ministers, and Chief of the General Affairs Board for Manchukuo. On the Japanese side was the Chief of Staff, TOJO, and the Consul from the Embassy, and certain experts.

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* The general duties of the Cabinet Planning Board were divided into two parts, the general arrangement of the various departments and the formation of the yearly plans. By yearly plans he meant production and distribution plans, and plans for transportation.

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The Planning Board, in its material distribution plan, did not go into any detail matter. If the Army, Navy, and civil authorities submitted certain plans for their needs, the Planning Board made the necessary plans * with respect to amounts of material available. The Board is not concerned whether the material is to be used by certain forces in China or is to be used in Japan proper. It takes in only overall estimates. Estimates were submitted by the Army, Navy, Agriculture, and others. Before he became President of the Planning Board, the demands of the Army had constantly increased, but he could not say that in 1940 the Army and Navy were increasing their demands for supplies, not only for the war in China but in contemplation of other wars. The increase was * for carrying on the war in China, but the exact contents and the reason for the increase were kept secret by the Army and Navy. However, the Army and Navy demand increased year by year.

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Exhibit No. 454. Excerpts from the Interrogation of HOSHINO by the U.S.A.B.S., is summarized as follows.

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HOSHINO stated that the reason that there was no great change in Manchurian production from 1931 to 1936 is that a large amount of preparation was underway. These preparations involved the setting up of industries

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such as the Showa Steel Mills, * and also the location

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and prospecting of gold fields. It took considerable time to lay the foundation for this industrial production. Part of the difficulties was in lack of capital, if capital is defined in terms of goods and materials. At first they looked all over Japan for capital, but there were no sufficient sources so they looked to foreign countries. It was hoped that the Industrial Corporation would get some capital from America, but this did not work according to plan.

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* During the early period prior to 1937, all capital came from Japan, the investment from Manchuria being negligible. This came from various industrial associations, Zaibatsu, private capitalists, and small investors. Also a great deal was invested through the railway. * The great increase in industrial production after 1937 could be attributed to the fact that enterprises such as the Showa Steel Works were completed, and coal mines were fully operable. Also, plans for expansion had been developed. The Manchukuoan Government at this time took a more positive attitude and wanted Japanese capitalists to be less suspicious and get some capital in on a strong basis. Thus, Manchuria took the attitude of inviting help, and Japanese capitalists began to take more interest in Manchuria.

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* The enterprises formerly run by the railway had become too much for it. At the same time Manchuria needed capital and administrative ability. This was the reason for bringing in KIKUCHI. Another reason was the ~~feeling~~ ^{feeling} that the development of these industries should be put on an international basis. Nothing went according to the plan exactly, and he would not say that there was any great success. There was good progress in coal production and steel works. In hydro-electric development the expected results were not accomplished, but certain ~~plans were completed~~ ^{plans were completed}; ~~and~~ ^{and} there was some success. There was no success in aircraft or automobiles.

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As Head of the General Affairs Board, he kept in close contact with the Kwantung Army, meeting often but on no schedule. He probably met the Commander once or twice a month, but met oftener with other officials. He did not discuss matters on strategic lines, but only certain economic and administrative matters. All types of economic questions were discussed, * particularly those involving Manchurian Economic Development. This,

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- of course, involved discussion of the five-year plan. From 1932 to 1940 the major obstacle to economic development was the lack of good equipment, machinery, and machine tools. HOSHINO would say that Japan's policy after the occupation of Manchuria was to build it up, first as a source of raw materials for Japan's industries, and second as a place for Japan's expanding population. It was profitable, so far as raw materials are concerned, but Manchurian iron ore was not sufficient to provide Japan's industrial needs. She could supply only one third. Even if the plan had succeeded, Japan could not have looked for more than one third of her requirements from Manchuria. Coal they could get, all they needed, and if the plans had been carried out they could have gotten ample food supplies, sufficient to take care of Japan's important needs. Other raw materials which they could not get in sufficient quantities in Manchuria were oil and aluminum. While there were deposits of shale aluminum, which if exploited might have supplied Japan's needs and it would have been possible to produce synthetic oil from coal, this would have necessitated a large outlay of effort and expense and is not immediately realizable. They did try to develop them somewhat. They did produce 100,000 tons of shale oil, but the plan called for 500,000. In another twenty years they might have developed into something, but at the present stage it was negligible.
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- * When he spoke of Japan wanting to take over Manchuria to get raw materials to use in iron industry, he should have said the Japanese sphere, because he was thinking of Japan and Manchuria together. The purpose was to develop the whole Japanese sphere, therefore industrial financing was not limited to Japan proper. It was advantageous to Japan to develop industry where it could best use local raw materials, and for that reason industries were developed in Manchuria.
- * Although plans for food production would have taken care of Japan's needs, it continued to import food from other areas prior to Pearl Harbor. Under ordinary circumstances, Japan, Korea and Manchuria would have been able to produce all required food. However, crops floundered and do not come up to expectations, and it became necessary to import food.

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* So far as providing living space for Japan, only a beginning had been made, and the plan had not proceeded as well as it was hoped. HOSHINO did not know whether the Army had any other great reason for going into Manchuria, other than the ones mentioned. Its purposes were largely the two he mentioned. * He would say that there were no other strategic objectives. With the new Industrial Corporation set up, the Kwantung Army relaxed somewhat on its controls. When he speaks of Manchurians, he means the Manchurian Government. Of course, there was a close connection between the Government and the Kwantung Army, and usually the Government represented the opinion of the Army.

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* As Chief of the Planning Board from July 1940 to April 1941, the main outstanding problem was that of a planned economy for Japan. Plans were drawn for Japan itself, but since there was a close connection with Manchukuo the plans took in the latter sphere. When asked whether Planning Board could change the program adopted in Manchuria, he stated that the plan was to work jointly so that in planning they made allotments from Manchuria and Manchuria planned for the importing of Japanese equipment. It was thus to make plans together so that they did not modify each other.

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* Conflicts were decided by the Japanese-Manchurian Economic Association. The leaders in Manchuria on this were the Ministers of Finance, Commerce, and Industry. On the Japanese side it was the Consul and the Japanese Embassy and the Head of the Manchurian Affairs Bureau.

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In the late autumn of 1941, he would say that Japan was not in a very favorable position economically. * With respect to oil, the Navy had secret reserves and probably so did the military, but the Planning Board did not know how much. It was felt that the supply was ample until oil could be obtained from other areas. They were worried considerably over the lack of aluminum and iron ore. At the time Japanese production of oil was a mere 300,000 tons, * while it needed two million. The oil question came up from another standpoint which was not connected with his work as Chairman of the Planning Board. The question of whether the Japanese military thought they had sufficient supplies of oil for war in

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in the fall of 1941, it was his understanding that they had ample supplies to last until they could get their hands on oil in the south. This had no connection with the Planning Board. AIKAWA's mission in Manchuria was connected with bringing in foreign capital, and planned for a long period of development. But the China Incident occurred and it became evident that the situation would not permit for a long period development but would have to be speeded up. AIKAWA did not see clear to try to make this change. * He did not think it possible to meet the demand, since ordinary tasks had to be taken up first. AIKAWA felt that he was not the man for the job and dropped out. He did not believe there was opposition to AIKAWA from the Zaibatsu. The opposition to AIKAWA could be divided into two periods. In the early period opposition was from those who felt that international capital should not be brought in. Second, on the part of the South Manchuria Railway when the capital did not come. This was due to the fact that much of their holdings passed into the hands of the Corporation. In the later period opposition rose from the middle ranks of officials, * mostly civilian, although there were some in the Kwantung Army who wanted more direct control.

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When HOSHINO went to Manchuria in 1932, TOJO was Commander of the Military Police in Mukden. In 1936 HOSHINO became Chief of the General Administration Board, and in 1937 TOJO became Chief of Staff of the Kwantung Army. They did have contacts and did work together.

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China was considered both a potential market for manufactured goods and as a source of raw materials. * At the time there was a virtual state of hostilities between the two countries, and Japan could not withdraw from China unconditionally. After the occupation of the Netherlands East Indies, Malaya, and the Philippines, they got along very nicely so far as using the resources of those places, but after Guadalcanal Japan's use of these newly captured resources was interfered with by submarines and other means, and the plans did not develop as expected. The battle of Guadalcanal and other battles consumed more ammunition and ships than planned. The only thing that exceeded the expectation was the importation of raw materials from the new territory; otherwise there was no improvement in the war situation.

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5175 The plan was to use Manchurian supplies in Manchuria rather than to bring them over to Japan. There was a plan to bring in aluminum shale from Chotan. The first plan was to speed up imports of bauxite from all parts in the Pacific, and the second plan was to use supplies of shale as in North China, and the third was to make use of low quality aluminum shale in Japan proper. The Japanese aluminum industry felt that North China shale could be processed. * There was an official consideration of the matter, and an affirmative decision that they could operate on that basis.

5176 * Previously, study had been given to the use of Manchurian shale oil, and increased production was planned through the allotment of high priority for their supplies. This high priority was increased during the war. The use of Manchurian steel during the war was generally determined through talks between the two countries, and most of Manchurian products went into the war effort, * but what went into Manchurian civilian production was negligible. As the war developed, integration of Japanese and Manchurian economies became more and more definite. The decisions were not made arbitrarily in Japan, but as a result of conversations. As Japan became more pressed, Manchuria made a greater effort to bear a greater share of war demands. There were some differences of opinion as to the use of Manchurian resources. These were settled by the joint Japanese-Manchurian Economic Conference * on which each party had four votes. Generally, the discussions were carried to the point where the official agreement was unanimous. However, there were many discussions leading up to the final decision.

5179 HOSHINO was satisfied that Japan was getting everything out of Manchuria which could be gotten * The Manchurian civilian economy was not cut down as much as Japan, but this could be expected since she was not directly engaged in fighting. She was not expected to make the same kind of contribution as Japan proper did.

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REAR

* With respect to the war with the United States, the big question was not whether Japan could win or not, but whether she could try to settle the issues with America, and there was considerable feeling that the thing could be settled. We probably thought we could win.

* From his own viewpoint, he felt in the early stages of the war Japan would be able to occupy a great deal of the Far East and with the materials acquired could carry on the war for a long time. There was no thought of gaining a decisive victory over America. Japan felt that America could not subdue the Far East, and that an understanding would be worked out in a negotiated peace.

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Exhibit Number 455, regulations governing the organization of the China Affairs Board, December 16, 1938, is summarized as follows:

- 5184 * The China Affairs Board is established during the China Incident under the Prime Minister and is in charge of affairs concerning politics, economy and cultural necessities to be dealt with in China during the Incident.
- 5185 * The formulation of various policies relative to such aforementioned affairs, the supervision of the business of companies which have been established to start enterprises in China in accordance with special laws and the control of businesses started in China. The cultural enterprise in China and the maintenance of coordination of administrative affairs relative to China. The cabinet can appoint in addition to staff personnel an administrative official from among the high officials of the ministries. The Prime Minister shall be the President and preside over the affairs of the board. Ministers for Foreign Affairs, Finance, War and Navy are to be Vice Presidents.

Certain articles of Exhibit 90, the Imperial Ordinance on the organization of the Greater East Asia Ministry were read and are summarized as follows:

- 5186 * The Minister of Greater East Asia Affairs is to administer the various political affairs, except diplomatic, of Greater East Asia, excluding the portions of the Japanese Empire and affairs concerning the protection of Japan's commercial interests within the sphere and questions of immigration, colonization and cultural works and rights of Japanese subjects in this sphere. He will superintend the Kwantung Bureau and the South Seas Government Office and will direct * and supervise diplomatic and consular officials in Greater East Asia with respect to the matters mentioned above. There are to be four bureaus--General Affairs, Manchurian Affairs, Chinese Affairs and Southern Area Affairs. The Manchurian Affairs Bureau will take charge of matters concerning the Kwantung office, foreign affairs concerning Manchukuo, supervision of corporations established by special laws and ordinances to conduct business in Manchukuo, immigrants, settlers and Manchurian colonial enterprise, cultural works * and other matters concerning Kwantung and Manchukuo.
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5189 The China Affairs Bureau will take charge of matters of Chinese foreign affairs, supervising corporations established by special laws to conduct business in China, cultural works for China and other matters concerning China. * In cooperation with the Army and Navy the Minister of Great East Asia Affairs will conduct the administration of occupied areas within the sphere.

Exhibit Number 456, excerpts from the official announcement of the Board of Information concerning foreign relations for 1942, was received in evidence.

5191 * On November 1, 1942 the Minister of Greater East Asia stated that the main purpose for the establishment of the Ministry was previously announced by the government. The construction of Greater East Asia is inseparable with the prosecution of the war. The war is aimed at establishing a New Order based on morality and righteousness by realizing the fundamental principles of *Hakko Ichiu* throughout Great East Asia so as to enable all countries and peoples in this sphere to have their proper place with Japan as a pivot. To do this it is imperative to perfect a system and structure for winning the current war.

5192 The government * in carrying out the plan must cooperate very closely with the high command and assure a speedy and precise management of affairs. The task of successfully prosecuting the war and of constructing the sphere is a colossal undertaking unprecedented in history. It is necessary to tighten the bonds with allied and free powers and within the nation to solidify the unity of 100,000,000 people. * He intends to render closely and strongly according to treaty cooperation with the countries within the sphere of the co-prosperity and he hopes that these countries understanding the real meaning of the war will extend their cooperation to realize the ideal of establishing a New Order.

5194 DIRECT EXAMINATION OF CHEN, TA-SHOU BY
MR. HAUXHUNST

* The witness stated his residence is in Peking, but he presently resides at the Chinese Mission in Tokyo. He finished his technical education in Peking University

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5195 in Tientsin in 1915 and thereafter worked an engineering assistant. From 1920 to 1922 he studied at the University of California * and the University of Illinois. In 1922 he returned to China. From 1922 to 1928 he worked as a mining engineer for a coal mine. From 1928 to 1930 he was a mining engineer with a Construction Commission of Chekiang Province. From 1931 to 1938 he was a mining engineer and held various important mining positions in the National Construction Commission of China. He went to Europe in 1933 to study mining and visited coal mines and steel works in France, Belgium, Britain and Germany. In the summer of 1938 he joined the China Natural Resources Commission and became the Director of Mining Administration of Kwangsi Province. In 1940 he became Vice President and Chief Engineer of the Damsu Consolidated Tin Corporation. In February 1946 he was sent by the Resources Commission to Peiping to investigate * iron and steel works in North China and in March 1946 he became Executive Director of the Preparatory Committee for the North China Iron and Steel Corporation which was organized to take over Japanese operated iron and steel works and iron mines in North China.

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This new corporation has iron and steel works that smelt pig iron. Many iron and steel companies are included in it, including three iron ore mining companies. * From his personal inspection and investigation with respect to the condition of these plants taken over by the corporation after surrender, he stated that the plant furnaces are of no use temporarily and the big furnaces are frozen solid and are now under repair or under construction. The small furnaces are of no use whatsoever. He had examined all the books and records of the Japanese operations and personally visited a number of iron and steel works.

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* Under the Japanese, of 4,300,000 tons of ore mined only 700,000 tons were used in smelting to produce pig iron. They used two tons of iron ore and 2.2 tons of coke to produce one ton of pig iron. The amount of iron ore used is variable according to the content, usually one ton of coke is consumed for every ton of pig iron produced. Of the remaining ore 1,400,000 tons were exported to Manchuria and 1,500,000 tons to Japan.

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During Japanese operations • a little over 40% of total reserves were depleted. The witness had connections with certain coal mines. One mine used to produce 400 tons of coal per day. It is near the river and has railway facilities to haul 400 tons of coal per day and a power plant of 540 kilowatts, which operate all machinery. It had an excellent grade of semi-anthracite coal. When he went there in December 1945 he found nothing but a piece of flat land. All buildings were demolished and all machinery, railroads and equipment were demolished and taken away.

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• Another mine with a railway of 212 kilometers and a capacity of 2,000 tons daily and another mine which produced 1,500 tons a day were consolidated. At present they can produce only 1,100 tons of coal per day. While the Japanese were there they mined coal without doing any development work so that all coal above a certain level was either mined out or made inaccessible.

CROSS-EXAMINATION BY MR. HOWARD

The witness stated he did not have the books or records from which he got his information with him.

CROSS-EXAMINATION BY MR. BROOKS

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• The witness stated that the North China Iron and Steel Corporation started on March 1, 1946 under the Natural Resources Commission of China and was organized to take over certain Japanese companies. • None of these companies had been in existence prior to 1928. Some of these Japanese companies had formerly been Chinese plants. The Peiping Smelt Plant was such and during the war it was taken over by the Japanese to form the North China Iron Manufacturing Company. This is true as to others. The witness had not gone into detail as to how the Japanese had taken these over.

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• With respect to certain of the companies the Japanese too, then by force and arbitrarily gave a certain amount of money per share to the old shareholders. Most of the companies were formed by Japanese finances and materials without previous Chinese existence. • Such companies were being taken over by his corporation. Of this

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group of companies the percentage of the total of such companies is very small. Industry in North China is less than in Manchuria. * All the materials produced were used in the war against China. He could not say what foreign interests had supplied financial aid and equipment in making possible the greater production of textiles in Manchuria and North China.

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Exhibit 457, excerpts from papers relating to foreign relations with the United States, Volume I (Exhibit 58) is summarized as follows:

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* Prior to reading this document the Court's attention was drawn to Exhibit 267, pages 3584 to 3599 and Exhibit 241 referred to at Page 2972.

Exhibit 457 consists of two documents, the first is a letter from Ambassador Gros to Prime and Foreign Minister KONOYE, October 6, 1938.

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* The note is brought in fulfillment of the promise to fully set forth the representations of October 3 of conditions in China brought about by agencies of Japan which are violative or prejudicial to American rights in China. The United has previously made representations to such action as being in contravention of the principle of equality and opportunity of the open door in China. To these representations the Japanese Government has given categorical assurances that there will be equality of opportunity in the open door in China. Notwithstanding these assurances, violation by Japanese agencies * of American rights and interests has continued. Such an assurance was given at the time Japan occupied Manchuria, however, the principal economic activities in the area have been taken over by special companies controlled by Japanese nationals under special charters giving them a preferred or exclusive position. A large part of formerly operated American enterprises has been compelled to withdraw because of such preference. Under agreement there is free movement of goods and funds between Manchuria and China while there is a rigid restriction of such movement between Manchuria and other countries. This is brought about primarily by means of exchange control which provides that for the purposes of the law * Japan is not a foreign country, nor Japanese money foreign money.

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Equality of opportunity has virtually ceased to exist in Manchuria despite assurances of Japan. The United States is apprehensive that the same situation will develop in other areas of China occupied by the Japanese Army since the beginning of the present difficulties an adverse effect upon American business exists the same as in Manchuria.

On April 12, 1938, Grew called KONOYE's predecessor's attention to reports indicating that exchange control would operate in North China and asked for assurances that the Japanese Government would not support or countenance such discriminatory measures. Although the Minister of Foreign Affairs stated that Japan would continue to support the principle of the open door no specific reply has yet been made by the government.

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* The United States now learns that Japan at Tsingtao has in effect established exchange control and are prohibiting exports unless the bills are sold to the Yokohama Specie Bank, which refuses to purchase them except at a rate far lower than the open market rate. A similar situation exists at Chefoo. Reports continue that a comprehensive system of exchange control will soon be established throughout North China. This places these authorities in the position to thwart equality of opportunity and free competition between Japan and the United States. Imports and exports from the United States as well as the choice of dealers * would be subjected to the discrimination of the Japanese. In Tsingtao two cases of discrimination have already occurred. In one case an American dealer has been unable to export to the United States because the Japanese insist that his bills be sold to a Japanese bank at a price below the current rate of exchange. This would involve a loss rather than a profit. A Japanese competitor shipped to the United States recently on an exchange rate calculated on the open market rate. On another instance an American firm could not purchase tobacco unless it purchased Federal Reserve notes or yen currency at an arbitrary low rate.

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The United States has pointed out to * Japan alterations of the Chinese customs tariff which Japan agreed to support are arbitrary and illegal assumptions of authority for which Japan has responsibility. There

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can be no equality in China so long as the authority to regulate tax or prohibit trade is exercised by one foreign power in furtherance of its own interests.

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On July 4 Crow spoke to General UGAKI of the United States' desire that restrictions and obstacles to American trade which would result from special companies and monopolies in China be avoided. The Minister stated the open door would be maintained and that Japan would respect the principle. * Notwithstanding this the Peiping Provisional Regime announced on July 30 that the China Telephone and Telegraph Company which is to have exclusive operation of communications in North China was organized on July 31 and the Special Service Section of the Japanese Army has informed foreign cable and telegraph companies that the new company proposes to control all tele-communications in central China.

On July 28 the Shanghai Inland Navigation Steamship Company is to be controlled by Japan and was established to control water transportation in the delta area. A Japanese company has been organized to take over and operate the formerly publicly owned and operated wharves at Yangtze. All shipping would thus become dependent upon a Japanese agency.

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* The wool trade in North China is now a Japanese monopoly and the tobacco monopoly is reported in the process of formation. Furthermore, reports have reached the United States that two special promotion companies are being organized by the Japanese and which Japan will control to invest in, unify and regulate the administration of large sectors of China economy. * These developments indicate clearly that Japan is seeking to establish in these areas a general preference for a superiority of Japanese interests. The inevitable effect of this will be to frustrate the principle of the open door.

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Attention is called that despite assurances of the Japanese Government and American treaty rights the Japanese military authorities have subjected American interests to serious inconvenience and hardships. This is especially truly in the restrictions placed by the military on Americans who wish to re-enter properties from which they have been driven by the hostilities.

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* Mention is also made of Japanese censorship and interference with mail. Restrictions upon freedom of trade, residence and travel by Americans, including all facilities. Japanese merchant vessels decline to carry merchandise other than that of Japan and American and other non-Japanese shipping is excluded from the lower Yangtze on grounds of military necessity. Passes have been denied to Americans to go into certain areas on the ground of bad peace and order although many Japanese merchants and families are in such areas. Americans naturally have suffered serious losses due to the present conflict between Japan and China and it will be difficult to rehabilitate American trade with China. * The United States finds it difficult to reconcile itself to the situation in which Americans are continually and unwarrantedly interfered with by Japanese authorities in China and Japanese policies in China. American trade and other interests are undergoing severe hardships as a result of controls imposed by Japan incident to military operations.

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The United States, on the other hand, has nowhere tried to establish or influence the establishment of embargoes, import prohibitions, exchange controls, preferential restrictions or monopolies--designed to eliminate Japanese trade and enterprise. The United States has been guided not only by the letter and spirit of the Commercial Treaty of 1911 * but by the fundamental principles of international law and Japanese commerce and industry have continued to enjoy equality of opportunity in the United States.

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In light of the situation the United States asks Japan to implement its assurances with respect to the open door by taking prompt and effective measures to cause:
(1) The discontinuance of discriminatory exchange control and other measures in China. (2) The discontinuance of any monopoly or preference * which would deprive American nationals of the right of undertaking any legitimate trade or industry in China or which would establish in favor of Japanese interests any superiority of rights in China. (3) The discontinuance of interference by Japan in China with American property and other rights.

On November 18, 1938 Foreign Minister ARITA replied to Crew's letter as follows:

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In order to place the users of former legal currency and Federal Reserve notes on the same footing and to assist in maintaining the exchange value of the Reserve notes it is the objective of the export exchange measures at Shanghai. These are not discriminatory, because they do not differentiate according to nationality. Those who had been discriminated against by using Federal Reserve notes are being placed on an equal footing with others.

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Some time ago the new Regime in North and Central China revised the customs tariff. Because the rates were unduly high and would not promote economic recovery. The schedule is the one adopted by the general in 1931, and was not calculated to insure to the benefit of any particular country. The Japanese Government favors the purpose of the revision and believes it will promote the trade of all countries.

With respect to the new promotion companies in China the development of Chinese economic policies is most

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It is acknowledged receipt of the note addressed to KOREA. According to information the circumstances which lead to the adoption of these measures as in Tokyo do not be construed as constituting any discrimination against American citizens.

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A short time ago the Federal Reserve Bank of China was established and the notes have been issued to the amount of 200,000,000 yuan. This is legal currency and the maintenance of their value is regarded as an indispensable basis to the development of economic activity and in the export trade will exchange them at the rate of one shilling and two pence. Former legal currency has disappeared. Those who are using this are enjoying improper and excessive profits and Japanese subjects who use Federal Reserve notes have suffered unreasonable and excessive losses as compared with persons using the former legal currency. The existence of disparity of the two types of currency will exert an unfavorable effect upon the exchange value of the reserve notes, and eventually upon the value of the Japanese yen. Japan cannot be indifferent to this situation.

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Japan

Japan, for the sake of realizing a New Order in East Asia, is anxious to start toward the restoration and development. The North China Development Company and the Central China Development Promotion Company represent nothing more than an offer to China of necessary assistance and an attempt to contribute to the development of the natural resources in China. It does not impair the rights of any Americans. Japan welcomes the participation of third persons to cooperate on the basis of new conditions.

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The telecommunication companies and the shipping company of China have been established to meet the need of an early restoration of communications destroyed as a result of the Incident. It is proper that these, being public utilities and related to national defense, should be carried out by such companies. However, all other enterprises do not have the objective of discriminating against the United States or third persons.

With respect to the wool trade, while control was enforced in Mongolia it has been discontinued. There is no plan for establishing a tobacco monopoly. There is no restriction on American citizens returning to occupied areas in North China except in special cases of personal danger. In the Yangtze Valley large numbers have returned. It has not been made general because of danger involved or because of strategic necessity to preserve military secrets. Furthermore, the various restrictions on Americans contribute the minimum regulations possible consistent with military necessities and normal conditions will be restored as soon as circumstances permit.

Japan is surprised at the allegation that there exists a difference between the treatment accorded to Japanese in America and the treatment accorded Americans in Japan. While Americans are subject to restrictions in the period of emergency, these are imposed equally upon all foreigners as well as Japanese. A statement with respect to the treatment of Japanese subjects in American territory is reserved for another occasion.

While the Japanese Government intends to respect American rights in China, because of military operations on a scale unprecedented in Japan's history are being

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carried out in East Asia, the United States should recognize the fact that obstacles will arise hindering the carrying out of the intention with respect to rights and interests.

Japan is now devoting its entire energy to establish a New Order in East Asia * and is making rapid strides toward the attainment toward this objective. The successful accomplishment is not only indispensable to Japan but constitutes the very foundation of enduring peace and stability of East Asia. Japan feels that at this time to apply to present and future conditions without any changes, principles applicable to conditions prevailing before the Incident do not contribute to solve immediate issue and do not promote enduring peace in East Asia.

Japanese not object to the United States or other powers participating in the work of reconstructing East Asia when such participation is undertaken with an understanding of my remarks and the new regime in China will welcome such participation.

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* On December 30, 1938 Ambassador Grew replied, stating that the United States had received and considered the Japanese reply. He reiterated that the United States feels that the imposition of restrictions upon American nationals engaged in philanthropic, educational and commercial matters in China will increasingly place Japanese interests in a preferred position and is, therefore, discriminatory. Further, exchange control, compulsory currency, tariff revision and monopolies in China show that the plans and practices of Japan * imply an assumption on the part of Japan or puppet regimes that Japan is entitled to act in a capacity of sovereign and is acting to disregard and even to declare non-existent established rights and interests of other countries. These restrictions and measures are not only unjust but are under two international agreements to which Japan and the United States are parties.

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* In view of the oft reiterated assurances of Japan that it will observe the principle of equality of opportunity in China and in view of Japanese treaty obligations on November 6, the United States requested

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Japan to abide by these obligations and carry them out. Japan's reply appears to affirm that it intends to make its observance of the principle conditional upon an understanding by the United States of a new situation and a New Order in the Far East as fostered by Japan. There are numerous treaty provisions and there was a process of give and take in making them. They constituted collectively an arrangement for safeguarding, for the benefit of all, the correlated principles of national integrity and the equality of economic opportunity. The impairment of one is always followed by disregard of the other. Whenever any government begins to exercise political authority in areas beyond its lawful jurisdiction the situation develops where nationals of that government demand and get preferred treatment.

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The warning that enjoyment by citizens of the United States of non-discriminatory treatment is to be contingent upon the United States admitting the validity of Japan's New Order is highly paradoxical.

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The United States adheres to the principle of equality is solely from a desire to obtain economic benefits. It flows from the conviction that observance of the principle leads to economic and political stability and from the firm conviction that failure to observe it breeds international friction and ill will injurious to all countries and from the equally firm conviction that observance of the principle promotes the opening of trade channels, making methods available on a mutually beneficial basis. This principle is one which the Japanese Government for a long time and on many occasions has definitely approved and has committed itself to in various international agreements. Japan has frequently insisted that other nations observe it and Japan has in recent months declared itself committed to it. The United States will not assent to the establishment by a third country for its special purposes which should deprive them of equal opportunity and fair treatment. Fundamental principles such as that of equality of opportunity are not subject to nullification by unilateral affirmation.

On April 29, 1934 the United States told Japan that treaties can lawfully be modified or terminated, but by the processes proscribed or agreed upon. In the

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same letter the United States told Japan that no nation without the consent of other nations can make conclusive its will where other sovereign states are involved. On June 16, 1937 the Secretary of State declared that the United States advocated adjustments in international relations by peaceful negotiations and agreement. In past decades various powers have had occasion to communicate and confer on problems of the Far East. The parties have invariably taken into consideration past and present facts and have not failed to preserve the desirability of change. In the light of these facts and treaty provisions the United States deprecates the fact that one of the parties has chosen to embark upon a course directed toward the arbitrary creation of a New Order in the Far East. Whatever changes have taken place the matters are of great interest and concern to the United States and the New Order will be of like concern to the United States.

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The United States knows the situation has changed and that many of the changes have been brought about by the actions of Japan, but the United States does not admit that anyone power may prescribe the terms and conditions of a new Order in areas not under its sovereignty.

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By methods of negotiations and agreement early restrictions upon tariff autonomy in the Far East were removed as were extraterritorial jurisdiction and in the years preceding 1931 the United States and other countries having extraterritorial rights in China were engaged in negotiations looking toward the surrender of these rights. The United States has steadily encouraged the development in the Far East of institutions and practices as that such privileges may be given up. The United States has insisted on only one point--that new states must have developed to a point warranting the removal of such safeguarding restrictions and that they be removed by orderly processes.

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The United States has always insisted that negotiations can rightfully be made only by negotiation and agreement. Japan has expressed similar views. The United States has many treaty rights and the treaties were concluded in good faith to safeguard and promote the interests of all signatories. The United States cannot assent to the abrogation of any right or obligation by one country.

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* The United States is prepared to give due consideration to any proposal based on justice and reason which envisage the resolving of problems considering the rights and obligations of all parties by free negotiation and a new commitment. The Japanese Government has the opportunity to put forward such proposals and the United States will be willing to discuss them when put forward with representatives of the other powers. The United States reserves all its rights and does not assent to any impairment.

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Exhibit No. 458, being an article entitled "The China Affairs Board" from the Tokyo Gazette February 19, 1939, is summarized as follows.

• Japan does not intend to exercise economic monopoly in China, or to demand that China limit the interests of third powers who understand the meaning of the New East Asia. She only seeks to render effective cooperation between the two countries. Japan demands all China recognize the freedom of residence and trade by the Japanese in the interior of China, to promote the economic interests of both peoples, and that China extend to Japan facilities for developing her natural resources, especially in North China and Inner Mongolia.

Exhibit No. 459, being the law concerning the North China Development Company Limited, and the Central China Promotion, Limited, Tokyo Gazette August 1938, is summarized as follows.

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• The North China Development Company has been created to accelerate development and to consolidate and adjust the undertakings in North China. It is to invest in and finance transportation, harbor and port improvements, communications, electric power, mining, salt, and other undertakings. Its capital is 350 million yen, half subscribed by the government and the other half by private interests. Its operating power on debentures is five times its paid-up capital. The Central China Company is to invest in and finance transportation, communication, electricity, gas, water, mining, and fishing, to assist the economic development of Central China. Its capital is one hundred million yen, half to be subscribed by the government. Its operating power is likewise five times its paid-up capital. Both companies have the right to declare preferential dividends on shares owned privately by individuals. The Government will subsidize these companies for certain periods to maintain payment of dividends on private shares.

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Exhibit No. 460, the Radio Address of Prince Kung, and the Program for Economic Development of China, Tokyo Gazette, December 1938, is summarized as follows.

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• On November 3, 1936, Prince Konoye stated that the "middle plain" which sustains the life of modern China, has now fallen to Japan. The Chiang Kai-shek Government is nothing but a local regime. Japan has achieved these results without straining her fighting power, which is kept at a level sufficient to ward off intervention from the outside. It is the historical necessity that China, Manchukuo, and Japan should stand closely united in the common duty to safeguard East Asia. It is deplorable for Japan and all Asia that this has been thwarted by the mistaken policy of the Kwantung Government. This policy is based on the transient tide of the period following the Great War. It is not the inherent intelligence and good sense of the Chinese. • This Government did not care whether the nation was left to Communism or relegated to a minor colonial status. It must be regarded as treason toward the patriotic Chinese who reached their lives to create a new China. Under these circumstances, Japan was compelled reluctantly to take up arms against the Chiang regime.

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Japan at home is silently engaged in speeding war production and preparing for protracted hostilities. It is high time that all should face squarely the responsibility • to construct a new order on a world basis--a free union of all nations of East Asia in mutual reliance and in independence. The sacrifices and preparations must be clearly understood. Japan cannot afford to make any mistake about this. Japan's undertaking to erect a new East Asia implies that she has entered upon a long period of creative work in all activities for national life. The real war has just begun. The people must stand united, silently to resolve the task of reconstruction and construction overseas and at home.

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The Program for Economic Development of China, of the Board of Planning; • The immediate task since the capture of Canton and Waken district is assisting economic reconstruction and development in the occupied areas. In the part of Central China where Shanghai is the center and public utility enterprises and industry in general has been utterly dislocated, the economic structure as a whole has been destroyed. Even in North

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and in rural Central China where battle damage has been slight, conditions of impoverishment prevail. There are enormous quantities of natural resources undeveloped in these areas.

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* In trying to aid the new China which is emerging in the economic development, Japan must not limit its activities to reconstruction in the narrow sense. The undeveloped natural resources must be utilized. The main reasons for China's failure to develop these has been China's lack of capital and technique, and political stability. Japan can bring these qualities to China so that the resources may be developed fully. When this is done, the purchasing power of the Chinese will be increased, bringing about an increase of Japanese exports. The development of natural resources in China has far reaching effects in realizing the ideal of economic collaboration which is basic to achieving the establishment of a new ideal order in East Asia.

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* It has an important bearing upon Japan, as the stabilizing force of Asia, in that it will supply Japan with iron, coal, salt, and cotton, and strengthen the national defense and augment productive power. Sufficient supply of these materials within the bloc will decrease Japanese overseas payments, while the coordination of industries within the three countries will work toward adjusting the supply and demand of materials and the balancing of international payments.

These activities should not be considered only as post bellum measures. They are vital as military and political operations to be carried out while hostilities are going on. Success in these measures will consolidate the new regime and crush the Kuomintang Government.

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* As a concrete step, two special companies, the North China Development Company and the Central China Promotion Company, have been established. These are holding companies for investing in and financing subsidiary companies engaged in reconstruction and development undertaking. Both companies are set up under laws promulgated April 30, 1936. The purposes of the two companies differ. The North China Company is to accelerate the economic development in North China and

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to coordinate and adjust related undertakings, while the second company is designed to promote economic reconstruction in Central China. In North China, where destructions have not been so heavy and where there is an abundance of natural resources undeveloped, Japanese aid is mostly for economic development. In Central China, which is the center and heart of China's economic structure and where devastation has been sweeping, the immediate need is to reconstruct industries and public utilities without speaking of starting construction and development. Accordingly, Japanese aid in Central China is for rehabilitation and reconstruction, as well as development of natural resources.

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The North China Company is capitalized at 350,000,000 yen because of the vast development program, while the Central China Company is capitalized at 100,000,000 yen in view of its main objective of rehabilitation. Both companies can issue debentures up to five times paid-up capital. These funds, together with capital to be invested in subsidiary companies by Chinese and Japanese, amount to several billion yen. The two companies are holding companies and do not operate directly in business enterprises. They will organize many subsidiaries and coordinate and adjust them. The Central China, etc., however, operates business directly. These subsidiaries are to be Chinese corporations under Sino-Japanese joint management.

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Coordination and adjustment of subsidiaries is designed to eliminate occurrences which will hinder synthesized growth of enterprises relating to development of natural resources and other industries. There is no such provision in the Central China Law. This is due to the fact that Japanese aid will be aimed toward rehabilitation, replacement, and extension of existing enterprises. In both cases a certain degree of guidance will be given through capital in the hands of holding companies.

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Since these businesses are very important and while they may not be profitable from the first, the government besides investing has granted them many privileges. The Government is investing half of the capital, of which certain amounts will be in the form of goods or materials necessary for repairing and construction of railway, stock, bridges, and rails.

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Recognition of the right to declare preferential dividends to private interests is an important privilege, and the Government will grant subsidies for five years, beginning with the first year. * Both principal and interest of the debentures will be guaranteed. On the other hand, the companies are required to obtain approval of the Government for raising loans, changing the articles of association, carrying out mergers and dissolution and disposal of profits, and must obtain governmental approval for plans for investment and financing for each fiscal year, and the Government may give orders deemed necessary for the purpose of supervision and national defense.

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Exhibit No. 461, being Part II of the Program for Economic Development of China, of the Board of Planning, January 1939.

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* In the North China Company, the vital importance of public utility enterprises will be considered first. With regard to transportation and harbor improvements, * an immediate proposal is the creation of a concern for the operation of railways. The question is still open whether ports and harbors, which are essential to railways, will be under one and the same management.

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With respect to communications, the North China Telegraph and Telephone Company was established in July 1938 with a capital of 35,000,000 yen, 10,000,000 yen to be made up of investments by the Provisional Government and 25,000,000 yen by the North China Development Company and others. Its business will be to construct and operate the wire, wireless, telephone, and submarine cable.

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* This company is not only operating in North China, but also between Japan, Manchukuo and the rest of the world. Electrical generation establishment has not yet been fully decided on. The natural resources which will be aided and coordinated are mines and those relating to manufacture, sale, and use of salt. As to mines, iron and coal mines will receive first Japanese aid. North China deposits of iron ore amount to 200,000,000 tons, more than half of China's 350,000,000 tons. Only a small portion has been developed. * The Lungyen Iron Mine has the largest deposit. An iron mine company will be

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established soon to center its operations on the Langyan Mine. Other works may come under its management. Part of the iron ore and the surplus of pig iron will be exported to Japan, but steel will be used on the spot.

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• Coal deposits in all the provinces of North China total 130-140 billion tons, being 50 to 70 percent of all of China's coal. Annual output does not exceed 15,000,000 tons. The plan for the establishment of this industry has not yet been decided upon. • In developing the coal, the company will aim to insure smoothness in domestic consumption in China by controlling supply and at the same time meet demands in Japan, particularly for coking coal to manufacture iron. The volume of coal consumption in Japan will increase with the development of industry, and the increase of production of coal will not likely keep pace with the demand. In ten years hence it will be necessary to import hundreds of millions of tons. In light of the current rates of foreign exchange and transportation charges and in the light of the industrial expansion program in Manchukuo, Japan's natural direction for coal must be China. The field most suitable for development is the Tatung • field, which can reach the 200,000,000 ton level as an annual output. A concern for lignifying coal is being planned as an enterprise for the manufacture, sale, and utilization of salt.

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Japan imports salt from overseas to the extent of 1,500,000 tons. One source of supply is Asia, while the other is Africa. It is advisable to depend as much as possible upon China.

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• In Central China, the promotion will include the reconstruction and development of railway, bus, and communication services, electric undertakings, water-works, mining, and fisheries.

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• With respect to iron mines, Central China is very rich, the Yangtze valley having approximately 100,000,000 tons. These resources have been developed to a greater extent than North China, but their total annual output is no more than 1,300,000 tons.

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To develop these resources, the Central China Iron Mining Company was created on April 8, 1938. So far there has only been an investment of ten million yen, solely by Japanese. Chinese will invest in the form of equipment and goods, when negotiations have been completed for appraisal of the mines.

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A concern to control transportation on the creeks has been established, and plans are progressing to create businesses to operate buses, fisheries, and salt manufactories. Through Japanese aid, the economic life of China will be revived and developed, not only for China but for all countries in East Asia.

Exhibit No. 462, being two articles from the Tokyo Gazette of November and December 1940, is summarized as follows.

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The first article, "Industrial Reconstruction in China," by the Cabinet Information Board. According to this article, most of the resources of China have been exported in the form of raw materials to feed advanced industrial countries, which in turn required the importation of raw materials for Chinese industry. Chinese industry has been unable to separate itself from agrarian economy. Since 80 per cent of the industrial plants in China are concentrated in five industrial centers, the damage because of war was enormous. In Shanghai 55 per cent of the factories were destroyed. All damages to factories in the city were estimated at 800,000,000 yen. These areas are strategic districts, and it is necessary first of all to rehabilitate the factories. For this purpose all deserted factories have been placed temporarily under the supervision of the Japanese Army or consigned to Japanese interests. Many Chinese factories reopened with the aid of Japanese capital and engineering skill.

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Under Japanese leadership, a plan is now under way for the systematic development of North China, including Mongolia, to prevent Communism and to stimulate China's productive power. Under the plan, coal, iron, liquefaction, electric power, and salt were placed under economic control, while spinning and others were allowed to remain as free enterprises.

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* Free enterprises are to be conducted in accordance with the following three basic principles. (1) Japan, Manchukuo, and China must avoid economic rivalry; (2) There shall be a restriction of any enterprise which calls for dual investments; (3) Indiscriminate duplication of enterprises of the same kind will be avoided.

The policy of regulating is intended to promote a healthy development of industry to encourage Sino-Japanese economic cooperation by giving it political and economic security. The policy is that important industries are controlled by the North China Development Company and the Central China Promotion Company, while minor industries will be taken as free enterprises.

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* In Central China there are already twelve subsidiaries of the Central China Promotion Company.

Summary of the Program for Economic Construction Embracing Japan, Manchukuo and China of November 5, 1940, is summarized as follows.

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* Now that the Tri-Partite Pact has been signed, the Government at a recent Cabinet Meeting has decided on the program of economic reconstruction for the three countries to cope with new developments, and intends to carry out national policies in conformity with the fundamental national purpose. The object is to realize unprecedented progress in Greater East Asia or common prosperity based upon comprehensive development of the three countries.

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* The economic system of free trade is in the process of disintegration, and the Japanese system must reorganize on a new basis, discarding the old structure which was dependent on the old order. However, Japanese economy must be put upon a stronger basis, capable of leading the peoples of East Asia to improve living conditions and find their places in the new world order. The new order must have a higher productivity, the sphere of mutual economic dependence must be extended from the three countries to all of East Asia, and it must be able to meet any situation by keeping that part of Japanese economy dependent upon other countries to

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At a minimum. To this end pressures and threats from outside must be repulsed. * The new East Asia economic order under Japan must be established within ten years. The basic economic policies of East Asia must be established upon organized planning of three processes: (1) perfection of the reorganization of national economy; (2) Organization and strengthening of the three country economy; (3) Enlarged organization of the East Asiatic sphere of common prosperity.

The basic lines of policy are as follows:

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(1) The objective of the program for the three countries * is to establish a self-supporting and self-sufficient economic structure within ten years, in order to strengthen the position of East Asia in world economy; (2) the guiding principle for Japan lies in the promotion of the general welfare in accordance with the spirit of *Haihe Ichiu*; (3) Japan will endeavor to uplift the morale of the nation, renovate its internal structure, augment its national strength, at the same time rendering assistance to Manchukuo and China. She will strive to promote science and technique and the development of pioneer industries. (4) Manchukuo will swiftly perfect and develop important basic industries. (5) China will develop her resources and reconstruct her economic system * in collaboration with the other two; (6)

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* The administrative machinery to carry this out will be speedily perfected.

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As a matter of practical policy, in view of the fact that the three countries constitute the backbone of the East Asia Sphere, Japan has decided on the essential policies with respect to spheres of industrial activity, labor, finance, banking, exchange, communications, and transport. In determining spheres of industrial activity, decisions will be taken from the point of view of treating the three countries as an organic whole. Japan will strive for the promotion of precision industry as well as mechanical industry, * while trying to develop basic industries such as heavy, chemical, and mining. Manchukuo will make the advances in the mining and electrical industries, and Japan is prepared to offer necessary assistance. China is expected to develop her mining and salt industries and to undertake large-scale production of raw materials. The development of

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light industries on the continent must be permitted, and Japan should readjust her light industries, particularly fibre and miscellaneous ones. She must seriously consider the question of their removal to the continent.

With respect to agriculture in Japan, measures will be taken to improve the land systems, farm management, betterment and security of farmers living and the ensuring of staple foods as well as the maintenance of definite numbers in the farm population.

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* In Manchuria, in view of its position as a base for supplying foodstuffs and fodder for the three countries, increase to the fullest extent of agricultural productivity is expected. The migration of Japanese farm settlers will be facilitated. In China, efforts to assure the staple food of the nation must be made, and the production of cotton and other staples must be increased.

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The position of labor in Japan must be radically revised. Labor power in each of the East Asiatic countries must make its contribution to the improvement of the whole labor force. * Japan intends to perfect a new structure in labor and technique, to build up the bodies and minds of the workers to increase their productivity and to train technicians and skilled workers. Manchuria and China will be supplied with technicians and skilled workers, but they will have to train men themselves also. Manchuria must plan not only for the migration of laborers from North China, but for establishing measures for the self-sufficiency of labor.

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The function of finance and banking should be made to conform * to the national purpose. The distribution of capital must be determined according to plan, and the financial mechanism facilitating the storing of staple goods must be in keeping with technical progress, the growth of industry, and changes in industrial equipment. Capital must be supplied by accumulation. In order to develop necessary industries, Japan is prepared to give assistance of capital.

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* With respect to exchange, the old principle of commercial trade must be revised and the principle of productive trade, which enables each country to supply to others goods required by them in exchange for goods necessary for its own planned production, must be set up. A special agreement for payments between such countries will be required to facilitate the flow of goods.

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Systems of communication and transport between the three countries must be perfected and operated under the plan, and thus insure the security of the whole of the sphere. The connection between land and sea transport services of the three countries must be expedited, and there must be planning for a large-scale increase in shipping, control and connection between air lines, as well as the extension of electric communication facilities.

Exhibit No. 463. After calling attention of the Court to the testimony of John Goette, Exhibit No. 463, being Part 5 of the Chinese Incident Document purporting to Establish Provisional Government at Peiping and Restoration Government at Nanking, was admitted in evidence and is summarized as follows.

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* With the fall of Nanking on December 13, 1937, the opportunity to establish a new regime had matured. At the beginning of the Incident, WANG HO-MIN was in Hong Kong. Major General KITA, Head of Special Services in Peking, persuaded WANG to accept the invitation to become head of the Government, and staff officers from Peking and Formosa were sent to Hong Kong for the same purpose. On November 24, WANG came to Shanghai, and on December 6 went to North China. When WANG entered Shanghai he had not yet consented to be head of the North China regime, but came on condition that he make an inspection trip. The North China Army authorities had not only invited WANG, but other influential men from South China. General YERACHNI gave approval to this policy. However, Colonel KUSUMOTO was opposed to the pulling out of the influential men from Shanghai, stating that there was no necessity to make North China the political center from the beginning. After arriving in Peking, WANG HO-MIN decided to head the North China regime, and on December 14, 1937, the Provisional Chinese Government was established in Peking.

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5300 The Government was to be organized under the head, with an independent legislature, * executive, and judiciary. The declarations issued * stated that the intention was to restore democracy and eliminate unclean party politics, abolish Communism, enhance morality of the Far East, and promote friendly relations with other nations, to exploit industry and improve national welfare, and to carry out the duties declared by the previous Government.
- 5301 * According to the fundamental principles to manage the Incident, the Japanese Government will cooperate with the Nanking Government to save the situation, if the Nanking Government reconsiders. However, if the Nanking Government continues its resistance, Japan will not expect to negotiate with the Nanking Government in the future and will take separate measures.
- 5302 In North China, the main policies are to promote public peace and order, politically to establish an anti-Comintern pro-Japanese and Manchurian regime, and economically to establish an indivisible relationship between the three countries. However, if negotiations with Nanking are brought about, the Government will be adjusted in accordance with the conditions of peace. Further, * based on the policy decided at the Imperial conference on January 11, 1938, Japan reserved the right to negotiate with the old Nanking regime on peace terms, but if the Nanking regime does not reconsider Japan will help create a new Chinese regime and cooperate with it.
- 5303 With regard to peace negotiations, on January 14 the Nanking Government advised Japan it desired to have further details of the demands. This answer * contains no sincere wish for peace and is designed for delay. From January 15 on Japan ceased to entertain any hope for peace through negotiations with Nanking, and the Cabinet has decided to start the second phase to help create and develop a new regime. On January 16, Japan made a statement of its intentions and notified the Chinese of the termination of peace negotiations. In Central China, on December 13, 1937, movements for creating a new regime were launched. The Shanghai Municipal Government was organized on December 5. In other places, public order maintenance associations came into being.

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• However, in Shanghai the influence of the Nationalist Party remained strong, even after the fall of Hanking, so it was impossible for the pro-Japanese elements to openly approach the Japanese. The building up of a substantial regime was very difficult. The Shanghai Municipal Government was helped toward its formation by Colonel KIBUMOTO of the Embassy and Colonel KAKEDA of the Headquarters of the General Staff. Naval authorities and foreign ministry officials were entirely uniformed. • This Government was generally very unpopular. The Shanghai War Zone Relief and Rehabilitation Society was organized by a group of traders, to undertake the duties pertaining to the maintenance of peace and rehabilitation of industry and commerce in the Shanghai war zone. • It was, in fact, a political body under a committee system. This movement was launched by influential members of Shanghai, but it didn't have a chance to develop.

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In the early stage of the war, Commander MATSUI brought SUGANO with him, who with others got in touch with CHIN Chang-ja, and tried to have him form a new regime. This effort made no rapid progress, but on the other hand CHIN's group was skeptical and feared that the Japanese might come to a compromise with CHIANG in the future, or might create a purely puppet government.

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• With respect to the setting-up of the Restoration Government of the Republic of China, it is rumored that Major General HARADA and Colonel KIBUMOTO of the Army Special Service in Shanghai assisted the various groups of men in order to expedite collaboration. However, the Koth China group began to create strong opposition.

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The major factors in the restoration government and its platform as established on March 20 may be summarized as follows. The government was a tripartite coalition in the form of a democratic constitutional government with three councils and seven departments. • Single party absolutism was abolished. The Government will carry out anti-Communist measures as far as possible. With respect to foreign relations, the Government will try to guarantee equality, preservation of sovereignty, neutrality and amity, peace in East Asia, and friendly relations with all foreign nations. The

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Government will provide for the relief of war sufferers and for carrying out regional purges. The Government will exploit natural resources, promote agriculture and industry, introduce foreign capital, and collaboration with friendly foreign countries. The Government will endeavor to develop commerce, industry, and banking, and will take steps to advance the scientific knowledge of the nation, unite purge radical education. Finance will be rationalized, and the Government will open the door for men of ability, and permit freedom of press, speech, and criticism. There will be an abolition of irregular agents, and measures to carry out the purge.

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A number of local governments were to be created under the control of the Restoration Government because the public order maintenance associations were to be dissolved. Previously, governments came into existence from April 24 to July 23. In Shanghai, the Municipal Public Administrative Office was established on April 28, and was put under direct control of the Administration Council.

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The program for the direction of the Central China Administration, decided on January 27, 1938, provided that a highly pro-Japanese regime will be established, which will gradually free themselves from dependence on Europe and America, and will become dependent on Japan. It shall be so directed that in the future it shall smoothly amalgamate with the North China regime. There shall be general inner direction by Japanese officers, but detailed direction and interference of administration by Japanese officials shall be avoided.

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The Chiang regime shall be annihilated and both the Communists and the Nationalist parties will be abolished. In direct administrative affairs, emphasis to be placed on the highest political organization, above all the legislative and certain sections of the administrative department. In Shanghai, special facilities are to be created for the economic development of Central China. In the Provincial Governments, participation by Japanese officers are to be avoided as much as possible.

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The foundation of finance is to be speedily established, and Japan-China economic collaboration in Central China realized. A minimum army is to be trained to maintain peace and order, and under the guidance of Japan to restore public order, but the navy and air force are to be included in Japan's defense plan. Peace maintenance corps are to be strengthened, and Japanese police officers are to be appointed as instructors, with special schools to train model officials, and the creation of a special organ to promote the political purge from the plan. Local autonomous bodies shall be gradually abolished. * The first-stage administrative area shall be the district under Japanese occupation, and shall be extended.

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* The program for the Establishment of the Central China New Regime, decided on January 27, 1936. The name of the New Regime is to be the Central China Provisional Government. Its site for the time being is to be Shanghai, and Hanking in the future. The New Regime is to be speedily set up, and antagonistic influences destroyed with physical and moral pressure. The local autonomous bodies * are to be strengthened and public sentiment desiring the establishment of a New Regime backed by Japan shall be stimulated. Considerable part of the expenditures in the initial stage are to be borne by Japan. Emergency measures for the relief of war sufferers and the rehabilitation of industries are to be taken. Maintenance of local peace is to be undertaken by the Japanese Army until the establishment of new local government organs.

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The new set-up is to be established as follows.
(1) Central Government; (2) Shanghai Special Municipality;
(3) * Provincial Governments; (4) County autonomous bodies, and others.

The influence of TSIKIPAN and CHIHIPAN will be made pro-Japanese. In fixing the new administrative districts, former ones shall be generally preserved. In foreign settlements, Japanese influence shall be extended, and after establishment, organs of the old regime under the control of the Japanese army and navy shall be taken over by the New Regime. The Municipal Government, the Citizens' Association, and others shall be coordinated in the Shanghai Municipal Government, while purely administrative organs of the Province and downwards shall be generally left as they are, and the educational system shall be completely revised.

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NARRATIVE SUMMARY OF THE RECORD
(September 23, 1946)
(German-Italian Collaboration)

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6021 * Exhibit 487, excerpt from interrogation of OSHIMA, February 4, 1946, stated:

6022 * With respect to other secret understandings, those that existed did so other than as treaties. Following the consumation of the Anti-comintern Pact the armies of the two countries agreed to furnish each other with intelligence about Russian military. It was decided to further use white Russians who had already been used in such spots as Warsaw and Paris. There was no written agreement. This came about in September or October 1938 and stopped in the signing of the Russo-German Non-aggression Pact. These were in the form of memoranda and not binding agreements.

Exhibit 488, interrogation of OSHIMA, March 5, 1946, stated:

6023 * That the Japanese military had previously been using white Russians in Warsaw and following the signing of the anti-Comintern Pact the General Staff thought it would be a good idea to exchange information with respect to the Soviet Union. OSHIMA received orders from the General Staff to approach Germany and did so. Actual exchange was handled by Lt. Colonel USUI. In handling this problem OSHIMA approached Lt. General Keitel.

6024 There were many white Russians in Berlin who were willing to sell information and it was decided to buy it. They used a Russian by the name * of Bamard as a main source. This was conducted out of OSHIMA's office, except USUI operated independently under OSHIMA's supervision. His sole job was to gather intelligence and communicate it to the General Staff. The communications went through OSHIMA's office.

6025 While OSHIMA did not own any property in Germany, in order to carry out Anti-Soviet propaganda he negotiated for the purchase of a place where the work could be carried on. However, the place was not in his name. * The money came from his office. They printed propaganda at this place, which propaganda was given to Bamard who tried to get it into Russia. OSHIMA said he knew a Japanese officer who worked in Afghanistan.

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6026 He had become friendly with a garrison commander there and suggested that they carry on Anti-Russian activities. This man passed the information to his government and suggested they get rid of the Japanese officer before they were suspected. * OSHIMA had no connection with this man and did not intend to send someone to replace him.

Exhibit 489, memorandum of Himmler regarding a conference with OSHIMA, is summarized as follows:

6027 At a visit with OSHIMA, Himmler and OSHIMA discussed the conclusion of the treaty by which the German-Italian-Japanese triangle would assume a firmer shape. OSHIMA said that together with the German counter-espionage he was undertaking long range work of disintegration in Russia from the Caucasus and the Ukraine * to become effective in the event of war. He had sent 10 Russians with bombs across the Caucasian frontier with orders to kill Stalin. A number of other Russians had been shot at the frontier. OSHIMA also told him of the Japanese officer who had worked in Afghanistan, but had been expelled. Himmler stated that he had a police officer there and the two could work together once Japan had another man there.

6028 OSHIMA told him he had bought a piece of real estate at Falkensee in the name of a middle man where six Russians were employed writing pamphlets which were sent from Poland to Russia by balloon. He had proof from Russia that they had arrived and were distributed. He had also purchased a motor boat to take leaflets from Rumania to the Crimea. This had met no success, but he would try again * in the summer. This document is dated January 31, 1939.

Exhibit 490, excerpt from the interrogation of the accused, OSHIMA, stated:

That he was not sure of the circumstances whereby Italy became a party of the anti-Comintern Pact, but believes there were talks between Italy and Germany. This matter had gone out of his hands and so far as he recalls Germany recruited Italy.

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Exhibit 492, the Privy Council minutes on the conclusion of the Protocol between Japan-Italy-Germany, is summarized as follows:

6034 Members present: HIRANUMA, HIROTA, and KAYA. Immediately after the conclusion of the Japan-Germany treaty * Italy told Japan that she hoped to conclude a similar treaty. This was anticipated under Article 2 of the Japan-Germany Treaty and Japan, thinking it would be both advantageous to strengthen the preventive measures against the Comintern and would bring about good results for politics due to the promotion of good will between the three nations, entered into negotiations with Germany and Italy and agreed * to let Italy join in the form of a new treaty between the three nations. The result would be that if Italy receded from the new Protocol, the Japan-Germany treaty would not be affected.

6035 In view of these considerations it was hoped that the maintenance of order in the countries concerned would be carried out satisfactorily by exchange of information on the Comintern * and by taking other appropriate measures. The Protocol was approved.

6036 Exhibit 36 is the Protocol and its provisions are the same as the original anti-Comintern Pact. The date of the Protocol was November 6, 1937. KIDO was absent from this meeting.

Exhibit 491, the minutes of the Privy Council meeting regarding the Protocol on the participation of Hungary and Manchukuo in the anti-Comintern Pact, is summarized as follows:

6029 The accused who attended the meeting were HIRANUMA and ITAGAKI. In reply to interrogation ARITA stated that one measure for strengthening the Pact consisted in the increasing of the number of countries participating. Manchukuo and Hungary are to join now and shortly another power in Europe may also join. A * method is the strengthening of the substance of the Pact. It is not only the mere exchange of information but also cooperation in economic and financial relations. Since the government has almost decided on its policy it expects to shortly begin negotiations with the countries concerned.

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Italy has never been asked to participate in a secret pact between Germany and Japan and has expressed no desire to participate in it.

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The qualitative strengthening of the Pact cannot be expected from a mere increase in the number of participating countries. Since it depends on close mutual collaboration among the powers * having greatest interests in possessing real strength, there is no need to think of concluding secret pacts with Hungary and Manchukuo.

ISHIZUKA expressed the hope that due to Soviet aid to Chiang Kai-shek the strengthening of the substance of the Pact would be carried out speedily.

In response to further interrogation on the new Protocol ARITA stated:

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* That while he was not a state minister at the time Italy joined the anti-Comintern Pact, from what he had heard Italy did not join in the secret Pact because she did not know of its existence. If there is any mistake on this point he would correct it later.

Regarding the strengthening of the Pact, the strengthening will be planned by Japan, Italy and Germany. There is no thought of including Manchukuo, Hungary and other countries who may join in the future.

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With respect to the difficulties of having Manchukuo and Hungary join because they had not concluded a direct agreement with each other * he stated that he believed close relations would be maintained between Manchukuo and Hungary as a result of the participation of the two countries in the Japan-Germany Pact and Protocol attached thereto and the anti-Comintern Pact by which the five countries have been bound together. The Bill was passed unanimously in the presence of the Emperor.

Continuing with Exhibit 492, the Privy Council minutes on the Japan-Germany-Italy Protocol, HIROTA stated that as Manchukuo diplomacy is carried out with Japan as the center, there is no need to have Manchukuo

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6045 participate directly in the agreement. While Manchukuo is an independent state it requires some consideration * to let her act internationally. As a matter of fact, the application of the treaty on Japan would naturally result in extending it to Manchukuo.

Exhibits 493 and 494, the Protocols admitting to the anti-Comintern Pact Manchukuo on February 24, 1939 and Spain on March 27, 1939, were received in evidence.

Exhibit 495, the renewal of the anti-Comintern Pact on November 25, 1941, which aside from a provision for the admission of new participants is the same as the original pact, was admitted into evidence.

6048 Exhibit 496, an official announcement concerning foreign relations by the Board of Information, November 25, 1941 * states:

That Japan, Germany, Italy, Manchukuo, Hungary and Spain signed the pact on November 25, 1941 and that China, Rumania, Bulgaria, Finland, Slovakia, Croatia and Denmark joined on the same date.

6049 At this time HOSHINO was Chief Secretary of the Cabinet and Councillor of the Planning Board; KAYA, Finance Minister; KIMURA, Vice President of War and Councillor of the Planning Board, OSHIMA, Ambassador to Germany, SHIRATORI, Advisor to the Foreign Minister; * SHIMADA, Minister of the Navy, SUZUKI, State Minister and Chief Director of the Cabinet Planning Board, TOGO, Foreign Minister and Minister of Overseas Affairs and TOJO, Prime Minister, War Minister and Home Minister.

Exhibit 497, excerpt from the interrogation of OSHIMA, is summarized as follows:

6050 * The China Incident started in July 1937 and
6051 following this Japan attempted to use Germany to bring this Incident to a close. * OSHIMA received orders from the General Staff to approach the German military advisors of Chiang Kai-shek to bring to a close this Incident which was leading to a stale-mate. Early in January 1938 he called on Ribbentrop to pay his New Year's respects and was asked if there was not some way in which Germany and Japan could be brought closer together. The

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6052 story of this meeting was passed on to the General Staff. In June OSHIMA received a communication from the Shuninbu of the General Staff that so far as the Division was concerned and not speaking for the General Staff as a whole it approved the furtherance of German-Japanese cooperation. The main point * to be kept in mind was that there should be an agreement to act in accord in dealing with Russia.

6053 In the beginning of July OSHIMA saw Ribbentrop again and without referring to the communication asked Ribbentrop what he thought of an agreement promising to consult before any action was taken in case of an attack by the USSR. Ribbentrop asked for some time to think it over. A few days later Ribbentrop returned from his summer vacation for the purpose of talking to OSHIMA. He stated that what he said was not based on talks with Hitler or any other official and that Germany would not particularly approve or like a treaty of consultation only since it was one-sided and weak and he suggested a mutual aid treaty aimed not only at Russia but at all countries. * If strong enough, this should preserve world peace.

6054 At this time Ribbentrop was Foreign Minister. OSHIMA told him that it would be very difficult for Japan to expand her objectives to a mutual aid pact aimed at the world in general since she was prepared to act against only Russia. Ribbentrop replied that he wouldn't want Japan to do anything outside her power, but that a strong pact was necessary to preserve peace. He asked OSHIMA to find out how the Japanese Army felt about such a treaty by sending someone back to Japan and not to communicate by wire or wireless. Having received an o.k. from the General Staff about the end of July * he sent General KASAHARA to Japan. This took two or three meetings. * KASAHARA arrived in Japan in August 1938 and spoke to the General Staff, who took the matter up with Foreign Minister UGAKI, who in turn discussed the matter with the Five Cabinet Member Committee which handled particularly important matters.

6056 OSHIMA received a telegram from the General Staff that they were more or less in accord and that the Five Man Committee * was agreeable to the suggestion. The Five Man Committee consisted of Prime Minister KONOYE, Foreign Minister UGAKI, Finance Minister IKEDA, War

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Minister ITAGAKI and Navy Minister YONAI.

6057 KASAHARA was sent by OSHIMA simply to get the views of the army, but as the army was particularly desirous of closing the China Incident they felt this would be a step in that direction and they took it upon themselves to speak to the Foreign Minister. The replies always came from the Chief of Staff. The reply was that they would be willing to conclude a pact in which mutual aid in case a signatory was a victim * of unprovoked aggression. Japan wished to have the pact aimed at Russia primarily and other countries secondary.

OSHIMA assumed his official duties as Ambassador about the end of October 1938 and following discussions with Gaus and Ribbentrop and having decided upon the general outline of the treaty he sent an official communication to the Japanese Foreign Office of this outline. While OSHIMA was named Ambassador on October 8, 1938 he only began his duties at the end of October, because under Japanese Protocol he did not take up his duties until the former Ambassador left for his next post.

6058 The proposal for the treaty * had now reached such proportions that the matter was carried on by OSHIMA in his capacity as Ambassador. The first answer from the Foreign Office stated that the government regarded the treaty of this sort as one which would help conclude the China Incident, clarify the Russian situation so the troops could be used elsewhere, strengthen Japan's international situation and receive technological and economic aid from Germany. They were studying the actual wording of the treaty. After the problems along the Siberian Border were settled then the troops could be used elsewhere and in case of necessity used against China.

6059 OSHIMA waited for a further answer and since one did not come for a long time in December he sent another communication to the Foreign Office inquiring the reason for no answer. The answer was that the most pressing problem was the matter of naming Russia as the most important subject and the other nations as secondary. The Foreign Office expressed concern that arguments might occur with Germany and they wished

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this point cleared fully before proceeding further. As a result they were sending ITAGAKI from the Foreign Ministry * with the rank of Minister, Lt. Colonel TATSUMI from the General Staff and Captain ABE from the Navy General Staff, with whom he was instructed to speak. These men arrived in Berlin in the beginning of February 1939.

6061 Around September 1938 Germany had approached Italy to join in the pact. Italy stated that while she liked the idea she did not know whether the time was ripe and requested time to think. At that time Japan had only a charge d'affaires with Italy. Germany received no answer from Italy and so OSHIMA was asked to suggest that Japan approach Italy with the same proposition and asked him to go to Italy. Having received an o.k. from the Foreign Minister in the middle of December 1938, OSHIMA * went to Rome and met Mussolini, but got the same answer that Germany had received earlier. However, early in January 1939 he was advised by Ribbentrop that Italy had stated that she was ready to join at any time.

6063 * The ITO mission first went to Italy and after staying there two or three days arrived in Berlin at the beginning of February. A few days after this Ambassador SHIRATORI came to Berlin from Italy. ITO had with him the government's plan on the proposed treaty. The principal wish of the Japanese government was that while Russia would be the prime object of the pact, the other countries, while remaining secondary, would enter into the matter only if they had gone Communistic. In other words the pact would become effective against England only if England became Communistic. At this time the phrase "other countries" was used because the pact had not been drawn up fully in regard to specific nations other than Russia and before they got around to the matter of specific nations the negotiations were broken off.

6064 * Germany had in mind the whole world, although she would agree to delete America in the first statement in the preamble. However, when the conversations took place the pact was to be against the entire world and the deletion of nations was requested by Japan. If Japan were to accept the treaty

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6065 as proposed by Germany, the aid proviso would not work to Japan's advantage. In the case of a United States--Japanese war Germany could give no particular aid to Japan, but in the case of a German-United States war Japan would have to throw in her whole might in the Pacific. Both SHIRATORI and OSHIMA felt that they understood this feeling of Japan, but felt that the negotiations would be ruptured if Japan were to bring the matter up of making the pact * against Communistic nations only. There had been no such talk prior to this. He communicated his thoughts to the Foreign Office in February 1939 in a dispatch while the ITO Commission was in Berlin. An answer to this communication arrived around the end of March in which the Foreign Office stated while the matter of Russia remained the same in regard to other countries they would go further than simply stating that the pact would only be aimed at nations embracing Communism, but this aid must consist of military advice, that is, the trading of intelligence, the temporary leasing of bases, export of fuel oil and other commodities, that is, all aid outside usual participation.

6066 The answer was passed on to Ribbentrop * and OSHIMA believed passed on by SHIRATORI to Italy. Ribbentrop said that there was no argument so far as Russia was concerned and so far as making other nations secondary, but they wanted to hold a meeting with the Japanese representatives and get down to specific items regarding measures to be taken and name specific nations. They wanted to settle the details. The Germans also mentioned that in drawing up the pact they wanted no mention of it being made primarily against Russia. It was to be absolutely general leaving out any details such as no military aid. That some other means should be found to decide upon details. This meant * that when the treaty was drawn it would state that in case of an unprovoked attack by a non-signatory mutual aid would be given. This would appear to be a strong and binding treaty. Certain details of the treaty would be published, but with respect to Japan's desire to not give more than non-military aid in the case of a country other than Russia Germany wished to hold a meeting and agree upon this attitude including it in the treaty. So far as the actual pact

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6068 to be published there was no argument. * It was to be simply a mutual aid pact with no strings attached.

6069 Japan wished to have the matter in regard to other nations settled either by secret pact or other means. Germany objected on the ground that if there was a leak of such a secret pact, it would seriously weaken the actual pact. His counter-suggestion was, therefore, that a meeting between the two nations will be held to decide what to do against the other countries which should be held at the proper moment. There would be no binding pact notifying the overall treaty. OSHIMA felt the bridge between the ideas of the Japanese government and Ribbentrop could be easily built. OSHIMA stated * that he could not go so far as to say that he felt that Ribbentrop's ideas were the more desirable. He did feel that there was no basic difference in the ideas but only one of means. In order to draw up a plan satisfactory to both Japan and Germany two men from the Embassy met with Gaus from the German Foreign Office and drew up various plans, none of which were entirely satisfactory to either government. OSHIMA continuously tried to find the bridge by which the two might come together.

6070 OSHIMA had the idea that Germany was getting suspicious that Japan was attempting to weaken the treaty by a separate peace pact by which she might inform other nations. Japan felt that Germany was attempting to draw Japan into matters outside her interests.

6070 * The ITO Commission was there when the Japanese answer was received, but they left some time after this before the Embassy prepared the proposed drafts. The ITO Commission simply brought the wishes of the Japanese Government and had no other duties, although they watched developments for a time. The sole purpose was to explain the Japanese position fully. One man could have done this, but in Japan it is the thing to send along an army and navy man.

6071 * They did not say how far he could go, but simply he was to carry out negotiations along the line according to the views of the army, the navy and the Foreign Office.

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- 6072 * He first met SHIRATORI at San Ramo, Italy in January 1939, where they met to talk over the progress in the negotiations. This was about two or three weeks after OSHIMA returned to Berlin. The ITO Commission left Tokyo about the first of January and after OSHIMA had been unsuccessful in urging Italy to join the pact
- 6073 * when the ITO Commission was in Italy they did not discuss the matter with the Italian Government, but only with SHIRATORI. The events chronologically are as follows: OSHIMA went to Rome; OSHIMA met SHIRATORI at San Ramo; after the ITO Commission arrived in Berlin SHIRATORI came to Berlin; SHIRATORI came to Berlin to hear further details since the Commission had only spent three or four days in Italy with him. They called on both
- 6074 of them to make clear to them exactly how far * the Japanese Government would or would not go. He heard
- 6075 rumors that the Commission * had come to make very clear to SHIRATORI and himself the Japanese Government's chained stand upon the Tri-partite Pact. They did not tell him this however. These rumors were heard from his subordinates, who probably got them in the mail from Japan. They were called rumors because there was nothing official. He wondered why in answer to a simple telegram they sent three men, but the answer was simply a security measure.
- 6076 He did not say that his and SHIRATORI's views * were different than those of the Government; rather that the Government's ideas changed when they sent the Commission. * Before the Commission came SHIRATORI and OSHIMA did not know of the point that the other countries would be included only if their government's became Communist. He would not say that the ITO Commission was sent as a check, because up to that time they had been
- 6078 working as the Government desired -- naming * Russia as the primary object and the other countries as secondary. It was only later that he heard through a rumor that the real reason the Commission came was to make clear the changed views of the Government. The Commission never stated that the views of the Government were changed, but that these were the views that the Government had all along. Officially there was no change. It was only that he felt
- 6079 that a new point had been raised. * Weighing on rumors he came to the conclusion that there must have been a change. The Commission brought the views of the Government

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and told him he must work within these views. OSHIMA received information from intelligence sources, which was not concrete and was simply rumors which abounded that Germany and USSR were entering into negotiations regarding an economic pact. He did not pass these rumors on to Tokyo.

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* At the Hitler birthday party Ribbentrop did not state that he was entering into negotiations with Russia. What he did say to SHIRATORI and OSHIMA was that if the matter of the pact between Germany and Japan continued in the talk stage for too long a period it might become necessary for Germany to join with Russia in one way or another in a non-aggression pact.

Exhibit 498, telegram from Tokyo from OTT to the State Secretary, states that SHIRATORI will return from Rome * since he had taken the post of Ambassador purely in the expectation of concluding a Japanese-German-Italian military alliance.

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* Exhibit No. 499-A, Extract from the Diary of Count Ciano for January 7, 1939, states that Ciano, on January 7, 1939, spoke to the Japanese Ambassador on the Alliance. The Ambassador was afraid that ARITA will be cold to the idea but that the Premier is in favor of it. This might postpone the date of signing. The Ambassador greatly favors the Alliance as a weapon to force Great Britain to concede many things. Ciano had a copy of the text and the secret conversations sent by Ribbentrop.

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* Exhibit No. 500, telegram from Ott dated February 18, 1939 to the State Secretary states the Japanese Cabinet has decided upon an intensification of the Anti-Comintern Pact in opposition to the Anglo-ophile group in the court. Britain has pointed out that the Japanese policy would strain relations with England extraordinarily. The former Japanese Ambassador to the U. S. warned in the diet of alienating the Anglo-Saxon powers and brought about a one-hour review of the Anti-Comintern policy. ITO is to be sent to Europe with the special mission of instructing the opposing chiefs of diplomatic missions. The Polish Ambassador is spreading news that a military alliance has been concluded, * which rumors preoccupied the press, especially in view of the intensity of the situation in Europe. Younger officers in active circles are expressing the hope for conflict in Europe to remove pressure in the Far East.

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Exhibit No. 501, Excerpts from the Diary of Count Ciano, are summarized as follows.

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February 6, 1939. The Japanese Ambassador is skeptical about the early conclusion of the triple alliance. * The Japanese counter-proposal will be a compromise one, which he advises Italy not to accept. On March 6, 1939, he noted that Berlin confirmed that Japan objects to signing of the Tripartite Pact. OSHIMA plans to resign, saying the Cabinet would fall. He doubted whether it was possible to involve Japan in European political life. On March 8, 1939, he wrote that he saw the Japanese Ambassador, who confirmed the Japanese reply on the Tripartite Alliance. The reservations and intentions to regard the Pact as exclusively anti-Russian is unsatisfactory and makes the conclusion of the alliance doubtful. OSHIMA and SHIRATORI have

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- 6097 refused to communicate through official channels, and have asked Tokyo to accept the Pact without reservation, otherwise they would resign and cause the Cabinet to fall. * The decision will be made in the next few days. SHIRATORI claims that if favorable to sign, it will take place in March.
- 6098 Exhibit No. 502, Telegram from Ribbentrop to the Ambassador in Tokyo, April 26, 1939, states that * top secret discussions between Berlin, Rome and Tokyo on the defensive alliance had been in progress for some time, and for special reasons and under agreement had been conducted outside usual diplomatic channels. In the summer of 1938 General OSHIMA proposed a general defensive alliance between the three countries to include consolidation of the three parties in case one got into political difficulties, political and economic support in case one was threatened from the outside, and the granting of help and assistance in case one should be attacked without provocation by another power. In * September, at Munich, the matter was discussed with Mussolini and Ciano, and thereafter discussed again during Ribbentrop's visit to Rome in October, with the result that the Duce declared fundamental accord but reserved the fixing of the date for its conclusion. In the beginning of January the Duce was ready for signature. The text of the Pact was worked out between Ribbentrop, Oshima, and Ciano. In addition to the three points mentioned before, it contained the obligation that in the event there was a war waged in common, armistice and peace would be concluded only jointly, the agreement to last for ten years. There was a draft of two secret protocols, which provided for immediate consultation in the various cases and special measures for treatment of questions on propoganda and the press. Drafts were sent to Tokyo, where they were considered by the Cabinet.
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- 6100 * In the beginning of March, OSHIMA and SHIRATORI received instructions whereby Japan agreed with the idea of the Pact in general, but desired to limit assistance to the case of war with Russia. This was told to Ribbentrop and Ciano confidentially, but the Ambassadors refused on their own accord to prevent this fundamental change officially. They stood for the acceptance of the original suggestion and declared they would resign in the event of a different decision by the Cabinet.

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Japan in the situation in which it now finds itself, cannot extend in any practical manner any effective military aid but would gladly grant it if it became possible through a change in circumstances. He asked Germany's and Italy's consent for this point.

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* Japan must exercise the greatest caution in regard to explaining the Pact at the time of its publication, and asked for Germany's and Italy's consent. The planned agreement rests upon mutual confidence, and it will destroy it to doubt Japan's sincerity.

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* The Ambassador had heard that the Premier took this course to counteract any doubts in Berlin and Rome concerning the situation and in order to arrive at a compromise.

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Exhibit No. 504, a Telegram from the German Ambassador to the State Secretary, May 6, 1939, * states that from declarations of the various general staff officers and the War Vice Minister is to the effect that the Prime Minister has obtained a compromise which the army indicates as the best possible offer under present conditions in the conflict between the War and Finance ministers against the War and Navy Ministers. Regarding obligatory aid, the army has proposed to lay down more clearly the meaning of "change in circumstances", which would make effective aid possible * and to declare that the neutrality of Japan would not enter into the question. The army attributes the present wording to the Foreign Minister. The War Vice Minister said the treaty bound Japan definitely to the Axis, but Japan was isolated in the Far East and in a worse position than the bloc in Europe. However, in case of war the plain fact of the treaty would exert effective pressure on the enemy. The Army emphasized that the present proposal was more elastic and left open negotiations which would seem to have favorable prospects. The words "Sincerity of my Country" were used as a particularly important personal word of honor of the Premier. The statement had been delivered to the Emperor. In case an * agreement is not reached, the army expects a Cabinet resignation, which is undesirable at this time.

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The main opposition of the Navy comes from the Vice Minister, YAMAMOTO. From the Foreign Ministry he had learned there was a deep cleavage between friends and enemies of the Alliance. The Prime Minister has achieved

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a declaration of compromise which accepts the principle of unlimited alliance, and limits it with two significant reservations. This may astonish the Axis powers, but it arises from the lack of unified leadership. If the negotiations collapse, a Cabinet crisis is threatened.

Exhibit No. 505, Memorandum of Conference between Field Marshall Goering and Mussolini on April 16, 1939, is summarized as follows.

- 6112 * The Duce declared that he considered a general war unavoidable, and only asked when was the most favorable moment for the Axis powers to take the initiative. Goering said that the Axis could wait a bit until the armaments compared more favorably to the democracies. *He
- 6113 pointed out that the ratio between Germany and Italy, particularly in naval matters, would be more favorable in 1942 and 1943, that France was hampered by a shortage of men, so her preparations were all on the defensive side. Until this favorable moment arrived, Goering stated the Axis powers must arm themselves, maintaining a state of mobilization as in Germany, even though it had not been publicly announced. There are only three limitations on German arming, namely production capacity, stock of raw materials, and the number of available workers, but Germany would under no circumstances abandon any essential armament measure. The Duce agreed with this and stated that the Axis still needed two or three years to be well armed for a general conflict.
- 6114 * They will not let themselves be provoked into a conflict, but will wait for an opportune moment. They will strengthen their armaments, and will carry on the war of the press vigorously, but will not undertake anything bigger.

Exhibit No. 486-K, a Telegram dated May 15, 1939, from Ribbentrop to Ott, is summarized as follows.

- 6115 * Ribbentrop told OSHIMA that Italy and Germany had agreed that they are willing to continue the political line they had followed up to now with Japan, that they have decided to sign a bilateral pact of alliance in May because it is necessary to counter the political activities of the Western Powers. This will not
- 6116 prejudice the tri-lateral negotiations * but will definitely prove the firmness of the Berlin-Rome Axis. Japan should

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- 6117 welcome it. The delay in concluding the Tri-Partite Pact is not the fault of Germany or Italy, and for a long time it had been pointed out to the Japanese that there might have to be a German-Italian Pact if the Tripartite Pact were postponed. The fact that the German-Italian Pact will contain closer ties than the Tripartite Pact should not disturb Japan. The two countries are directly faced with France and England, and the political and military cooperation is more intensive than with Japan. Japan is not to be put * on a lower level of friendship. Japan has always urged a cautious formulation of the obligations in the Tripartite Pact. But Japan has no interest in the fact that Germany and Italy have accommodated themselves to the level desired by Japan. A parallel existence of the two pacts involves no difficulties from the technical viewpoint. The present Japanese draft may remain entirely unchanged. There will need be only a formal article clarifying the relationship between the two pacts, a copy of which has been given to OSHIMA. * It is urgent that the Japanese Government reach its final decision so that the Tripartite Pact can be formulated secretly and simultaneously with the signing of the German-Italian Pact. It should be mentioned casually that it is impossible to conceal that the entire previous attitude of Japan is gradually beginning to create a certain skepticism in Rome and Berlin. Mussolini expressed his anxiety the other day, and the Fuehrer has declared in the last few days that the Japanese attitude * was becoming less and less comprehensible. Japan must recognize that her great political interests make her proper place at the side of Germany and Italy.
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This Pact will be the best means to keep America out of the war; also Japan's consolidation of her position in East Asia and in China depends on the superiority of the Axis Powers over the Western Powers. If it did not exist, Japan would soon feel the consequences. It is in Japan's interest to strengthen this superiority by participating and not giving to the Western Powers the idea that they could count on Japan's neutrality in case of a conflict with Germany or Italy.

- 6120 * The Court took judicial notice of the fact
6122 that on August 23, 1939, the German-Russian non-aggression Treaty was signed, * and that on May 22, 1939, Germany and Italy signed a formal treaty of military alliance.

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6123 Exhibit No. 486-L, a Telegram from Ott to the Reichsminister, August 25, 1939, stated that Ott had visited the Foreign Minister after the Japanese press had been shaken by the text of the Non-Aggression Pact, and explained the German desire to preserve friendly relations with Japan and the reasons for the German action. The Foreign Minister reserved his answer. * He handed to Ott copies of the instructions to OSHIMA to inform the German Government that Japan had interpreted the Non-Aggression Pact as terminating negotiations between Japan and Germany or a Tripartite Pact with Italy, and that the Japanese Government regarded the Pact with Russia as a serious violation of the Secret Agreement attached to the Anti-Comintern Pact. Therefore Japan filed a solemn protest with Germany. The Foreign Minister added that while Japan had been forced to make this declaration, she was willing to find a suitable way for friendship with Germany.

6124 Exhibit No. 506, being a Document signed by Weizsaecker September 18, 1939, is summarized as follows.

6125 * The Japanese Ambassador called and brought out a paper dated August 26, stating that Weizsacker dissuaded OSHIMA at the end of August from making a sharp protest as ordered by Japan with respect to the inconsistency of the Russian Non-Aggression Pact with the Secret Treaty between Germany and Japan. This advice was followed out of consideration for Germany at that critical period. It had not been possible for him to act contrary to his government, * and he had told them that he had followed its order. In fact, however, he had waited until the end of the Polish campaign, and he believed the step would not be grave any longer since he had deprived the order of its severity.

Weizsacker read the memorandum, but accepted it only personally and not officially. OSHIMA desires to explain this matter himself to Ribbentrop, and he then stated that the paper could disappear among our documents according to our judgment. Weizsacker told OSHIMA that the German conception did not agree with his own and had hoped that the matter was finally concluded, but OSHIMA still considers it his duty to put a formal end to the matter.

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6127 Exhibit No. 507, a Telegram from Ribbentrop to Ott, dated September 9, 1939, * stated that he had had a confidential, detailed discussion with OSHIMA regarding the future development of German-Japan relations. He told him that Japan's fate is linked with Germany's, and if Germany is defeated a coalition of Western democracies would oppose any expansion of Japan and take away her position in China. Japan's position would ultimately be secured by German victory, which can be expected if Japan maintains its existing relations.

6128 Since Germany's present position depends upon an agreement with Russia, * this approach is in the interests of Japan. Germany is ready to mediate for a settlement between Japan and Russia, which if successful would permit Japan to freely extend in East Asia towards the south, which is where in Germany's conviction Japan's vital interests lie. Germany had emphasized that Russia intended to foster its relations with Japan. The idea of close cooperation between Germany, Italy, and Japan is not dead, and combined with a German-Russian understanding would direct itself against England, bringing the policy of all four powers into a uniform line. It is complete agreement between the Fuehrer and the Duce.

6129 It was Ribbentrop's intention to work with all haste * to obtain an understanding between Japan and Russia and he hoped that the same idea would prevail in Japan. This should happen quickly so that the four power group might be realized during the present conflict with England. OSHIMA agreed with all of this and stated that the Japanese Army appreciates the idea of an understanding with Russia, and there is a prospect that the Alliance idea will soon be accepted in Japan's foreign policy. Ott has asked to talk this matter openly with Prince Konoye. They also stated that he should make it known that it is of great importance that OSHIMA remain in Berlin because he knows most of Germany's policy * and is in a better position to represent Japanese interests in Berlin, where he has the complete confidence of the Fuehrer and the German Army.

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Continuing with Exhibit No. 498, the Telegram from Ott to the State Secretary of September 8, 1939, it stated that Ott had given his personal opinion on September 7, 1939, to Foreign Minister ABE, that the continuance of OSHIMA would be very valuable. The Foreign Minister agreed to examine the question favorably. The Army and leading quarters of the Foreign Ministry indicate that OSHIMA's position for the present is secure.

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- 6131 * Exhibit No. 508, a Telegram from Woermann to Ott, on April 27, 1939, stated that Ribben trop requests support of Ambassador OSHIMA, who after his return will work for German-Japanese friendship. He asked for transmission in code and without changes telegrams sent by OSHIMA to Ribbentrop personally, and the transmission unopened of all letters addressed to the Foreign Minister.
- 6133 * Exhibit No. 509, Memorandum dated September 25, 1939, signed by Knoll on Conversation with the Reich Foreign Minister, stated that Count TERAUCHI was received on September 20 by the Foreign Minister, and later by the Fuehrer. In the conference with the Foreign Minister, TERAUCHI expressed thanks for the invitation to Germany and that of the Japanese Army for * Germany's understanding attitude in the China conflict. Ribbentrop stated that he had talked over certain questions on Japanese relations with the Fuehrer on the previous night, who had stated there was no divergence of political interests between Germany and Japan, which were both young nations whom England opposed. Ribbentrop added that it was his firm conviction that Japan was being most strongly influenced by Germany's fate. If Germany fared well, Japan would fare well in East Asia, but if Germany was badly off Japan would be badly off. Germany was equally interested in Japan's prosperity in East Asia. * The Fuehrer felt that both nations peoples were soldiers and were linked in this manner. The Japanese Ambassador, Military Attache, and Stahmer were present. At the meeting with the Fuehrer the conversation was similar. The Fuehrer repeated the Reichsminister's words, and the same people were present.
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- 6136 At dinner, the Reichsminister again spoke with TERAUCHI, * particularly about the German-Russian Non-Aggression Pact. He stated that the necessity of a German-Japan understanding with Russia was clear for a long time and that he would have striven for it even in the case of a Tripartite Pact. He had told this to OSHIMA more than a year ago. It was regrettable that the Tripartite Pact had not succeeded. Germany had to seek understanding with Russia alone. This would have a favorable effect upon Japan. He had talked about this matter with Stalin, who stated that Japan could have an understanding if they wanted. TERAUCHI shared this opinion. OSHIMA stated that he believed that Japan, especially the navy, * would be perfectly ready to advance in southeast Asia against Hong Kong, which he had expressed by telegraph. OSHIMA believed
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that Japan could go rather far in South Asia, although he did not go into details. He proposed that they should try to tear the Netherlands from England and proposed a non-aggression pact, and at the same time reach an agreement with the Netherlands to allow Japan to exploit the raw materials of the East Indies. Japan needed tin, rubber and oil from the Netherlands Indies, cotton from British India, and wool from Australia. With these it would be stronger. This was OSHIMA's personal opinion. Ribbentrop made no proposals, but let it be understood that Germany was quite ready and willing to collaborate with Japan against England. OSHIMA did not discuss the formation of the new Chinese central government.

6138 Exhibit No. 510, a Memorandum dated 25 September 1939, signed by KNOLL, Conversation with the Reich Foreign Minister, * stated that Count TERAUCHI at the East Front was very reserved on politics. However, on one occasion in talking with him about the China war, he was asked whether it would not be better for Japan to settle the war with China and utilize the strength of its army and navy in the south where economically much success was to be gained. TERAUCHI thought that this would be much better.

6140 * Exhibit No. 511, telegram from Ott and Stahmer
6141 addressed to the Secretary of State, February 23, 1940, * states that after Stahmer's arrival he found that OSHIMA, SHIRATORI and others had a friendly attitude and were ready for every support. At present domestic political difficulties occupy all groups and parties. In foreign politics, the Government is trying to stay out of a European confederation. The attitude towards England and America is friendly. The influence of the Army is growing again, and will further increase. Well known pro-German
6142 officials of the Foreign Ministry * and the General Staff and War Ministry have transferred to China, but this is going to be stopped. Public opinion is to a large extent pro-German and anti-British. At present it is not yet too active against court and financial circles. It will be advantageous if Russian readiness for an understanding with Japan could be made noticeable.

6143 * The Court took judicial notice of the following facts. March 30, 1940, the Wang Ching-wei Government proclaimed in Nanking, and the U. S. refused to recognize it. January 12, 1940, the Japanese Government informed the Netherlands of the abrogation of the Arbitration Treaty.

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On March 20, 1940, the Japanese Consulate was opened at Noumea, New Caledonia. The Court also took judicial notice on February 10, 1939, Hainan Island was surprised by the forcible landing of Japanese forces.

6145 Exhibit No. 512, Official Statement relating to
the Japanese Seizure of the Spratley Islands, March 31,
1939. * The Spratley Islands are a small group of reefs
6146 in the South China Sea off the coast of French Indo-China.
* They have long been known as ownerless. In 1917, Japan,
prior to anybody else, started the economic development
of the reefs and has invested considerable capital in
permanent establishments. The Japanese Government has
aided these nationals. The absence of administrative
jurisdiction has caused inconvenience in protecting the
lives of Japanese nationals, and is liable to give rise
to unnecessary developments with France. The Government
has decided to eliminate this and place the reefs under
the jurisdiction of the Governor-General of Taiwan, and
the Vice-Minister for Foreign Affairs notified the French
Ambassador of this on March 31.

6148 Exhibit No. 513, being a Treaty between Japan
and Thailand dated June 12, 1940, was admitted into
evidence. * The Court took judicial notice of the following
facts. September 1, 1939, Germany invaded Poland. May 9,
1940, Germany invaded Belgium, Luxembourg, and the Nether-
lands. June 10, 1940, Italy declared war on Britain and
France. June 17, 1940, France asked armistice of Germany.

6149 Exhibit No. 514, Telegram from Ott dated March
23, 1940, stated that * political developments reveal a
certain stiffening between Japan, England, and the United
States. This has come out from the protest of the British
Ambassador, the announcement of the American Ambassador's
trip to America, and a debate in the Diet. Diet members
pressed the Foreign Minister to strengthening of contact
with the friendly countries of Germany and Italy. The
Foreign Minister emphasized friendly relations towards
the Axis powers, but stated that the solution of the
China problem was the most pressing, and this called for
a policy of non-intervention. The statement of the War
Minister and the Navy Minister that Japan's progress could
not be stopped by the obsolete Nine Power Treaty is note-
worthy. This has been brought about by the position of
the Anglo-Saxon powers to the New China Government.

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6150 Exhibit No. 515, Telegram from Stahmer and Ott dated May 10, 1940, * stated that the YONAI-ARITA government is striving for agreement with England and America. This is unlikely in view of the United States' stubborn attitude and the anti-British opinions in the Army and economic circles. German successes have decreased *

6151 England's importance in the Far East. The Russian Ambassador expressed readiness for a Russo-Japanese agreement, but stressed the mutual distrust. The German Embassy has endeavored to overcome these difficulties, so that they will not increase for the Cabinet. Wide discontent has been shown. The eventual new government, which it is hoped will be under KONOYE, whose group is friendly to us, will have to restrict itself to the solution of the China conflict and urgent domestic relief measures. In Foreign Policy, it is presumed that the tension with England will increase or at least continue, and the same holds good for America.

6152 Exhibit No. 516, being a telegram from the German Embassy in Tokyo, June 12, 1940, * states that the German Embassy is still trying to stir up Japanese ill will against America by influencing the press and leading personalities. The Ambassador himself has expressed to KONOYE and others that a conflict between Japan and America is unavoidable. In cooperation with the Ambassadors, OSHIMA and SHIRATORI are working in the same direction.

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6157 * Exhibit No. 517, telegram from Ribbentrop to Ambassador Ott, stated with respect to the declaration of Foreign Minister ARITA, the Japanese Ambassador had called on the Foreign Office and stated that his government had requested that he speak to the German Foreign Office on the Netherlands Indies, and stated in his own official conversation that Japan would welcome a German declaration on the question. Ott was instructed to verbally tell ARITA that a public announcement was out of place, but there is no objection to the Japanese feeling certain that Germany had declared her disinterestedness in the question.

Exhibit No. 518, telegram from Ott to the Reich Foreign Minister, May 22, 1940, stated that Ott had made explanations to the Japanese Foreign Minister about the German attitude to the Netherlands Indies, for which the Foreign Minister thanked the Reich. At a press conference, the Foreign Ministry issued a communique that Germany has

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6160 declared * her disinterestedness in the Netherlands East Indies problem.

6161 Exhibit No. 519, telegram from the German Ambassador in Tokyo, May 23, 1940, * stated that the press had given great publicity to the communique from the Japanese Foreign Office on Germany's declaration as to the Netherlands East Indies. The papers emphasized the difference in Germany's attitude with the declarations of England, France, and Holland, who have dissented on Japan's viewpoint on the protection of the status quo in the Netherlands East Indies. The German viewpoint * is considered a sort of cart blanche for Japan, whereby Germany has stated that she will support Japan in the future.

6162 Exhibit No. 520, report from the German Ambassador in Tokyo to the Reich Chancellor, June 19, 1940, stated that the chief of the European Department of the Japanese Foreign Ministry declared confidentially that the Ambassador to Berlin * has been ordered to congratulate the Reich Government on the German success and to point out Japan's special interest in the future of French Indo-China. He is to reiterate Japan's thanks for Germany's friendly attitude in the China affair, and stress that Japan has rendered Germany essential service in the European war by tying down American forces, and suggests that Germany make a friendly gesture on the subject of Indo-China in appreciation. Japan is thinking of a declaration from Germany from which she would receive a free hand in Indo-China. According to newspapers, the Japanese Ambassador has received identical instructions. As a result of the collapse of France, the Foreign Minister, pressed by public opinion, has evidently decided on this to save his policy and to keep his Cabinet from collapse.

6164 There is a danger * that the Foreign Minister would use a possible German authorization as to Indo-China in its efforts to compromise with America. The thankful attitude is basically unchanged from the fact that he concluded a friendly agreement on the same day with France and England. As seen from Tokyo, the strengthening of Japan's negotiations with Indo-China would doubtlessly be in the German interest. This would increase the chances for an early end of the China war and would intensify the differences between Japan and the Anglo-Saxon powers, so that an agreement would be eliminated. A formula will have to be found which would fix Japan's course along German lines.

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6165 This could be had if Japan would obligate herself to immediate occupation of Indo-China, and in army circles the idea of occupying the Yunan Railway is * being urged. If Japan should evade a properly formulated offer for Indo China, it would be a severe blow to the Cabinet if it were published and it probably would be replaced by a Cabinet close to Germany.

6166 Exhibit No. 521, Memorandum from Wiehl to the State Secretary, June 20, 1940, * states that Japan's thanks for the friendly German attitude in China which has meant sacrifice of important Chinese raw material to Germany, has not as yet been given by Japan. Her request for a friendly gesture from Germany is strange in view of the attitude she has taken toward economic negotiations

6167 * during the war. Examples for use in countering the Japanese Ambassador can be given. First, Japan has completely subscribed to the French and English blockade. For a long time Japan has not met German wishes for transit of goods through Japan, and has only in the dark shown in recent months some obligingness. In January, Japan concluded the monopoly agreement with Manchuria for soy beans without notice to Germany, although Germany 6168 * had been the biggest customer, for 800,000 tons in 1938. After protests, Japan has only released 70,000 tons.

With respect to the crew of the Columbus, Japan has refused to transport home nearly five hundred men, regarding them as combatants according to the English view, although the Americans style them as shipwrecked survivors. Japan has supplied Germany with all the whale oil from the last haul, but she first offered half to England, and only supplied it to Germany when she got no satisfactory English offer.

6170 Exhibit No. 522, Memorandum of Knoll of the German Foreign Ministry, dated June 20, 1940, * states that on June 19 he conferred with the Japanese Ambassador. His conversation was about the visit of SATO, the former Foreign Minister. He stated that Japan's welfare does not depend on the Western powers, but that an approach to Germany was 6171 significant to Japan. * SATO's visit will be further material in winning over the circles which have had no interest in Germany. In Japan, building up of heavy industry is the most important task. Light industry is ready, and where it is not ready the matter is of no great political importance. In the field of heavy industry,

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if close cooperation between Japan and Germany is possible, Japan will gain freedom of action against the United States. The question of raw material supplies from England and America is not dangerous, since the raw material countries are under export pressure if England should blockade Europe. If economic circles see Germany's great industrial development and that it is not behind the U. S., in view of the unfriendly attitude of the U. S. they will switch over to Germany.

6172 However, the improvement of Japan-Russian relations in the present war conditions * is a prerequisite for switching. TOGO and KURUSU are working hard for this, and it is becoming clear in Japan that her future lies to the south, and that Russia must be made a friend. Certain military circles were opposed, but OJIMA will have enlightened them. After the war the German-Italian, Russian, Japanese-Chinese and American blocs will remain. It is important for both Japan and Germany that close relations be established. Germany, holding first place in the economic field, would give to Japan an ample position in the post war economic program.

Ambassador SAFO could be told that Japan's contribution is to show a more willing attitude about Germany's wants for raw materials in Japan and overseas areas. Japan should not fear boycott warnings or use this fear against Germany.

6173 * A promise of delivery in order to expand heavy industry after the war would probably lead to considerable giving in on the bean and transit questions.

6175 Exhibit No. 523, Telegram from Ott, German Ambassador in Tokyo, June 24, 1940, * stated General MUTO, Chief of the Central Division of the War Ministry, has informed the German Military Attache that the Japanese Army would welcome German mediation with China, so as to conclude the conflict, and that Japan is interested in Indo-China for this reason. The Military Attache promised to forward this and asked about Russia's attitude to such a development. MUTO replied that the army regarded conciliation with Russia as necessary. This inquiry is to be taken as an official proposal of the army.

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6176 General KOISO, Minister of Overseas Affairs, asked about Germany's attitude * with respect to Japan's military activity in Indo-China and in the Netherlands Indies. Ott pointed out Germany's declaration had no interest in the Indies and that Germany would probably raise no objection to action in Indo-China, provided Japan agrees to tie down the United States in the Pacific area by a promise to attack the Philippines and Hawaii in the case of a war against Germany. KOISO promised to pursue this idea further.

With respect to a non-aggression pact with Russia, KOISO thought that Russia would ask for certain territory in northwest China and Outer Mongolia, which would be discussed. KOISO felt that an agreement with Russia and the realization of Japan's colonial wishes in Indo-China and the Netherlands Indies would make Japan economically independent of America and give KONOYE a starting point for an agreement with Chiang Kai-shek.

6177 * SHIRATORI, who was being mentioned as the coming Foreign Minister, advocated the non-aggression pact with Russia. KONOYE has resigned as President of the Privy Council, which indicates internal developments for a new government and a new party under KONOYE. Since leaders of this group are trying to contact Ott, he asked for authorization to discuss with them the ideas of MUTO and KOISO. The idea of forming a Pacific bloc of Japan, China, and Russia with Germany, which would tie down America in the Pacific and cripple her freedom in Europe, has become prominent.

6179 Exhibit No. 524, Memorandum of Conversation Between Ribbentrop, Japanese Ambassador SATO and KURUSU, and Consul General Stahmer, July 8, 1940, * is summarized as follows. SATO stated that the parallel efforts of Germany and Japan to establish new orders have caused
6180 * close cooperation between the two countries. By holding the attention of the English, French, and United States for three years, Japan has in a sense made Germany's task of establishing a new order in Europe easier. Germany and Japan could also cooperate in maintaining good neighborly relations with Russia. He further stated that Japan, since the beginning of the China war, has drawn the U. S. attention to it, and has tied up the American fleet in the Pacific. The U. S. must not overstep her zone of North and South America, and must not interfere in European or Far Eastern Matters. On this both countries could

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- 6181 cooperate, and the cooperation * must also include economic matters. Japan must endeavor to finish the China war in order to gain a free hand, and he pointed out that the public opinion in Japan is nervous with respect to Indo-China and the Dutch East Indies. Ribbentrop noted that this cooperation is nothing new, he had furthered it with OSHIMA, and both parties had benefited from it. Japan, without Germany's aid, could not have been able to penetrate so deeply into English and other spheres of interest in East Asia.
- 6182 * Plans for very close cooperation between Japan, Germany, and Italy have been considered, but it had miscarried because Japan was not interested in European affairs. As a result of Germany's victory over France, there would be a great revision of foreign policy, and in the future there was further possibilities of further cooperation with Japan in the new order in Europe. Since he was unfamiliar with Japan's political aims he could say nothing of the details of the form of this cooperation, and asked SATO for an explanation of the political lines which Japan intends to pursue. Was the cooperation to be economic or other? * SATO acknowledged that it was difficult to understand Japan's policy, because although she had been trying for nine years to orient her policy in a set direction, she had been forced time and time again to moderate it.
- 6183 With respect to the New Order in the Far East, for Japan it is primarily a question of a new China with which she could have friendly relations and thus guarantee peace in the Far East. To achieve this, Japan has for several years been fighting the Washington regime and the Nine Power Pact, which gave the Anglo-Saxons predominance in the Far East. Japan did not wish to eliminate foreigners from the Far East, and is willing to concede an appropriate place to economic cooperation with Germany in China.
- 6184 Japan must be careful in its relations with America. * The basic difficulty with America lay in Japan's struggle against the Nine Power Treaty system. Japan was not fighting against the principle of the treaty. She respected the independence of China and believed in the Open Door, but she wished to be the host in the Far East, where other nations would be the guest.

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6186 Exhibit No. 525, Telegram from Foreign Minister
6187 ARITA to Special Envoy SATO, July 13, 1940, stated that
SATO's report shows that Ribbentrop had a non-committal
* attitude toward the Dutch East Indies and French Indo-
China, and asked him whether he did not discover any *
desire to utilize Japan, such as Japan's participation in
the European war.

6188 With respect to the four economic blocs in the
future, he inquired whether SATO did not receive the
impression that Germany would not recognize the superiority
of a stabilizing power in each bloc indirectly, but had
begun to hope for German domination of French and Dutch
colonies in East Asia. In speaking to Ribbentrop on the
Japanese-American question, did SATO call his attention
that war with the United States would inevitably cause
Japan to march to the South Seas and not spring out
difficulties in accomplishing the German object, or did
SATO intend to warn him that war with the United States
* would have an unfavorable effect on Germany in Europe
as the result of the consumption of Japan's national
strength and weakening of pressure on Russia? Further-
more, did SATO tell Ribbentrop that a Japan-United States
war would develop into a German-United States war?

6189 Exhibit No. 526, being a Telegram from KURUSU
to ARITA July 15, 1940, * stated in reply to the previous
telegram that, judging from Ribbentrop's attitude, he did
not find the atmosphere one of requesting Japan's partic-
ipation in the war. KURUSU felt that Germany did not
attach importance at present to Japan's national power,
except her naval power. Germany has fostered an ambition
on the southern colonies. What was said concerning the
United States was not intended to restrain Germany in the
South Seas, and was not intended to mean what was related
to the consummation of Japanese national power and decrease
6190 of pressure on Russia. * KURUSU made Ribbentrop pay
attention by suggesting development of a U. S. - Japan war
to a U. S. - German war. Ribbentrop knows that American
participation is a weak point for Germany.

Exhibit No. 527, Minutes of the Joint Conference
of the War, Navy, and Foreign Ministry, July 12, 1940, is
summarized as follows.

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6191 * ANDO, of the Foreign Office, explained that since Germany had said she did not understand Japan's desires, it was deemed necessary to draw and present a more concrete draft of the plan and intensify * the Japan-German Coalition. ANDO then submitted a tentative plan of the Foreign Office for discussion. This plan has been drawn for the purpose of intensifying the Japan-German coalition, upon the supposition that Germany will conquer England, control Europe and Africa, and establish a New Order. Japan desires to check the Soviet through the influence of a Japan-German coalition, and also to check the probable formation of a United States-Soviet coalition. In view of present domestic and economic conditions, the relations with the United States and Russia, the coalition will avoid Japan's participating in the European war. The army and navy approve this. The plan is to join hands with Germany to the fullest extent, but within the scope of not being driven into war.

6194 * The matter must be carried out promptly, and will be submitted to the higher authorities for enforcement as soon as the three ministries agree. The object of the draft is to have Germany understand that Japan has no territorial ambition over French Indo-China and Dutch East Indies and the South Sea Islands, but she wants to firmly establish freedom of economic activity and political leadership. It will be necessary to choose a form which Germany can easily approve. * The matter of political leadership in China and Manchuria is not included.

6196 With respect to German support of the settlement of the China Incident, Japan's attitude should be independent. If Germany mediates, it should be from the point of view that it is part of the general problem of the Japan-German coalition, so that the quick settlement of the Incident will become a factor favorable to Germany. * Japan should not be supplicatory. The question of trade with Europe is important, because if Germany formed a closed economy in Europe and Africa, there would be difficulties for Japan. It is hoped that trade between Japan's economic sphere and Germany's will be maintained, and the plan should make clear whether other economic relations should exist, as well as the differences of the two nations in the two spheres. Among Japan's promises to Germany, the most important will be the restraint of British activities in East Asia to facilitate the conquest of England, and the army and navy were asked to study practical measures for this. Oppression of British political rights in East Asia

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and secret assistance to independence movements in India and Burma may act as restraining measures.

6197 As compensation for Germany's recognition of Japan's predominance in the South Seas, * Japan will supply her with wolfram, rubber, and tin, and will give favorable consideration to Germany's economic activities in China and the South Seas.

It was pointed out that since Germany might make France and Holland vassal states, she might send Nazis to the colonies of these countries and keep them under her political leadership even if she did not make them German territory. Japan's policy towards French Indo-China and the Indies must be hastened to prevent Germany, and she must sever European influence from those places as soon as possible.

6198 It is favorable to both Japan and Germany to maintain peace with Russia at present. * However, no one knows what Germany will do in relations with Russia after the war. Some arrangement must be made with Germany, since they will both be in the same position as to relations with Russia. However, the relations between Russia and Germany is delicate, and there may be something which Germany cannot tell Japan about. Discussions followed as to what would happen if Germany should request Japan to check Russia in the East.

6199 * Even if an agreement should be reached with the U. S. by Japan, it will be made so that the U. S. will confine itself to the Americas and will not interfere with the South Seas and other parts of the world. It seems to be Germany's desire to maintain peaceful relations with the U. S. now and in the future, as long as the U. S. does not take an offensive attitude, and Germany is not likely to hope for the impairment of Japan-U. S. relations.

6200 * There is no fear that Germany will demand that Japan take measures to prevent the U. S. from participating in the European war, since she no longer anticipates such participation. Both Japan and Germany should restrain America peaceably.

It was pointed out that if the New Order is established in European affairs, it will be difficult for the United States, and as a result it will intervene in Far Eastern Affairs, and if a peaceful order is established between Japan and the United States, the United States may

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6201 impose * severe conditions, and if Japan has Germany restraining the United States this may turn out to be a German liability. It was pointed out that if the United States put pressure on Japan, Japan's power to restrain Russia would be weakened and Germany would not like it. The result would be Japan's and Germany's relations with the United States and Russia would become identical.

6202 It was then pointed out that according to German sources, German industrial power would undertake large economic activity to expand the German market for industrial products after the war, * and that Germany will penetrate economically into China and the South Seas. Japan, however, cannot accept a request to join the war even if Germany makes one.

It is important to maintain friendly relations with Italy to restrain Germany, and the coalition proposal to Italy should be made at the same time as the one to Germany. Italy's policy towards the Soviet is the same as Germany's as long as the present war exists.

6203 It was agreed that the agreement * be written in the form of a diplomatic note, unless the other government desired to have a regular Pact. The matter was to be carried out quickly. The plan as drafted provided there must be cooperation between Japan, Germany, and Italy.

6204 * The principle of the Japan-German coalition 's to maintain intimate connection with each other and to have concrete political understanding as regards mutual assistance in diplomatic and other matters.

6205 Germany promises Japan not to interfere with autonomy or independence of French Indo-China, the Dutch East Indies, and other South Sea areas, and will recognize these areas as within Japan's sphere, and will approve and support Japan's political leadership. Germany will give proper support for ending the China Incident, and will give favorable consideration to Japan's trade and economic relations with Europe and Africa. Japan promises Germany to support German policy in Europe and Africa, and to approve the New Order in Europe. * Japan will take steps to check Britain in East Asia to facilitate her surrender. She will supply Germany with essential materials from China and the South Seas and give favorable consideration to Germany's activity in those places.

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Both nations will cooperate to maintain peace with the Soviet Union. If one of the two parties enters a war with Russia, the other will not assist Russia, and the two countries will confer in the event of threat.

6206 Japan and Germany will cooperate so that the United States will not interfere with the affairs outside America, and if the United States should put political or economic pressure on either, both will adopt a policy to check the United States. Japan will not accept at the present time Germany's request to join the war, even if Germany should insist. * KURUSU should negotiate with Ribbentrop, but if that is impossible, negotiations shall be conducted with Tokyo. At the same time, parallel negotiations with Italy shall be begun at Rome. Italian policy in Europe and Africa shall be supported, and the New Order in the Mediterranean approved.

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6211 Contains no other draft of the plan, which is substantially similar to the previous plan. It contains the provision, however, that in order to facilitate the British surrender, Japan shall check her by measures demanding the withdrawal of British forces, demand for the disarmament of Hong Kong and Singapore, demand for cession of British territories in the South Seas, independence of India and Burma, and capture of British ships. Germany would give adequate political support for disposition of the China Incident.

Exhibit No. 528, Minutes of the Conference unifying the opinions of the Army, Navy, and Foreign Ministry, dated July 16, 1940, is summarized as follows.

6214 * The Army and Navy were asked for their opinions with respect to the intensification of the coalition among Japan, Germany, and Italy. The War Ministry stated that it agreed with the plan as a whole,
6215 that the words "South Seas" contained * in the instrument should mean Japan's intention to include the territory extending from Burma to the eastern part of India on the west to Australia and New Zealand on the east. For the present, there should be a South Seas in the second sense, meaning all the territory excluding Australia, New Zealand,
6216 and Burma. * The details in discussing the matter with Germany should be entered into only after the first fundamental point had been discussed.

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* The conference seemed to have a great deal of doubt as to how far Germany would go with respect to recognizing Japan's political leadership in the Dutch East Indies and French Indo-China. Her attitude will depend largely on the view she takes toward Russia after the war. If she leaves Russia alone immediately after the war, she might leave French Indo-China and the Dutch East Indies to Japan earlier than expected, but if she starts to construct a New Order in Europe the question of those places will become very troublesome.

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* Japan should, for the time being, consider that Germany intends to take over French Indo-China and the Dutch East Indies and should be prepared for it, and they should object strongly to Germany's intention to assume such political leadership. However, it was felt that even if Germany tried to utilize Russia to check Japan from the north, Russia was not likely to go along.

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* The idea was expressed that Japan should restrain Germany from participating in enterprises in China as much as possible, and it was agreed that it should be kept to a minimum.

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* Various measures with respect to measures to check England were considered.

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* The parties took up the question of relations with America, pointing out that Germany and Japan might take joint action in South America, and it is best to consider the possibilities of that action after the establishment of the New Order in East Asia after a few years. It was agreed that they could not tell what Germany's attitude toward America would be until after England had been defeated. Nothing more than is indicated in the plan at present should be included.

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* The War Ministry pointed out that the parties must keep in mind that although there is no obligation to participate in the war in Europe, Japan might have to wage war against England independently. While the Army thought that there might have to be a simpler plan with regard to Italy, the Foreign Ministry thought that the plan should be on similar lines because the elements in common were more than the differing elements.

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* The Naval Ministry agreed with what the War Ministry had had to say, but wondered whether the discussions with regard to the problems with the U. S. and Russia should not be further considered, that the only difference between the U. S. and Japan were economic and were mostly emotional; and the War Minister suggested that the problems of the U. S. and Russia should be dealt with in a secret clause. The plan was therefore agreed upon.

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* Exhibit 529, a radio speech of Foreign Minister ARITA, June 29, 1940, stated:

That Japan's foreign policy has been based upon the ideal that all nations should be able to find their proper places in the world and they have fought for this policy. Peace is important, but it cannot endure unless all nations enjoy their proper places.

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* In order to realize this great ideal, people closely related geographically, racially, culturally and economically should form a sphere of co-existence and establish peace there and at the same time secure a relationship of common existence and prosperity with other spheres. Japan is now engaged in the task of establishing a new order in East Asia, but some do not understand * and obstruct it by supporting Chiang Kai-shek. Japan is determined to leave no stone unturned to eradicate activity assisting Chiang Kai-shek. To bring about this just and permanent peace Japan has been fighting in China for three years. Her sword is nothing more than the life-giving sword.

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The countries of East Asia and regions of the South Seas are geographically, historically, racially and economically related and they are destined to cooperate for their common well-being and prosperity. The uniting of these regions under a single sphere is * a natural conclusion.

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The idea of a righteous peace in the various regions and then the whole world as long existed in Europe and America. It presupposes a stabilizing force in each region and that each group will respect one another's individual characteristic and cooperate for the common cause.

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When the European war broke out Japan declared its policy of non-involvement and expects that the western powers will do nothing to exert any undesirable influence upon the stability of East Asia. However, Japan is paying serious attention to the European war * and its repercussions in East Asia. The destiny of these regions, the development and disposal thereof, is a matter of grave concern to Japan.

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Exhibit 530, a telegram from Ott to the Reich Minister dated July 1, 1940, stated:

That the original intended speech of ARITA by announcing a more active foreign political fixing of aims and to strengthen the Cabinet was wrecked by protests from the opponents led by the Army. The original text was substantially mutilated and accounts for the lack of concrete ideas. The growing influence of the army also caused the stronger military attitude toward Hong Kong and Indo-China. Internal politics indicate an early change in the Cabinet.

Exhibit 531, telegram from Ott to the Reich Minister, July 3, 1940, stated:

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* According to the press ARITA intended to stress in his talk that the Government has never deviated from the Axis policy and has had full sympathy for Germany's new order in Europe and is determined to consolidate Axis friendship. The army protested against this policy of sympathy for the Axis is not compatible with the policies hitherto used by the Cabinet. The army wished to avoid the YONAI Cabinet using this stress on friendship with the Axis to take the wind out of the sails of the opposition which is close to the Axis. Army circles are very indignant because of the disclosure of the army's protest in the original text of ARITA's speech.

Exhibit 532, excerpts from the KIDO diary, is summarized as follows:

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* On July 5, KIDO learned from the Director of the Police Bureau that the MAEDA faction intended to carry out a direct action against YONAI, MACHIDA, MAKINO,

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* HARADA, ICHIKI, IKEDA, OKADA, YUASA and Household Minister MATSUDAIRA. They found pistols and hand grenades, swords and benzine and many copies of the prospectus of their reasons for action. KIDO reported this matter to the throne and told the Emperor that their action was blameworthy but the administrators must examine their motives. * After that he discussed the matter with

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KONOYE and spoke about the prospect of strengthening the new political structure and the measures to be taken in

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case the Cabinet changed. Later in the day HIRANUMA sent a message that rumors of a political change are rife and Prince KONOYE should be appointed.

6243 * Vice Minister of War ANAMI called on KIDO and pointed out that the YONAI Cabinet was not suitable for negotiating with Germany and Italy and might cause a fatal delay. The army will support KONOYE's candidacy. After meeting KONOYE the War Minister will submit an important proposal to YONAI.

6244 The question of a Foreign Minister will be left entirely to KONOYE. In recent days in the General Staff Office, officers have presented their opinions on both political and military policy to the leaders. As a result * Prince KANIN, Chief of Staff, told the War Minister about it and the War Minister is concerned about what measures to take.

6245 On July 16, KIDO was informed that War Minister HATA had met YONAI in the morning and submitted his resignation. * He promised to give an answer as to his successor by evening. It looked like the Premier would have to submit a resignation. KIDO conferred on the matter with the Chief Aide-de-Camp and other household officials and reported the matter to the throne. KIDO also recommended to the throne that in choosing
6246 the new Premier * that the Lord Privy Seal be asked to see the President of the Privy Council and former Premiers about the selection of a new Cabinet and to report their answer after the consultation with the elder-statesman. The meeting will be held in the palace and the Lord Privy Seal will call on the elderstatesman or have his first secretary do so and report the result to the throne.

6247 According to Vice Minister ANAMI, the army submitted a memorandum on the present situation to the Premier who told the War Minister that the army's idea differed from his and asked him to resign, * which the War Minister at once did. The Premier asked for a successor, but at the three chiefs meeting it was found difficult to make any recommendation. YONAI came to Hiyama and explained the details of his resignation as being due to the fact that the Three Chiefs had told him

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- 6248 that while the selection of a successor was not being refused it was difficult to choose one. YONAI announced the decision to resign to a full Cabinet. * After supper the Premier resigned. KIDO was asked to choose a successor. At the time of the formation of the YONAI Cabinet the Emperor had summoned War Minister HATA since he had been told that KONOYE was of the opinion that it would be well to question him. He had asked HATA whether the army was willing to cooperate with YONAI and HATA had replied that the army would cooperate.
- 6249 * On July 17, President HARA, and former Premiers WAKATSUKI, OKADA, HIROTA, HAYASHI, KONOYE and HIRANUMA met with the Lord Privy Seal for the matter of choosing a new Premier. KIDO told them that the meeting would not be called a conference and there would be no formal vote, but the informal talk would be free. * At HARA's request KIDO explained that according to what he learned from YONAI the army thought the present Cabinet inadequate to carry out the policy and he favored a political rapprochement with Germany and Italy. It was felt that in the domestic affairs the government was separated from the people and would be unable to cope with the present emergency. Since the War Minister's opinion differs from the present Cabinet he could not fulfill his duty as leader of the army.
- 6250 * WAKATSUKI, HARA, HIRANUMA, HAYASHI, and OKADA recommended KONOYE. KONOYE stated that a new Premier should be well versed in military affairs, which he was not. KIDO pointed out that some of the army actions had been based on the assumption that Prince KONOYE would become Premier. HIRANUMA pointed out that it was a bad example to have a Cabinet fall because of the War Minister's resignation, * and such a situation arises because of the custom of having the Three Chiefs make the recommendation. No one else is fit for the post and KONOYE must come forward and everyone must make it easy for him to manage his task. HIROTA pointed out that it would be a good thing to have a suitable military man, but there is no one and since the military themselves wish it there is no problem about KONOYE taking the post. * KIDO took it that they all generally agreed upon KONOYE and agreed to report to the throne after consulting with the elderstatesman. KIDO sent the Chief Secretary to see SAIONJI and SAIONJI refused to take any
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6254 responsibility for replying to the throne. * KIDO reported the matter to the Emperor in the evening and asked the Emperor to call Prince KONOYE without further bothering SAIONJI. KONOYE was called by the Emperor, who told him that when HATA came to Hiyama to report he told the Emperor the opinion of the army which was the same as what KIDO learned from YONAI.

6255 * KONOYE was warned by the Emperor to be prudent in the choice of Foreign and Finance Minister. KONOYE said that he would have the War Minister select a person who would cooperate with the navy and the navy would select one who would cooperate with the army. He would wait until they were selected and on the next day would have the Foreign Minister join them for a full discussion of national defense, diplomacy, army--navy cooperation * and the relation between the Supreme Command and the Government. After they had come to an agreement he would select the other Cabinet ministers.

6256 KIDO reported KONOYE's policy in regard to the formation of a Cabinet to the Emperor and the latter was satisfied.

6257 * Exhibit 533, telegram from Ott to the German General Staff, July 17, 1940, states:

6258 That with the Cabinet change forced by the army there will be a speedy Japanese transition to a more active anti-England policy. The Japanese General Staff have seige bodies already mobilized for an attack on Hong Kong in case of necessity. * The Japanese army wants to know if it can count in the future on the delivery of captured arms, possibly in settlement for Japanese delivery of raw materials. The Japanese army is ready to deliver nitro-glycerine and T.N.T. or raw materials.

Exhibit 534, extract from the diary of Marquis KIDO is summarized as follows:

6259 * In reporting to the Emperor, KIDO was asked whether the order, secretly reported by the Chief of Staff for heavy artillery mobilization for the China Campaign, had been fully cleared with the Government.

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KIDO promised to speak to the Chief Aide-de-Camp or the Premier. He learned from the Aide-de-Camp, who had the matter from the War Minister, that at the Four Ministers conference on July 12, 1940, which the Finance Minister attended, the results were that they agreed to push preparations since they would require a month and a half.

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* A further Cabinet decision would be required if actual operations were undertaken. After getting ARITA's opinion and the same answer from the War Minister he reported the matter to the Emperor. At that time the Emperor said he still had faith in the YONAI Cabinet and that though a change in Cabinet was inevitable he wanted to have his feelings conveyed to YONAI.

Exhibit 535, telegram from Ambassador Ott, July 18, 1940, states:

That MATSUOKA has accepted the position of Foreign Minister and asks for friendly cooperation.

Exhibit 536, telegram from Ott, July 20, 1940, states:

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That KONOYE * is building up a Government in sections. He has appointed MATSUOKA, Foreign Minister and TOJO has been called as War Minister and YOSHIDA as Navy Minister. There was a long discussion between them regarding the fundamentals of future foreign and domestic policies and agreement was obtained although the details are not yet known. MATSUOKA's appointment is regarded favorably. OSHIMA and SHIRATORI likewise regard it favorably.

Exhibit 537, telegram from WOERMANN, dated July 22, 1940, stated:

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That before the completion of the Cabinet, KONOYE, MATSUOKA, TOJO and YOSHIDA drew up an authoritative policy program for the Cabinet. * These four men have the decisive positions in the Cabinet and their foreign policy contains a rapprochement with the Axis.

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Exhibit 538, telegram from Ott, August 2, 1940, stated:

6265 * That OHASHI, former Manchurian Vice Foreign Minister had been appointed Vice Foreign Minister for Japan. As a convinced adherent of the German course in foreign policy his appointment signifies the strengthening of the Manchurian group in the new government.

SHIRATORI declined the post of Vice Foreign Minister, but will now be appointed permanent advisor to the Foreign Minister where he believes he can exercise a far reaching influence.

Exhibit 539, an excerpt of July 18, 1940, from the diary of Marquis KIDO states:

6266 * That KIDO was received in audience and learned that the War Minister had secretly recommended TOJO for War Minister and that the Emperor thought the procedure was wrong since KONOYE was in the midst of forming a Cabinet and had not yet accepted TOJO for the post * and he told the War Minister that he thought the action out of order.

6268 * that during the period now being considered DOHIHARA was the Supreme War Councillor; HATA was Military Councillor; HIRANUMA was first Minister without Portfolio and later Home Minister; HOSHINO was President of the Planning Board and Minister of State without Portfolio; KIDO was Lord Keeper of the Privy Seal;

6269 * MUTO was Councillor of the South Seas Bureau of the Overseas Affairs Ministry; OKA was Chief of Bureau of
6270 * Naval Affairs, the Naval Ministry, and also a member of the Board of Admirals, Councillor to the Bureau of General Affairs, Secretary of the National General Mobilization Council, Councillor to the Cabinet Planning Board, Councillor of the Bureau of Southern Colonization, the Overseas Affairs Ministry; OSHIMA was re-appointed Ambassador to Germany; SHIRATORI was appointed Diplomatic Councillor; and TOGO remained Ambassador to Russia.

Exhibit 541, decision of the Foreign Minister's Conference of September 4, 1940 and the Liaison Conference

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of September 19, 1940, is summarized as follows:

6272 The plan provided * that Japan's fundamental aim lies in the establishment of world peace in accordance with Hakko Ichiu. It is directed toward the construction of a new order of Greater East Asia built upon the solidarity of Japan, Manchukuo and China with Japan as the center. A new structure to conform with the new world situation will be secured and the total strength of the nation will be mobilized to realize the national policy. * Armaments will be amplified to insure the execution of national policy for a manifestation of the nation's total strength.

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The fundamental aim of Japan's foreign policy lies in the construction of a new order in East Asia. Attention will be focused upon the settlement of the China Affair. The internal administration will be renovated in all branches to lay down a firm foundation for a national defense state structure.

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The aims will be the establishment of a national morality which attaches * first importance to the idea of service. They will encourage the scientific spirit. A new political structure for coordinated unity of government so as to organize the government on the basis of cooperation between the government and the people, reform of the Diet, renovation of the administrative methods and establishment of a national defense economy on the basis of autonomous construction of the economies of Japan, Manchukuo and China by establishing Japan's economic self-sufficiency policy. * The execution of a planned economy, the establishment of a financial plan and renovation of the trade policy, establishment of measures for self-supply of daily necessities, expansion of important industries, the development of science and rationalization of production, the improvement and replenishment of transportation and communication facilities, the establishment of a land development plan, and another aim will

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be the establishment * of permanent policies for enhancing the mental and physical powers of the people and increasing the population; and, policies for the stabilization and development of agriculture. Decisive measures will be taken to ratify the inequality of sacrifices on the part of the people. Welfare measures will be

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fully carried out and living conditions improved so as to insure a living standard satisfactory for a people capable of surviving ten years of hardships.

Exhibit 542, telegram from Weisaecker to Ott, August 1, 1940, stated:

- 6278 * That Kurusu had met with Weisaecker and declared that he had not received any instructions from his new government. From his word, either KURUSU was to wait until his government gave instructions or he was to take his position in accordance with the outlook in Germany so as to advise the government before it fixes its position. In either case he is to talk with the Foreign Minister or with the sender. KURUSU believed
- 6279 * that Japan's politics must be orientated by taking a long view. He is not thinking of a speedy end to the war and figures on a state of tension for years in which situation the relations of Japan to Russia and the United States are most important. He knows that the German Foreign Minister has suggested a Japanese agreement with Russia. This and the Japanese attitude to the United States should be harmonized with German-Italian intentions. However, he did not know how this cooperation with Germany is being considered, especially whether Germany wants Japan's weight thrown into the present conflict. If Japan pushed for a war with the United States and Germany believed the end of the European war was near, Japan would probably be acting contrary to Germany's wishes. * However, if Japan did not intervene now, Japan's fleet would have great potentialities in the future.

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Weisaecker had the feeling that KURUSU expects in Tokyo a tendency to intervene in the war and wanted to hear from Weisaecker that the intervention would not be considered timely. He would be grateful if he could get a hint in the near future as to the advice he should give his government. He is not certain, however, whether Germany regards Japanese-Russian rapprochement as important and whether the new Cabinet should follow the anti-Anglo-Saxon course with accelerated spirit. Weisaecker did not give him any reply, but did oppose his opinion * that the war might last a long time and be followed by a long period of tension.

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6282 * Exhibit 543, telegram from Weisaecker, August 2, 1940, stated:

That KURUSU also expressed the hope that Japan might belong to the new order after the war and would not be forgotten in the new apportionment of the world.

Exhibit 544, telegram from the German Foreign Office, stated:

6284 * That KURUSU's main point was not Japan's relationship to Russia, United States or England, but the new order in East Asia. KURUSU repeated MATSUOKA's statements in greater detail, namely, that Japan wants to organize the East Asia sphere, including the South Seas, broadly. MATSUOKA said that there would be no conquest, no oppression and no exploitation. Japan would adhere to these three principles, but would expect that no European or American country would violate them. KURUSU named Japan, Manchukuo and China as the core of the Greater East Axis sphere.

6285 * That while SATO had received the impression of an unchanged friendly German attitude, the ways and means of encouraging this friendship were not clear. Before MATSUOKA and KONOYE could adjust their foreign policy they would clearly have to see how Germany stood on these matters. While he did not refer to the German expression of desinteressement on overseas problems in May, it was clear what he was aiming at. Neither Ott nor Weisaecker permitted themselves to be drawn into discussions.

Exhibit 545, an outline of a conversation between Foreign Minister MATSUOKA and Ott, August 1, 1940, is summarized as follows:

6286 * MATSUOKA stated he was neither pro-German nor pro-British, but he was pro-Japanese. However, MATSUOKA was one of the proposers and originators of the anti-Comintern Pact. He was also in favor of the Japanese-German military alliance. While the government and the people are inclined to strengthen the power of the Axis it has not yet been decided in the Cabinet. He cannot persuade KONOYE and the other members unless he knows the German attitude.

Turkey and ...

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6287

* Ott stated that Berlin could not answer until they know what Japan is going to do. MATSUOKA replied, Japan intended to establish a new order in Greater East Asia with Japan-Manchukuo-China, including the South Seas. He opposes subjugation and exploitation even by Japan. Some Japanese may be planning to subjugate and exploit, but they were taught this by Europeans and Americans. He is determined to resist and dispute if Japan would dare to commit such deeds.

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* Japan does not refuse to have Europeans in these regions and will not expel them. This should bring a large profit to Americans and Europeans. If Japan is given enough time, this idea will be realized even in China. He then wished to know what Germany wanted to gain in the South Seas and what would she want with regard to Russian-Japanese relations. Since he believed future world civilization will belong to the Pacific and both Japan and America will play great roles, and the relation between the two countries is an important matter for tomorrow, he, therefore, wanted to know what Germany wishes to do * and what she requires of America or Japan from the overall viewpoint. This problem must be excepted because it is too large and too distant. He wanted to know what Germany wished to do towards America and what she could do for Japan in the present situation between Japan and America. MATSUOKA explained that by South Seas he included as far as Siam, but that the sphere might be extended in the future.

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Ott told him that this was his personal opinion and with respect to the South Seas, Germany has three viewpoints. It must be borne in mind that Germany is now at war against Great Britain and this has the possibility of developing into a war for destroying the British Empire in the future. Germany must first consider what should be done for her with the South Seas when the war develops to this state. Second, just what things and how much should be necessary to be required must be known. Third, the problem depends upon the German attitude of how to settle and to keep her with Japan in the South Seas. Looked at from this standpoint * the China Incident is simply an incident and apart from world wide confusion and movement, the China Incident cannot be solved.

6291

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6292 MATSUCKA agreed with the last part of Ott's personal opinions. As Foreign Minister he cannot help considering the opinion of his people. The China Incident forms a part of the world wide confusion. MATSUCKA stated that Japan intended to settle China by knocking Chiang Kai-shek down completely. He does not refuse to confer with Chiang, but there is no other means than to knock him down, because of the Japanese viewpoint.
* He has to be subjugated thoroughly. Force of arms is the only means. Japan, however, can do it alone.

Exhibit 546, telegram from Ott, July 31, 1940, stated:

6294 That the Japanese action against the British Spy Service was carried out on the demands of TOJO, who is pursuing two aims--(1) the acute aggravation of Anglo-Japanese relations, to rive them to a breaking point and to hasten action against British possession in East Asia; and (2) as a blow against the pro-British groups--viz court and economic circles, which will be dissuaded
* from further pro-British activities.

Exhibit 547, telegram from Ott to the German Foreign Minister, August 15, 1940, stated:

6295 * The Foreign Minister had advised him that
6296 the French Ambassador has changed the previously announced basic acceptance of the * three Japanese demands regarding Indo-China to the position that France first wanted a Japanese guarantee of renouncement of all territorial claims and only then would France consider the Japanese demands. The Foreign Minister had advised France to maintain its previously announced basic agreement and the question of territorial guarantee could be adjusted.

The Foreign Minister requested Germany to support the Japanese demands by influencing the French Government. The Ministry Director promised, but pointed out that the German influence on French policy is limited.

6297 Exhibit 548, telegram from Ott, dated August 23, 1940, stated * that the government has announced an extensive revirement of the Foreign Service. They have recalled the Ambassadors from the United States, France, Turkey and Brazil, and also nineteen ministers, five em-

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6298 bassy councillors and eleven Consul Generals. This action has been announced as necessary to secure the new foreign policy and to bring the Japanese Foreign Service into coordination with conditions. It is also necessary to replace most of the Division heads of the Foreign Ministry. These changes will soon take place. This action intends to render harmless the exponents of pro-Anglo-Saxon courses. * Only a few of the recalled officials will be used in other posts.

To further prepare for the adjustment of state affairs on an authoritarian model, a commission of 24 leaders has been established. SHIRATCRI has been appointed representative for Foreign Affairs on the Commission. The Commission consists of followers of the reform movement and of the policy of cooperation with the Axis.

Both actions show the efforts of the government to follow a new course.

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* Continuing with Exhibit No. 541, the Four Minister Conference of September 4, 1940 and the Liaison Conference of September 19, 1940. The time has come for speedy initiation of conferences among Japan, Germany, and Italy to strengthen collaboration in accordance with the following basic principles, beginning with Germany. (1) To obtain a fundamental agreement so that the three countries will mutually cooperate in the establishment of a New Order in Europe and Asia. (2) To carry out consultations for the best means to obtain this cooperation. (3) Publicity to be given at home and abroad in the form of a joint declaration by the three.

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The German Government has specially sent Stahmer to Japan. While he may be here only to prove the situation, he enjoys the special confidence of Ribbentrop, and it is best to begin talks to strengthen the Axis, and it is of urgent importance to meet the needs of the situation * that a joint declaration be issued. Since the declaration is for cooperation by all possible means, Japan should be resolved to take any action, including recourse to arms. So far as Britain is concerned, Germany may not need armed cooperation, and in that event Japan's main objective would be the U. S. The problem of the U.S. S.R. will have to be considered. Unless Japan is ready to use armed force, it will be impossible to carry on useful talks with Germany. A joint declaration is only preliminary, and should be followed by negotiations for a military agreement. The consultation under point 2 of the Basic Principles ultimately means negotiations for military collaboration, which are to be carried out according to the main principles governing negotiations.

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These principles are: 1. Japan, Germany, and Italy will arrive at a mutual understanding with respect to support for the establishment and administration of their respective spheres of living, and in regard to cooperation about policies toward Britain, Russia, and the U. S. The three countries will mutually respect their spheres of living in their respective areas and will cooperate in all ways for the construction of new Orders in these regions.

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* 2. The three countries will mutually effect close economic cooperation, and will carry out preferential mutual interchange of material resources and the exchange of techniques, and will give favorable consideration to the other's economic activity in their respective spheres. 3. The three countries will cooperate in maintaining peace with Russia and in inducing Russia to bring her policy into line with these parties. Also, the parties will reach

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6312 an understanding as to consultation as to the action to be taken in the event any of them enter into war with Russia, if Germany and Italy desire such a provision. 4. The three countries will cooperate not to allow the U. S. to interfere in regions outside the Americas and U. S. possessions, and to safeguard the political * and economic interests of the parties in this connection. In the case of war by any of the parties with the U. S., the other will assist it by all possible means. The three countries will cooperate closely on action to be taken towards Central and South America. On the basis of this, such further agreements as may be necessary will be concluded among the parties, or two of them. The second principle of negotiation is that the parties will arrive at an understanding with respect to their mutual support and cooperation in the China incident and the European war.

6313 * The three countries will mutually effect support and cooperation for these incidents. Japan will accord as much facility as possible to Germany and Italy for the acquisition of natural and material resources in East Asia, including the South Seas, and will cooperate to intensify the pressure on British influences in East Asia and in facilitating the war against Britain. Germany and Italy will cooperate in supplying Japan with machinery and similar articles and with technical assistance, and will give as much political and economic cooperation as possible in the China incident.

6314 * This is to be kept confidential. The negotiations will be conducted in accordance with basic essentials for strengthening the Tri-partite collaboration, and on the basis of the main principles governing the negotiations.

6315 Concerning Japan's sphere of living, the sphere to be included in the negotiations for the construction of a Greater East Asian New Order will be the Mandated Islands, French Indo-China and Pacific Islands, Thailand, British Malaya, British Borneo, Dutch East Indies, Burma, Australia, New Zealand, and India, with Japan, Manchuria, and China as the backbone. It is understood that the South Seas Region to be indicated will be the region from Burma eastward, including the Dutch East Indies and New Caledonia northward. India may be recognized for immediate purposes as in the Sphere of Russia. The goal for East Indies is to have it ready for the immediate future.

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will be to secure recognition of Japan's political and economic predominance. If Germany should not agree to this proposition, Japan should receive recognition of her predominant position in the East Indies through a preferential supply of natural and material resources through a guarantee by Japan of existing German economic undertakings and by political negotiations. The same principle shall be followed as to French Indo-China.

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* As to economic cooperation, Japan will supply the other two with agricultural and aquatic products of Japan, Manchuria, and China, and will help supply the other two countries with special minerals, rubber, and other articles from the East Indies area, and Germany and Italy will supply to Japan aircraft, machinery, chemical products, and technical assistance. Japan will give to the other two de facto preferential treatment in China and Manchuria. To obtain this purpose, there will be concluded an economic agreement and trade agreement and a payment agreement.

6317

In order to carry out the New World Order,* Japan, acting in close collaboration with Germany and Italy, will restrain Russia on the east, west, and south, and induce it to act so as to align with the common ground of the three countries, and will endeavor to cause the advance of the Soviet Union towards the Gulf of Persia, or in case of need toward India.

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While adhering to peaceful means in dealing with the U. S. to bring about a state of affairs where Japan can bring pressure to bear on the U. S. through collaboration with Germany and Italy so that the state of affairs can contribute toward the attainment of Japan's ends, Japan will make the best to induce the Soviet Union. * Japan will make use of the immigration and economic footholds which Germany and Italy have in South America with respect to the steps Japan may take towards the U. S. Japan will take steps to eliminate the political and economic interests of Britain in East Asia. Steps she has already taken have shown an effective influence on the war situation in Europe. Japan will spare no cooperative effort to meet the desires of Germany and Italy for the acquisition of natural and material resources in East Asia, and will cooperate with Germany and Italy in the war against Britain by anti-British demonstrations and propaganda,* and the support of independence movements in British colonies and dependencies, and otherwise.

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6320 With respect to using armed force against Britain and the U. S., Japan will make independent decisions under the following principles. If the China Incident has been nearly settled, she will use armed force by taking advantage of the favorable situation. If the China Incident has not been settled, Japan's guiding principle will be action short of war. However, if domestic and foreign conditions decidedly improve or if it is deemed that further delay cannot be permitted irrespective of preparations, Japan will resort to armed force. By domestic and foreign conditions is meant the European situation, especially the relations with U. S. and Russia, Japan's preparations for war, as well as the * state of the China Incident.

6321 The principal purpose of the negotiations is to obtain overall recognition of Japan's position of predominance in all of East Asia, including the South Seas. However, if the other parties make any reservations regarding any area, Japan will conduct negotiations on these particular matters so as to secure recognition of Japan's aims. If Germany and Italy demand Japanese military cooperation against Britain, she is prepared to meet the desire. It will be explained to Germany and Italy, however, that Japan prefers the plan outlined.

* Germany and Italy will be able to understand Japan's position, and efforts will be made to have them cooperate with Japan to improve conditions relating to Japan's entry into the war against Britain and the U. S. The fourth principle is that the understandings need not necessarily take the form of agreements, but if the other party desires there is no objection to concluding agreements.

6324 Exhibit No. 549, salient points in the informal conversation between Matsuoka, Stahmer, and Ott, September 9 and 10, 1940, is summarized as follows. 1. Germany does not want the present war to develop into a world war and wishes to bring it to an early end. She wants the U. S. to stay out. 2. At this point Germany does not want Japan's military assistance * in the war with England. 3. She wishes Japan to restrain and prevent the U. S. from entering the war by all means. 4. Germany believes that she and the U. S. will not go to war in the near future, but that a war between Japan and the U. S. cannot be avoided. 5. Germany believes that it is to the mutual

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6325 advantage of all three nations to enter into an understanding to be thoroughly prepared to meet an emergency. This alone can prevent the U. S. from entering into the present war, or war with Japan. 6. A strong and determined attitude on the part of the three nations, and U. S. and world knowledge of it alone can be a powerful * and effective deterrent on the U. S. A weak attitude will invite danger. 7. Germany hopes that Japan will realize soon the size and reality of the danger from the western hemisphere and will act decisively to stop it by reaching an agreement between the three nations which will leave neither the U. S. nor the world in doubt. 8. Germany will do everything in her power to restrain the U. S. in the Atlantic and will at once start supplying Japan with as much war equipment as she can spare, and will otherwise help her. MATSUOKA said this would have to be left to a mixed military and naval commission. 9. Germany recognizes * Japan's political leadership in Greater East Asia. All she wants is of an economic nature, and she is ready to cooperate to further Japan's aims. Japan has to do her best to accommodate German enterprises and to enable Germany to obtain materials she needs. 10. It will be best to reach an agreement between the three nations and then approach Russia. Germany is prepared to act as broker between Japan and Russia. German-Soviet relations are good, contrary to British propaganda. 11. Germany will make use of every means in her power to prevent a clash between the U. S. and Japan, and even will try to improve the relations. * 12. Germany, in asking Japan to join the Axis quickly, is taking a long view of carrying on a stupendous struggle against the British Empire, not to say Anglo-Saxondom. While the present war may end shortly, the great struggle will go on for tens of years. The three should stand knitted together until the great end is achieved. 13. When Italy is to be asked to join the discussion, Germany will let Japan know. Germany has not yet conferred with Italy, and no one on the German side has seen a Soviet official. 14. Stahmer's words came directly from Ribbentrop.

6330 Exhibit No. 550, MATSUOKA's explanation regarding the conclusion of the Tri-partite Pact, the subject of the Imperial Conference, is as follows. * The gist of the Pact is that Japan will recognize and respect Germany's and Italy's leading position in building a New Order in Europe, and they will respect Japan's leading position in building a New Order in Greater East Asia. The parties

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will cooperate with one another in efforts based on the above principle and in case one of them is attacked by a power not involved at present in the European or China wars, the three countries will aid each other by every political, economic, and military means. The three nations believe that they can create a lasting peace only through a new world order, which is in keeping with the changing world by their mutual assistance, and they will adjust and combine their efforts for its realization.

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The three parties confirm * that these items do not in any way affect the situation now existing between each of them and Russia.

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The idea of cooperation with Germany and Italy has been thought of since the formation of the KONOYE Cabinet in July. While German enthusiasm for cooperation was at a very low ebb because of her victories, the war for the destruction of the British Empire was not an easy matter. Germany would have to cope with two great influences, the Anglo-Saxon bloc and Soviet Russia, strengthened by the war. Japan's strength would be great, * and at present she has strength to be able to tip the balance of the world if she likes. Hitler and a few near him are aware of this and had considerable enthusiasm for cooperating with Japan. In view of this situation, he thought it unnecessary to ask humbly for German cooperation, and decided to postpone negotiations until after the British surrender. He believed that Japan must show an independent position, that she had no need to cooperate with Germany and Italy, and that she would join hands with the U. S. and try to save Britain if it is necessary and convenient. With this in mind he began reconnoitering throughout the world and came to acquire a little information about world affairs.

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* On August 1 he had Ott in for tea, and told him that Japan wanted to strengthen the Axis but the time was not yet ripe and there was no Cabinet decision that Japan intended to decide the China Incident herself and Germany did not need to intervene. This stopped talk about mediation. He told Ott that Japan was determined to realize the ideal of HAKKO ICHIU, first within the East Asia Sphere. Even if the British Isles fell, it was only the beginning of the collapse of the British Empire and not the end. He told him that Germany must decide on the problem of Japanese-German cooperation from those two

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6334 long-range viewpoints, and asked him what was Germany's attitude regarding Japan's realization of her ideal * and how Germany could assist Japan and whether she desired to assist Japan and what she wanted in that area. He asked him what Germany could do about Soviet-Japanese relations and what she could do about Japanese-American relations. He asked him to get an answer on these questions immediately from Hitler and Ribbentrop.

6335 Ott was unwilling to wire to Berlin, and MATSUOKA did not expect an early answer, but he left the matters to take their own course without pressure. Ribbentrop promoted Stahmer to the post of Minister, and sent him from Berlin to Japan on August 23. On September 9, Ott asked for an interview and MATSUOKA met with Ott and Stahmer on the 9th, 10th, and 11th. * At the last meeting they agreed on a draft treaty. The present draft seems to be satisfactory, and MATSUOKA is going to carry on negotiations with this draft as a basis.

6336 The Pact speaks for the building of a new Order in Europe. Africa is omitted because Germany did not mention it. Greater East Asia means French Indo-China, Thailand, Burma, Straits Settlement, the Netherlands East Indies, New Guinea, New Caledonia, etc. At the time it was expected that the meeting would gradually change, * in keeping with the change in East Asia. MATSUOKA told the German Ambassador that it will gradually extend to include Australia, New Zealand, and areas to the south. He had referred to India. He did not go into detailed questions, and agreed with MATSUOKA. Ott said that Germany recognized Japan's political leadership in that area, but that Germany must be given as much facilities, trading enterprise and acquisition of material as possible. MATSUOKA told him that Japan expected German and Italian cooperation in economic exploitation. The "one power" referred to in Item 3 with respect to attack, chiefly means America. If one were attacked by the U. S., the other two would be automatically obliged to participate in the war. This will be a military alliance, with America as the objective. The words "Publicly and Secretly" * were inserted by Germany, but the Ambassador agreed to strike it out and have asked for Ribbentrop's instructions. The meaning of "Secretly Attacked" is not clear. Germany said that they had in mind such cases as the U. S. using important British bases in the Pacific, or the fleet entering Singapore, and was inserted for Japan's benefit.

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So far as Germany and Italy are concerned, it meant such cases as Britain allowing the U. S. to occupy a strategic British base near a European battlefield. The final wording will be decided by consultation between the three powers.

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* Item 5 stipulates that the Pact, is not directed against the U.S.S.R. since the U.S.S.R. is not involved in the German war against Britain and France and that there is no doubt that the words "one power" in Item 3 does not apply to the U.S.S.R. There is no possibility that the three countries will make an enemy of Russia, and it is clear that this Pact does not affect existing agreements between the U.S.S.R and Germany regarding Poland and Europe. This will prevent Soviet-American rapprochement.

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* After the Pact is concluded, joint military and economic committees will be formed in Tokyo, Berlin and Rome, which will study detailed arrangements for carrying out the Pact. This will be submitted to the Government for approval. Germany and Italy will promise to use their good offices to have Russia bring herself in line with the present Pact and to adjust Soviet-Japanese relations. Germany will promise to supply war materials and technique, and technicians and personnel. She will also promise to help Japan to acquire oil from the Soviet and others, and Japan will help supply Germany with war materials, foodstuffs and other necessities of life.

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The purport of the gist of this Pact may be changed by the development of negotiations and may be revised. He hoped to be able to be allowed to exercise his discretion on that point. * He was, however, determined not to change the fundamental purport. If it did become necessary to change, he would take the necessary steps.

The fundamental principle of these negotiations is entirely different from that of the HIRANUMA Cabinet. Germany and Japan have a common aim in concluding this Pact--to keep the U. S. out. The non-intervention policy will be continued for the time being, with the reservation that it may be influenced by the Pact in the future.

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- 6342 After the American-Canadian defense plan was decided on, America's attitude became hardly bearable, with the result that the reconsideration of the President and Secretary of State is to be asked. * From recent movements, it seems that the U. S., in addition to her own military establishments in the Pacific, is trying to acquire strong military bases in important British possessions, and may be preparing to encircle Japan. MATSUOKA thought of this at the time of the joint defense agreement, and even the press has told that negotiations are going on between the British Empire, Australia and the U. S. America may use intimidating language, and the relations are such that there is little room for improvement through courtesy or desire for friendship. There is nothing left to do but to stand firm. * We must cope with the United States by firmly joining with as many countries as possible, and make the fact known as quickly as possible. MATSUOKA will watch the repercussions, and will be careful not to overlook an opportunity to improve relations with the U. S.
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- 6345 Exhibit No. 551, Privy Council Minutes of September 16, 1940, is summarized as follows. * In response to the question whether as a result of the conclusion of the Tri-partite Pact there was danger of economic pressure by the U. S. and what counter measures had been taken and what preparations had been made in the event of war with the U. S., it was stated that Japan would be ready, and her precautions were to strengthen her international standpoint by the Pact, and by taking diplomatic, economic and military measures * and to procure national defense materials from the South Seas and other places. This point was carefully investigated.
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- 6347 At the Imperial Conference held on September 16, 1940, the Supreme Command asked to what degree the Pact will help Japan-Soviet relations, and what precautions have been taken to obtain Japanese resources in view of the fact that Japan's trade relations with Britain and the U. S. will deteriorate and there is likely to be a prolonged war. Also, * it was asked what principle does the Government have in mind with respect to the navy, since the navy cannot be prepared for a war unless the Government gives serious cooperation, and what measures has the Government taken to permit Japan to choose the outbreak of hostilities in the event she should be compelled to join the European war because of U. S. participation. The War Minister replied that the U. S. is encouraging the Chungking Government, and that the solid alliance between

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6348 the three nations will be the most effective way to restrain the U. S. The more the U. S. is restrained, * the sooner Japan will be able to dispose of the China Incident, and if relations with Russia are improved as a result of the Pact they should be able to bring about a quick ending of the Sino-Japanese conflict. The Navy Minister pointed out that if the Pact came to exist, Germany would use its good offices in ironing out Soviet relations. This is easy because of the present amicable relations between Germany and the Soviet Union.

6349 In the event Japan is compelled to participate in the European war, the following method of determining when to start will be followed. The army and naval authorities will first decide it. Second, the Government, based upon the opinions of the army and naval authorities, will bring the matter to a settlement. Third, * the Government will confer with Germany and Italy.

6351 Exhibit No. 552, Conference of the Investigation Committee of the Privy Council on the Conclusion of the Tripartite Pact, dated September 26, 1940, is summarized as follows. * This document shows that TOJO, MATSUOKA, HOSHINO, and MUTO were present. In answer to
6352 a question * why the supplementary documents accompanying the treaty was not mentioned so far as Italy was concerned,
6353 *MATSUOKA explained that Ribbentrop had stated that so far as Italy is concerned he would take care of everything and asked that there be no interview with the Italian Ambassador. MATSUOKA met the Italian Ambassador for the first time on September 25, and the latter told him that matters pertaining to Italy-Japan relations had been entrusted to Germany and that Italy was looking forward to the treaty.

6354 With respect to meeting the situation when the worst turns up, TOJO stated that so far as the Army was concerned, only a part of its strength would be used in case of war with the U. S. * There is nothing to be worried about. Relations with Russia would be good because the present treaty acts as a check. As Russian relations are not satisfactory, preparations cannot be delayed. A speedy end must be brought to the China Incident. Sufficient supplies and reserves are on hand to last quite a while. OIKAWA stated that preparations of ships for battle had been completed, and war materials such as crude oil were sufficient to last for quite a while. If the war becomes prolonged they might be faced

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with a major difficulty in the way of replenishment. To meet this they would take the best ways of expanding the production of synthetic oil.

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HOSHINO, Chief of the Planning Board, stated that Japan was not yet complete in supplies and self-sufficiency of reserves. In the resources mobilization plan for the year, out of ¥5,000,000,000 worth of material necessary * they must get ¥2,600,000,000 from abroad, out of which ¥1,900,000,000 is from the U. S. and Britain. However, they were quite prepared. With respect to petroleum, and particularly aviation gas, they had done a great deal to procure it and have a considerable amount in stock. In case the war is prolonged, the problem of supplies from the Dutch East Indies, Saghalien, etc. are good.

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MATSUOKA stated that they did not touch upon the question of a clause for non-separate peace, since the treaty aims at prevention of war. If war breaks out, they would immediately come to an agreement on the subject. With respect to the meaning of the words "New Order in Europe", he interprets it as embracing * the spirit of HAKKO ICHIU.

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In response to the question as to what preparations were being made about oil, OIKAWA, Navy Minister, stated that not much can be expected from synthetic oil because it is a redent undertaking, but there is a possibility of importing oil from the Dutch East Indies and Saghalien peacefully, which will cover Japan's needs for a good length of time with our present stock of oil. Production of airplane gasoline is substantial.

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* With respect to the question of whether Soviet should not be considered as the State which is at the present moment participating neither in the European war or the Japanese conflict, MATSUOKA stated that Article 5 makes clear that it has nothing to do with the Soviet, and the supplementary documents show that Germany will try to mediate Russo-Japanese relations. Stahmer has said that he has not talked with any Soviet authority but he could hardly believe it, and rather he believed that negotiations had taken place between Germany and the Soviet. * The Foreign Office is watching closely supposed collaboration between the U. S. and Russia, and are convinced that nothing has been done so far. They will continue to be on the alert.

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6359 In the light of bygone facts, one of the Councillors suggested that the Government make efforts to be sure that Germany will make efforts to carry out sincerely the Treaty. In answer to a question with respect to Germany's assistance to Chungking and the matters regarding the Japanese mandatory areas, TOJO stated that according to reports German technicians have made their way to Chungking and that the Chinese Ambassador in Germany is trying to purchase the arms seized from France. * Both are unauthentic. With respect to the mandated areas question, MATSUOKA stated that he wished to dispose of it in line with the supplementary documents. They desired to hold these former German colonies as part of the Empire by making some nominal compensation to Germany.

6360 In response to questions by MINAMI, MATSUOKA stated * that by Greater East Asia he means the area including French Indo-China, Thailand, Burma, Straits Settlement, * and the Oceanic Group. This is to be diplomatically broadened in time.

6362 The treaty was proposed by Germany. In response to the question whether war with the United States, Japan would not be left alone, MATSUOKA stated that they must bring about an international situation favorable to Japan and avoid a war. It is very advantageous for us to ally with Germany and manipulate to Japan's interest the twenty million Americans of German descent. * If Japan did not ally with Germany, in the future Britain and Germany might conclude a peace and attempt to rule over the South Sea Areas for their own purposes.

6363 * A Soviet-Japanese Pact is being planned. The Pact under review forms the basis of future foreign relations. Although Germany proposed to help have Russia abandon her pro-China policy and to mediate between China and Japan, MATSUOKA told him that Japan would dispose of the problem itself. As to the meaning of the word "participation" in Article 3 of the Treaty, MATSUOKA stated that the country could not idly watch an American fleet enter Singapore, but a United States-Canadian common defense can hardly be construed as participation.

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* With respect to oil, HOSOKAWA stated that there is a considerable stock of petrol, but it will be difficult if bad conditions prevail for a long period. They would try to secure their supplies by utilizing domestic installations and establishing connections with overseas sources. TOJO stated that for the Army, the supply on hand is enough for some time to come, but not if the war lasted two or three years. There must be some way to get out of this desperate situation. OIKAWA, Navy Minister, said that there was considerable stock of oil for a considerable period. At the worst he did not think that their stock * would be exhausted in half a year or a year. If the war is protracted for five or ten years the frequency of battles would drop, and steps would be taken to adjust consumption over an extended period.

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With respect to finances, the Finance Minister stated that in case of war with the United States before the China Incident is ended, the financial stress will increase but the situation will be met. The source of revenue will be bonds and taxes, and they would have to rely upon the savings of the people. If the situation should continue in the present state for a few more years they would probably meet no major difficulty in finance. If the situation grew worse, funds for war expenditures would be met by exercising utmost economy in general expenditures. The difficulty in national finance is the same as that in materials.

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* With respect to a possible shortage in troops, TOJO and OIKAWA stated that since the manpower needed by the Army in a war against the U. S. would be comparatively small and naval personnel is naturally limited, they felt no concern about this problem. It is true that there are a great number of cases of tuberculosis among returning troops, but the best facilities are being provided for them.

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With respect to the effect of this Pact on the Anti-Comintern Pact, * MATSUOKA stated that the Anti-Comintern Pact will be maintained. The relations with the Soviet Union can be considered separately. The reason that Germany is the only party with whom they negotiated the treaty and exchanged documents is that the treaty was at the request of Germany and is principally related with Germany.

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6369

* With respect to preparation for sustaining civilian living during the war, HOSHINO stated that the commodity mobilization program has laid emphasis on items for military purposes, but that a great deal of preparation has been made for necessities for civilian living.

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In answer to a question which pointed out that the basic policy of Russia was to Sovietize Germany, Britain, Japan, and China, * MATSUOKA stated that the problem is fifty-fifty, that Japan intended to utilize Germany to bring the situation to a good end, and still did not know to what extent Germany will work on Russia to adjust Soviet-Japanese relations.

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6371

* In reply to other questions MATSUOKA and KONOYE stated that German assistance will consist of superior arms and materials, but will depend upon the understanding reached with Russia. With respect to the protest on the signing of the Soviet-German Non-aggression Treaty as infringing the anti-Comintern Pact, it is doubtful whether the protest was made officially. There is no answer from Germany.

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* With respect to the treaty which says that those to enable such nation to have a proper place in the world as being inconsistent with Hitler's concept of the survival of the fittest, they said that any race that dies out under the rule of the survival of the fittest is not worth existing. If Japan fails in its grand mission, then it can't be helped if she goes out of existence.

With respect to the question whether they could avert a crisis by courting America, the idea was wrong. To avoid a crises they must take a firm stand. The government has considered every factor and the Emperor has approved.

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* MATSUOKA stated that what was submitted to the Emperor was a draft of the treaty and what is now presented is the draft of the exchange of official documents. The passage in Article III, referring to the European war or the China dispute means that no participation is made in either of them. By mixed expert commission it means the Economic Expert Commission and Military Expert Commission. * By the word 'existing'

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if he means that the present status of the Soviet Union cannot be modified, the answer is no. It will be modified by the present treaty and it will be well to adjust Japan's relations with Russia.

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* In response to a protest it appears that Japan alone was bound to a greater sacrifice, while the burden on Germany was hardly conceivable.

MATSUOKA stated that Stahmer maintained that they did not wish U.S. participation in the war and there was no fear of such possibility. A Japanese-American war would be fatal. There is as much danger

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of that as a United States participation in Europe. The Presidential election in the United States will have a great influence upon it. They must not ignore the influence of Germans residing in the United States.

6376 * In the event of the worst, MATSUOKA stated that Japan will be able to choose the time and place for naval participation. With respect to the inevitability of a war between the United States and Japan, OIKAWA stated that if the United States challenges to a short, decisive war, he had full confidence of Japanese victory. He wished to improve the quality of the navy and expand its armaments.

6377 * With respect to the Mandated Islands, MATSUOKA stated that it would be arranged to have them ceded free to Japan from Germany to avoid controversy in the future. With respect to economic pressure from America lessening the power to procure necessities of life and the government's measure to cope with it, * HOSHINO and KONOYE stated that those concerned with export and import would have to suffer. They were trying to get some adequate measure to deal with it. They agreed with Councillor MITSUCHI that the Japanese people should be warned not to be captivated by Germany and Italy and not to have hostile opinions against the United States and Great Britain. The councillors decided to avoid any incitement that might develop against the United States and Great Britain and to smooth Japan's relations with Russia and demanded that the government not neglect preparations for the worst possible. The pact was unanimously approved.

Exhibit 553, record of the meeting of the Privy Council, September 26, 1940, is summarized as follows:

6381 The same persons were present as in the previous meeting except General MUTO. The reporting councillor stated that there had been no time to issue a report on the investigation. That according to * information received from the ministers, the international position of the country has become more and more difficult and the only way to surmount the crisis and strengthen the international position is to strengthen the cooperation with countries having the same interest as Japan. Germany, Italy and Japan desired to prevent the entry of the United States into the war and recently the German

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proposal has given an opportunity to strengthen cooperation without entering the war.

6381--6383 * The reporting councillor summarized the treaty.

6384 * The committee felt that the proposed treaty was based on the common interests of the three countries and would strengthen cooperation in concluding a new order. They also agreed to help each other in case of an attack by another country not at present in the war. This is a very grave matter and requests deep and mature deliberation. The treaty, however, is unavoidable and there is need to take steps to prevent the inciting of Great Britain and America as a result of the treaty. They must also make ample preparations if the worst happens. Such efforts must be made in connection with relations with the Soviet Union * and the government will exert itself through Germany. For this reason the treaty was approved by the investigation committee.

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6386 Councillor ISHII pointed out that modern international alliances differ from those of olden days and in operation * one ally tries to gain exclusive benefits at the sacrifice of the other. He pointed out that it is a conspicuous fact that not a single country has gained any benefit from allying itself with Germany, but there are some which have suffered disasters and lost their national entity. In the last war she made Austria and Turkey endanger their existence. Some people will say that Nazi Germany * not necessarily follow the Imperial Regime, however, he believed Chancellor Hitler was a character of no little danger, following the Prince Machiavelli. Hitler has declared that international alliances are temporary expedient, and has stated that he would not hesitate in breaking them when the time came. The German-Soviet Pact is proof of this. Hitler has studied the Orient and has held that Japan should not be allowed to become a strong power and we do not believe that under Hitler Germany can be a loyal friend. Italy is just as unreliable. She has always thought herself as the king of power politics and this is why she received no heavy danger from Germany in the last war.

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6388 * Neither nation should be trusted too much. Notwithstanding this he believed that the proposal of

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6389 allying Japan with these two countries was opportune from their position in recent years and their economic position of haves and have-nots and from connection of balance of power. The alliance is based on common national interests and not on national character. Germany of today is a truly invaluable ally of Japan of today, but deep attention is to be paid to see that she doesn't get the best. She is ahead of Japan in modern science and in production of munitions. * Japan must try to take advantage of these. While he approves the treaty he hopes that the government will not neglect to take scrupulous care that there be no future regrets. He hoped his fears were groundless. Following this the treaty was passed by unanimous vote.

6392 Exhibit 43, the Tripartite Pact of September 27, 1940, is summarized as follows:

* Article I - Japan recognizes and respects the leadership of Germany and Italy to establish a new order in Europe.

Article II - Germany and Italy recognize and respect Japan's leadership to establish a new order in Greater Asia.

Article III - They agree to cooperate with each other in carrying out this policy and if one of the signatories be attacked by any third power not engaged in the present European War or China Incident, the others will aid her in all political, economic and military ways.

Article IV - To carry out this alliance a joint specialized committee appointed by each power shall meet as early as possible.

6393 Article V - The three nations shall each confirm that the Articles of this alliance have no effect * on the present political relations between any of them and Russia.

Article VI - The alliance is to continue for 10 years. On demand of any one of the signatories before expiration they will confer about renewal.

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* Exhibit 591, a "Pro Memoria", dated June 29, 1938, stated in the discussions which TOGO had with Ribbentrop over economic construction in China that Ribbentrop recognized Japan's special position in China, and agreed that the two countries must cooperate economically more closely in China and expressed his willingness for Germany to do its best for technical and economic cooperation with Japan and requests that Japan proceed in the same manner and would be equally generous and considerate about German foreign trade in China. The Japanese government replied that it intends, with respect to German foreign trade in China, to observe the following lines:

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* Japan will consider Germany benevolently in economic activities in China and will grant her at least a more favorable treatment than third powers, excepting Manchukuo, will enjoy and has prepared individual cases to promote German interests where possible. This benevolent treatment of Germany does not exclude Japan's economic cooperation with third powers.

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Japan believes that German foreign trade in China must stand fundamentally on the same basis with Japan. It will do its best, therefore, for both countries to have the same treatment regarding customs, management of foreign bills of exchange and other measures of control to make German equality impossible. Germany will get at least * the most favorable treatment that other powers, including Japan and Manchukuo, enjoy.

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Exhibit 592, Ribbentrop memorandum re his Pro Memoria, dated June 29, 1938, stated that he had received the Pro Memoria from TOGO. That Japan wished to avoid the expression 'North China' in the instrument and would like to put 'China' in its place. It could not assure Germany a better position * than all other powers in a treaty. Ribbentrop declared himself not satisfied with the formula and asked that it be changed to read 'to further German interests to a specially great degree' instead of 'to further German interests as far as possible.' TOGO thought that change possible. TOGO emphasized that Japan would do everything necessary to secure German interests. His idea that in practice they were willing grant Germany a better position than all other powers and to express it as far

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6590 as possible, but they would not commit themselves in treaty form. TOGC declared he would accept further German proposals for modification. Ribbentrop stated * he could not take up a standpoint regarding the text of the Memoria. It seemed that the draft would not go further than the most preferential treatment, but he promised to give him a report regarding the examination of the instrument.

They then took up the matter of the German-Japanese negotiations for a commercial treaty and he stated that Japan was not at present capable of buying foreign bills of exchange. He declared he was not informed about details and referred him to Wiehl. Ribbentrop informed TOGC that the military advisors would leave Hankow on July 5, but this had not been easy.

6592 Exhibit 593, a memorandum by Minister-Director Wiehl, of July 6, 1938, stated * that he had a conference with TOGO on pending economic questions as per reference. He took up the matter of the desire of Japan for acceptance of German goods up to 160,000,000 Yen and their willingness to take into consideration the proposal for an additional export of 150,000,000 Yen, half against Japanese goods and half on credit. He had recommended consideration of this to Tokyo. He would report when he had received instructions. He spoke about the Pro Memoria on China * and insisted on his counter-plan which Ribbentrop had declared unsatisfactory. The differences are on the following points:

6593 Under the German suggestion the Pro Memoria was to refer to 'the areas of China under Japanese influence.' TOGO wished to replace these words by the single word 'China' since Japan hoped to extend its influence over all China and it was undesirable to acknowledge the possibility of areas which were or were not under Japanese influence. Wiehl stressed that they merely wished to clarify that the agreement did not apply to areas which would not be China under Japanese influence. This was natural since Japan couldn't do anything where she didn't have influence. He expressed willingness to ask Ribbentrop's decision on this.

6594 * The Japanese counter-draft contains the words 'German foreign trade' instead of 'German trade.' Germany could not agree to this. The securing of

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6595 commerical activity of German firms in China was an unavoidable prerequisite for economic cooperation. This included not only the export and import of German goods but open trade within China and mediation for export to third countries. TOGO conceded this point. The main difficulty consisted in the fact that Japan would not promise a better position in third powers and equal treatment with Japan in taxes, revenues, duties, traffic fees, etc. * Wiehl declared that Germany was entitled to a better position than powers which did not support Japan but put obstacles in her way. He could not change this because of binding instructions from Ribbentrop. Wiehl was asked to obtain an opinion from Ribbentrop. TOGO stated that he had been empowered to give the Pro Memoria a more binding legal form by a mutual provisional signing. Wiehl promised to bring this to Ribbentrop's attention, but pointed out that the latter had proposed an exchange of notes. TOGO said that Japan considered this impractical, because of the need for the consent of the Privy Council.

6597 * Exhibit 594, memorandum by Wiehl, dated July 28, 1938, stated that on July 27, he went to see the Japanese Ambassador and told him that Ribbentrop did not consider the last Japanese proposal for the Pro Memoria regarding North China satisfactory. That they stood on their demand for a promise for preferential treatment as against third states, which was a natural consequence of the special relations between the two countries and Germany's * great sacrifice. The especially favorable treatment did not do justice to the situation.

6598 Reports from representatives in China have contributed to this decision, since in North China every foreign trade was being ruthlessly eliminated in favor of the Japanese and German trade wasn't getting more favorable treatment. This induced the impression that long range Japanese economic policy leads to eliminating every foreign trade even German and permitting it only if Japan was not capable of delivery or receipt. He presented the Ambassador with five cases of complaint, especially regarding complete exclusion of Germany, since Japan occupied two fields in which Germany had had a leading position for many years--railways * and the hydro-electric field.

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exclusively in Japanese interest, and to push aside and eliminate all foreign interests. German interests are not treated better than any other foreign interests.

6606 Foreign cooperation only comes in when Japan's means do not suffice and only in a way which guarantees Japan's leadership in majority in mixed enterprises. Considerable orders are given internationally, whereby Germany does not possess special advantage over other nations. The difference is one of atmosphere * and shows a certain willingness to cooperate with Germany whereas they prejudice themselves against the English. However, the commercial reports of an expert show the Japanese military are ashamed of this German friendship. They only talk about cooperation with Germany privately for the purpose of reproaching her or to demand something from her.

6607 With respect to certain factories, the Japanese Consulate * has stated that he had not received instructions for preferential treatment and he could not make a distinction between nations. The German Consul General concludes that the military have not allowed themselves to become disconcerted by statements from Tokyo about respecting foreign rights and have not taken cognizance of the fact that German interests should be treated with care in the strangulation of foreign commerce. Japanese economic policy aims at the control of all important industries of North and Central China. All public or semi-public installations * have been seized by the military authorities. The greater part of the private industries have been destroyed and machines are being taken apart and sent to Japan as scrap metal. Japan wants to retain the power to decide whether the development of certain industries in China should be permitted at all and can be regulated according to the requirements of the Japanese economy.

6609 Existing Chinese factories will be taken over by the Japanese such as has already happened in the cotton spinning industry. The Japanese raise the Japanese flag, stating they only desire to cooperate with the Chinese owner who bear repair expenses * and agree to the appointment of a Japanese technical advisor and are contented with the portion of the net proceeds. If the Chinese owner objects, they are refused admission to the buildings and the Japanese go on without Chinese consent.

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The Japanese enterprises in China are to be erected on the basis of special privileges as follows:

From Article 11 of the Japanese law concerning North and Central China, development companies which provide for special treatment to the proposed companies, these activities are very serious for the German commercial activity in China. This can be seen from the two fields of railways and electricity reserved by the Japanese for themselves. In railway construction Japan has always been active and it was expected in the nationally united China that a greater development of communications would take place and that Germany with England would take a prominent part in it.

6611 On June 15, 7,000 out of 11,000 kilometers were under Japanese control and run by the South Manchurian Railway Company. The Japanese have ordered 250 locomotives and 10,000 coaches in Japan and future orders * will also go to Japan. Under the loans made to the railway by Germany the receipts of one line for a number of delivery credits were mortgaged to Germany. Germany had made a demand for the same treatment of German shares of these lines, but Japan has not answered.

6612 * In the field of hydroelectricity the Siemens Company held a leading position for many years. According to reports Japan is now only going to have this done by a Japanese half-national firm. The Japanese have rejected a delivery of certain equipment for automatic telephone exchanges and has ordered a new one from Japan and all orders for telephone exchanges and wire are given
6613 * to Japanese firms.

It is feared that the same experience will happen in all fields where Japanese monopolies prevail and Japan occupied China will be as closed to German commerce as is Korea and Formosa.

6614 Aside from the official offices * Chinese private industries were Germany's best customers. It has been mainly ruined and German trade has been heavily damaged, because Chinese owners became unable to pay and have been eliminated as customers. If they wish to continue working, they will be forced to buy in Japan. In a few cases where German demands on

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6615 Chinese business were especially large, German firms have taken liens which were carefully investigated by the Consul General in Shanghai. * The Japanese do not recognize some of these transfers. They have removed inventories of goods and part of the machines. In all cases the mortgages have been referred to the Japanese Consulate with the result that systematic plundering generally stopped, however, when German

6616 * firms wanted to start these enterprises again, the Japanese Consul General did not give permission and the military began to get serious about seizing the works.

The German Consul General took this matter up with the Japanese Consul General and the latter took the position that no distinction would be made in Germany's favor in the treatment of the various foreign nations and the efficacy of the transfer of property from Chinese to Germans depended upon recognition by Japan.

6617 Japan could enforce its will by refusing work permits or other measures. The reason for Japan's attitude is that they say that Chinese-Japanese cooperation would be hindered if the Chinese could hide behind foreign firms. The German Consul General * argued that no Japanese permission was necessary, but offered to enter into further discussion. He is convinced that a basic discussion is unavoidable with the Japanese government. German economic activities in Japanese occupied territory are encroached upon in that German's are prohibited from entering into pacified areas, whereas Japanese may enter.

6618 In Inner Mongolia, the Kwantung Army has ordered a firm to leave at once * for the personal safety of the employees, although the Japanese can go on working as before. Business has been paralyzed and has come into the hands of a Japanese monopoly. The same thing has taken place in Manchuria. Also, they have been forbidden through the Peking government the export of skins and furs from certain ports. German firms are heavily damaged by this. They are about to prohibit the export of cotton. The situation is worse than it was ever in the case of national China * and Germany shares this fate with all other foreign interests.

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October 1 1939.

- 6628 Exhibit 597, memorandum from Wiehl, October 8, 1940, * stated that Wiehl had informed the Japanese Ambassador on October 4 that they would like to use his offer for Japan to buy raw materials from the Netherlands East Indies for Germany in excess of her own demands and pass them on to Germany. He handed him a note for 3,000,000 reichsmark in foreign bills for tin, rubber, castor-oil seeds or castor-oil and 1,000,000 reichsmark for about 1,000 tons of spices. He asked him for quantities that could be delivered and the time of delivery. The amounts to be paid in full to the association of the three biggest Japanese business concerns for a receipt and a declaration of obligation that the goods would be handed over in two months to the German confidant in Dairen. In the event part of the goods was not delivered within time the firms promised to pay back in foreign bills the equivalent of undelivered parts according to German choice.
- 6629 * The Ambassador promised to telegraph this to his government and promised to suggest that on agreement, it express the desire to obtain an enlarged market in Germany and the countries occupied by it or economically dependent upon it for products which Japan will probably not be able to sell any more in countries of English and American influence. Wiehl promised to look into the matter.
- 6630 * Exhibit 598, a draft of a work program for the economic subcommission of the Tripartite Pact in Berlin, April 28, 1941, stated that the subcommission has the task of advising in the economic field in the war and post war period by making proposals * to the main commission. Negotiations for the proposals if they have been approved will be conducted directly between the participating governments. The economic subcommission is to examine the possibilities of an accord and mutual support in wage, commercial and economic war, by economic measures in the procurement of raw materials, in construction and extension of plans for military and defense economy preparations, in the utilization and extension of trade routes, and in the promotion of economic combinations between the states.
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6632 The proposals are first to include measures necessary for the war period, but should begin to extend for preparations for the post war period. At first, they should consider the possibilities existing between the three main powers, * but so far as possible and necessary they should consider the participation of other states in the Tripartite Pact.

By economic measures for economic warfare they mean exchange of information in neutral countries, supervision of neutral countries' trade with enemy countries, control of interference purchases, common economic pressure on neutral countries depriving enemy countries of shipping space, measures against enemy property and defense against foreign measures. Whether joint measures for running an enemy blockade should be dealt with by this commission remains to be decided.

6633 Procurement of raw materials extends to purchasing, transporting and financing. By construction and extension of plans is meant mutual transmission of patents and licenses, granting of technical assistance and partnerships regarding capital. * By extension of trade routes is involved questions concerning railways, such as negotiations with Russia regarding use of the Siberian railway, while keeping the arrangements secret from Russia and Italian procurements to be kept secret. It also includes questions of shipping, such as improving Japanese shipping lines to Vladivostok, the transport of raw materials for the East Indies and also later the main routes of the world. It also includes transport by air such as the establishment of an air route along Rome, Berlin and Tokyo and later on the main routes of world air transport. By promoting economic combinations is meant removal of measures hindering or limiting exchange of goods and the setting up of principles for future loan and currency policies. To put the promotion of commercial intercourse between countries under de facto leadership of Germany, Italy and Japan is not

6634 * recommended, because it might lead to the discussion of questions not yet ripe for judgment such as the incorporation of the Netherlands East Indies in the Great East Asia Sphere.

6635 Exhibit 599, letter from Hitler and Ribbentrop to the Emperor of Japan, April 5, 1938, stated * that

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Major General Eugen Ott had been appointed Ambassador to Japan.

Exhibit 600, letter from Ott to the Japanese Vice Foreign Minister, March 5, 1941, stated that Ott was leaving Tokyo for Germany to participate in the conversations of MATSUCKA with Hitler and Ribbentrop and during his absence Dr. Boltze would conduct the Embassy business as a temporary charge d'affaires.

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6638 Exhibit No. 601, Telegram from Ribbentrop dated November 18, 1941, states * that he desired that the leader of the foreign armies be notified that the statement that peace or armistice would be concluded only jointly in case Japan or Germany became involved in war against the U. S. is regarded as natural, and they are willing to make an agreement.

6640 Exhibit No. 602, Telegram from Ott to Ribbentrop, November 23, 1941, * stated that Ott had taken the matter up with General OKAMOTO and told him that he was prepared for discussions at any time. In a subsequent conversation OKAMOTO stated that the Minister of War was deeply grateful that Germany would not leave Japan in a lurch in case of a conflict with the U. S. He wanted to know whether Germany would consider herself at war with the United States in the event Japan began a war against her. He was assured of Japan's desire to conclude * a reciprocal agreement on this matter.

6642 OKAMOTO stated the Army assumed the decision that an advance would soon be made on the south. The result of the KURUSU talks would have to be waited for. Even though there was no final time limit set for these discussions, the Army insists upon speeding up, since the season is becoming favorable for an operation in the south. The plan seems to be for a surprise occupation of Thailand, and at the same time seizure of the oil wells in North and East Borneo. They do not seem to have decided how the Philippines should be dealt with. Following earlier instructions, in view of American weakness, Ott suggested a hesitant attitude might be initially possible to drive the U. S. to a decision to enter the war, and he also pointed out * the necessity of stopping supplies to Vladivostok.

OKAMOTO replied that he would soon inform him of the results of Army deliberations, and asked him to keep the information secret. He gathered that a decision on the question of an advance to the south had not yet been reached.

6644 Exhibit No. 603-A, message from Berlin to Tokyo dated November 29, 1941, stated * that OSHIMA had been dispatched on December 20 following a long conference of Japanese officials. At this time OSHIMA was to be sent to the next year, and it was expected that he would discuss Japan's position with the American officials.

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6645 had no reports regarding U. S.-Japanese negotiations.
* Ribbentrop again encouraged OSHIMA to have Japan declare war, as this was her great opportunity. There is no hope of Japanese U. S. negotiations being concluded successfully. OSHIMA said that he could not make the statement of any concrete intentions of Japan
6646 * and asked if a state of actual war was to be established between Germany and the U. S. OSHIMA felt that Germany's attitude towards the U. S. are stiffening and that indications are that Germany would not refuse to fight the U. S., if necessary.

6647 Ribbentrop stated that Hitler said that he was determined to crush the Soviet Union more than he had planned. He will completely wipe out the state. All of the main military objectives had been attained, and the greater part of the German troops could be brought back to Germany. * In May of the following year the Caucasus campaign will be launched and Germany will advance to and cross the Ural mountains and chase Stalin into Siberia. Germany has been considering the establishing of air connections between Germany and Manchukuo for some time, and believes that it will be possible to establish an air connection from the Ural area to Manchukuo by next summer.

6648 Before Germany begins landing operations in England, she will completely wipe out her influence in the Near East, Africa, Gibraltar and the Mediterranean.
* Germany has made all necessary preparations for the English campaign, but she has received intelligence that there is a split within the ranks of the Conservatives there, that Churchill's influence has waned, and that Bevin is advocating revolutionary measures. It may be that Germany's various other campaigns may cause England to fall without a landing operation. In any event, Germany has no intentions of entering into a peace with England. She is determined to remove all her influence
6649 * from Europe. England's possessions will probably be divided by Germany, the United States, and Japan. In Africa, Germany will take those parts which were formerly German colonies. Italy will be given the greater share of the African colonies. Germany desires most of all to control European Russia.

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6650 When asked what would happen in the event there is an expansion of the war to those areas in which Britain has influence and those countries which have been aiding Britain, Ribbentrop replied they would like to end the * war in the next year but it may have to be continued until the following year. If Japan becomes engaged in a war against the United States, Germany would join immediately, and there is no possibility of her entering into a separate peace with the U. S. under such circumstances.

Copies of this telegram were shown to Admiral NOMURA and ABE.

6651 Exhibit No. 604, Interrogation of OSHIMA, February 26, 1946, is summarized as follows. OSHIMA stated that the no-separate peace pact first came up around the first or second of December, 1941, through telegram from Japan to him, which stated that in case of Japan-U. S. conflict, Japan desired Germany's participation and that a no-separate peace pact be signed. In November, OSHIMA 6652 had heard * from Dietrich that Hitler would be in favor of entering the conflict in case of a U. S.-Japan war. Based on this, Japan stated that they desired to have OSHIMA approach Hitler in regard to Germany's entry in case of war.

6653 Almost since the beginning of the U. S.-Japanese talks OSHIMA had received no information concerning their progress from home, and no information about relations with the Soviet Union. The main reason for this was that the use of couriers was impossible because of the German-Soviet war, and for security reasons no communications were sent. About November 29 or 30, 1941, he received word from Japan that Hull's reply of November 26 * was 6654 extremely severe in tone. Not knowing the subject of the negotiations, he was unable to make an analysis of the situation. Around the end of November or the very beginning of December, he received a communication that Japan had issued an order to its Consulates in the U. S. to burn all but a small portion of their codes. These communications were from the Foreign Office, and was received before the order regarding the no-separate peace pact. He did not know whether the no-separate peace pact message came before or after the one telling of the order to burn the codes. * All the dispatches, whether signed or unsigned, came from the Foreign Minister, who was TOGO.

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6655 Exhibit No. 605, Telegram from OSAMA to TOGO, December 2, 1941, * stated that he had visited Ribbentrop and Gaus. Ribbentrop had been unable to contact Hitler, and since he understood the haste on the part of Japan he stated he would make his utmost efforts to contact him. In response to Gaus' question regarding immediate participation in war against the U. S., OSAMA told him that the obligation would be mutual. He also told him that it would be better if the three Axis countries issued a joint declaration, since he felt that a Japan-Germany and a Japan-Italian declaration, issued separately, would produce less political effects. Ribbentrop asked him not to send any telegram to Japan about this, * since the matter had not yet received the approval of Hitler.

6657 Exhibit No. 606, Telegram from Rome to Tokyo, December 7, 1941, stated * that the Ambassador to Italy had called on Mussolini and Ciano, and described developments in Japan-U. S. negotiations. Mussolini was not surprised over the report, and stated that the results should have been expected. * One of the aims of the U. S. is to make the Far East her own economically. He had felt from the beginning that it was the U. S. intention to separate Japan from the Axis, and then in Europe, and that it was doomed to fail. He endorsed Japan's policy to create a New Order in East Asia. Mussolini stated that if war broke out, Italy would give every military aid at her disposal, that is, she would make every effort to keep the British Navy in the Mediterranean checked.

6659 Recently there have been talks of forming * an Italian-German air force, to afford closer cooperation, to supply further pressure on Britain in the Mediterranean. This may be signed any day.

Mussolini stated that Italy would immediately declare war on the United States if Japan did, and she was obligated under the terms of the Tripartite Pact, and they would like to confer with Germany on the point. Mussolini said it did not make any difference whether the declarations were joint or separate, so long as they were done simultaneously with Germany, but he thought a joint declaration would give an impression of more strength. He would confer on the matter with Ambassador Makkenzen.

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6660 Exhibit No. 607, Excerpts from the Diary of Count Ciano, was admitted into evidence. Under date of * December 3, 1941, Ciano noted that the Japanese Ambassador had called on the Duce and given him a report on negotiations with America, telling that they had reached a dead end. He asked that Italy declare war on America under the Tripartite Pact immediately after the beginning of hostilities, and that an agreement not to conclude a separate peace be signed. The Duce gave fullest assurances, reserving the right to confer with Berlin. * The Duce was pleased with the communication and stated that it means that peace is becoming further and further removed, and that the problem must be considered on the basis of who can hold out the longest.

6661 Berlin's answer will be delayed because Hitler has gone to the southern front to see General Kleist. On December 4, 1941, Ciano noted that Berlin's reaction to the Japanese move is extremely cautious, but they can't get out of it, and they like America's intervention less and less. * Mussolini, however, is pleased about it. On December 5, 1941, he notes that Ribbentrop cannot wait to answer the Japanese, and he sent Mackensen to Ciano at 3 a. m. to submit the plan for triple action and a no-separate peace.

6662 Exhibit No. 608, telegram from Ott to Ribbentrop dated December 5, 1941, stated * that the Japanese reply to the U. S. note on November 26 had not yet been sent. It is to be composed and firm, and will state that American principles are not applicable to the Far East. The U. S. is expected to break off negotiations. In answer to another inquiry by Hull, the Ambassadors have been instructed to state that the Japanese preparations in Indo-China are preparations which have become necessary in view of amassing of Chinese troops in Yunnan, and they are being kept within the limits of the stipulations with France. He noted that there was a limitation of 25,000 troops to Northern Indo-China, while no maximum * had been set up for the south.

6663 The Foreign Ministry is stressing Japan's determination to take measures against encirclement. It has been intimated to Italy that she must start consideration to what part she wishes to transfer the handling of her interest. An official of the Foreign Ministry stated that Japan has always been of the opinion that the Tripartite Pact is to be considered as applicable to any conflict between any of the three powers and the U. S., except if one should attack America without reason.

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6665 SHIRATORI explained that Japan has come to the conclusion that Roosevelt wants to enter the war by means of a Far Eastern conflict. The United States is now sure of the coalition of the A B C D States and Russia, * and Roosevelt believes that the moment for settlement has come, since they cannot be sure of these states in the future.

With respect to how Japan should open the conflict, deliberations are going on in the Foreign Office. It is felt that for reasons of internal politics it is unavoidable to declare the existence of a state of war or to declare war on America simultaneously or after the beginning of hostilities. Ott had advocated that if a direct attack is avoided it could be put on the United States for this difficult decision.

6666 Exhibit No. 607, Entries from Ciano's Diary of December 8, 1941. He noted that he received a call from Ribbentrop, who was overjoyed about the Japanese attack on America. Ciano was not sure about the final advantages of this. America will enter the war and it will be so long that she will be able to realize all her potential force. On December 11, 1941, Ciano noted that he had
6667 seen the American Charge d'Affaires, * and that Mussolini had made a speech from the balcony and the German administration was not very enthusiastic.

Ribbentrop asked Italy to join the German move after the countries of the Tripartite Pact declared war on the United States.

6668 Exhibit No. 51, the announcement of the Board of Information concerning the no-separate peace pact, December 11, 1941, * stated that an agreement had been
6669 signed by OSIIIA, Ribbentrop and Alfieri, whereby the * three governments agreed to prosecute the war forced on them by the United States and Britain, with all forceful means at their command until victory; that without complete understanding among themselves they would not complete an armistice or peace with either; that after the termination of the war they would cooperate closely for the purpose of realizing a new order. The agreement is to be effective immediately and to remain in force as long as the Tripartite Pact. The parties, before the expiration, shall
6670 * agree on the manner of subsequent cooperation.

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6671 Exhibit No. 609, Report of Conference between OSHIMA and Hitler, December 14, 1941, noted * that at the reception for OSHIMA given by Hitler on December 14, 1941, Hitler gave OSHIMA the Grand Cross of the Order of Merit of the German Eagle in gold, and acknowledged OSHIMA's services in the achievement of German-Japanese cooperation, which had now attained its culmination in a close brotherhood of arms.

Hitler stated that the Japanese gave the right declaration of war. Japan had followed its own system of negotiation as long as possible, but if they saw that it was not getting anywheres they had struck, and not wasted time in declaring war.

6673 * Hitler had given the German U-boat commanders orders to torpedo everything in sight, and they would be sent to American ports. Roosevelt must be beaten. It was a great feat for Japan to have destroyed at the very start the nimbus of American superiority. Hitler did not have a high opinion of American troops. Up to now he had held back his U-boat commanders for training purposes.

6675 * On the Eastern front, things were at a standstill because of the severe weather. Sevastapol must be taken, the siege of Leningrad would be continued, and he hoped to resume operations in the direction of the Caucasus. In the meantime he would take strong action in the Mediterranean, * with 51 U-boats and a large number of motor torpedo boats. The Luftwaffe was also moving an entire air force, under General Messelring, there. His major objectives at the present time were the destruction of Russia, the southward drive over the Caucasus, and the torpedoing of the Anglo-Saxon navy and merchant marine, which is already too small to carry an expeditionary force.

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6677 The aerial torpedo weapon must be further developed, and Japan was of great assistance by supplying Japanese torpedos. OSHIMA asked * that the torpedos be used soon.

6678 * OSHIMA then spread out a map and gave Hitler a lecture on the war situation in the Pacific, and told him of the Japanese air and fleet successes and the advance of land forces in the Philippines and the Malay Peninsula. At the conclusion, he stated that after Singapore, Japan must turn toward India, and it is important that German and Japanese operations be synchronized. It would be well

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• in the Near and Middle East, in the Mediterranean and Atlantic, and will attack and occupy their territories. They will seek the annihilation of their forces in the Atlantic and the Mediterranean. If England and the U. S. concentrate their fleets in the Pacific, Germany and Italy will send part of their forces to the Pacific and will collaborate directly with Japan.

The main points of military cooperation are maintenance of contact regarding important points of operational planning, collaboration in economic warfare including maintenance of contact regarding planning its course, and in case one partner wishes to carry out economic warfare beyond his operational zone he will inform the other beforehand to secure cooperation.

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• This will include also collaboration concerning assembling and exchange of information important to operations concerning psychological warfare, for securing mutual military message transmission, and for the purpose of establishing her communication between the Axis countries, insofar as technical requirements exist, as well as the opening of the sea lanes across the Indian Ocean.

The agreement was executed by Hitler, Mussolini, Hirota, and Tojo.

11
NARRATIVE SUMMARY OF THE RECORD
(September 30, 1946)
(Manchurian Aggression)

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* Exhibit 610-A, Article by John Fowell entitled "China Charges Japs Kill 2,700 in Manchuria," dated November 25, 1938 and Exhibit 611-A, article in the Chicago Daily Tribune, December 3, 1938, the explanation by the Japanese Consulate, were offered and received in evidence.

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• Opening address by Mr. Oneto.

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• Exhibit 612, excerpt from important decisions regarding international and national policies, August and November 1938, stated that at a five ministers conference it was decided that Hainan Island will be captured by military action in case of necessity.

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• Exhibit 613-1, extract from Tokyo Gazette of April 1940, stated • February 10, Hainan Island off the South China Coast was surprised by Japanese landing forces under supervision of Admiral KONDO. Kungshow and Hainan fall to the hands of the Japanese.

February 14, the British Ambassador, Mr. Henri, made representations to Japan in connection with the occupation of the islands.

February 14, the British Ambassador made similar representations and a Japanese naval force occupied three places on the island.

February 17, Ambassador Crow of the United States likewise made representations against the Japanese occupation of Hainan Island.

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* The Court's attention was called to Exhibit No. 512, in which the Vice Minister of Foreign Affairs on March 30, 1939, stated that Japan had taken administrative jurisdiction over the Spratley Islands.

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Exhibit No. 614, being a telegram dated June 5, 1939, from Ott to Ribbentrop, stated * that the Vice Minister for War had confirmed to him that the Army and Navy had come to an understanding, but that the Army had not prevailed in all matters. The Premier and Foreign Minister have assented to the understanding, forwarding of which to Berlin and Rome is impending. Japan has con- ceded to participate in the war against England and France, but she desires to secure the right to choose a favorable time for entering the war.

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Exhibit No. 615-A, being an article entitled, "French Indo-China" from the Tokyo Gazette of August, 1940, * stated that on June 12, 1940, Japanese forces in south China issued an announcement pointing out that the greater part of the weapons and materials purchased by Chiang Kai- shak were being transported by the Haiphong-Yunnan railway, and that such action by French Indo-China could not be overlooked. * On the 16th, the Japanese again called the attention of the French to the matter, expressing firm resolution to put an end to this hostile action.

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Through the Ambassador at Paris and the French Ambassador at Tokyo, Japan had frequently requested France to reconsider, and on June 19 the Vice Minister of Foreign Affairs made a strong representation about the matter, * requesting that France consent to Japanese inspectors making investigations of actual conditions on the spot. On the 20th, the Ambassador told the Vice Foreign Minister that France, since June 17, had prohibited the transporta- tion of commodities, such as gasoline and trucks, but had decided in view of Japanese representations to forbid the transportation of a wider range of materials and goods and it had no objection to Japanese inspectors. Thus, one of the important routes for China's supplies had been entirely severed.

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It is obvious that Japan is determined to wipe out all obstructions to the building of a new order, and cannot tolerate acts which are detrimental to the high purpose for which her troops were sent to Asia. Accordingly, she filed energetic protests * with France. France replied

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to the first protest that gasoline and trucks must be regarded as necessities for non-military use. However, immediately following the outbreak of war in Europe, Britain declared them essential of war.

At the end of 1939, her policies advanced. Japan ordered the banking of the Truman Policy. In France's protest, Japan insisted that the gasoline and trucks were war essential and that the others would continue until Indo-China showed considerable signs of stopping the war trade.

In January, Japan was compelled to demand discontinuance of transportation of war materials and make a proposal to suspend a number of imports for a broad shipping Chinese boundary to decrease transit of goods. French ended this through some shortage of other, and continued her activity. On June 4, the Vice Foreign Minister made another strong representation to the Ambassador, but with no greater success. The recent collapse of French arms in the war has had a considerable effect in curtailing the attitude of Indo-China, so that by special agreement she was able to check all all to Chungking-shih. A Japanese mission under General KIMURA was sent to Hanoi to be stationed there and at various points along the borders, to see that the undertaking was observed. A solution has thus been found for a very thorny problem.

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Exhibit No. 61-A, Russian report for the year 1939, by the South Seas Bureau. • Implications with France for prohibiting the transportation from France to Indo-China for supplies for China that was essential. Japan urged reconsideration so that the matter could be settled peacefully and voluntarily. The French, while speaking of strict neutrality under extending a policy of prohibiting the transportation of arms to China, tolerated such transportation on the grounds that such goods had already been entrusted her. In the Japanese representation of the previous year, the French not only denied transportation but refused to accept the numerous demands. There was no alternative but to hand the Truman Policy. In the beginning of December, 1939, • Japanese naval authorities asked for the opinion of the Ministry to drop a naval plan of the Naval and Foreign Minister with regard to the same. The various conditions, such as the legal question of detaining the banking, its efficiency, and the influence on international relations • especially toward France, was immediately studied. As the result of consulting

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The relations between the two countries has
 been leading in a downward trend since the outbreak of the
 China crisis, and as the French rejection of the Japanese
 Government's agreement of occupation of Korean Island, of
 the possession of the Kwantung CHINA, and the withdrawal of
 their troops from Indo-China. However, since the
 outbreak of the war in Europe, the attitude of France has
 greatly improved. This has been not only in the newspaper,
 but in the acts of France, which hardly ceased to suggest
 to Japanese demands on the extent of their own French
 Indo-China, the establishment of a committee at Nanking, and
 the passage through the country of the regular air line
 between Japan and Holland. France also, in September,
 awarded the Japan, a station when landing conventional
 for sailing of French boats. The Government of French
 Indo-China told General SUIKAI that it would furnish a
 policy of non-interference in the Far East, France
 would like a constitutionally elected French government. During
 the course of this, Minister KISHI insisted to solve the
 various problems pertaining to French corporations, which
 had prospered during the suspension of the China
 Incident and the establishment of the New Order. On
 November 20, he told the French Ambassador of Japan,
 Japanese economic cooperation and the
 leading of a great number of the main corporations and
 industries in a matter of a few days. In a certain
 independent period to be reached in the near future. The
 but could not only be the end.

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to advantage and disadvantages, the conclusion was
 reached that since the railway was being used for military
 purposes, Japan was justified when international law in
 building, and Japan would not be liable for any damage for
 its construction, that the operational and political
 effects would be very great, and that it is inadvisable
 to build it and the U. S. would not necessarily be
 planning. On December 9, it was the opinion of the
 Navy, a reply was given to the Navy that the
 military facilities are essential to the building, in the
 as the Army and Navy require it from an operational point
 point. At the same time, the Ambassador to France was
 instructed to explain the justification and the
 Japanese side. The negotiations regarding this have come
 to a standstill.

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* It is beyond Japan's comprehension that France, while desiring diplomatic rapprochement, is assisting China. If they really desire rapprochement they would give up their dubious attitude and break with China and take a sympathetic attitude toward Japan's settlement of the Incident. Furthermore, French dependencies, especially French Indo-China, are maintaining economic barriers against Japan. Unless these are removed there can be no rapprochement.

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Large quantities of munitions are still being transmitted through French Indo-China despite repeated requests to stop. Traffic of anti-Japanese Chinese with military and political objectives is frequent, so that French Indo-China has become the base of helping China and anti-Japanese activities. The French Indo-China authorities state that commodities which are serviceable for military purposes, can be carried so long as they can be carried as general merchandise, but even regular arms and munitions are being transported. Foodstuff, trucks and petroleum, and various machinery, although they are not arms and munitions, help the anti-Japanese fighting strength.

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The fighting in Kwanghsi is due to continued transportation of munitions and other commodities destined for Kwanghsi. The reason for the recent bombings is that a point near the Chinese border line has become the distribution center of Chinese munitions through French Indo-China. For strategic military reasons there was no alternative but to bomb. The French are uneasy and suspicious because of Japan's army activities near the border of French Indo-China. To dispel this, Japan wishes to send to Hanoi an official in charge of the Foreign Ministry for a few days, to be accompanied by a military expert, to inform the French about Japan's activity in south China and to hear their viewpoint regarding the situation in border districts, and thus come to a better understanding.

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* France, on December 12, made the following interim reply. It regretted that Japan had dissatisfaction with alleged transportation of munitions to French Indo-China, which report had been previously denied and proven as groundless. With respect to the occupation of Hainan Island, the annexation of Shinnan archipelago, the obstruction of the Yangtze River, the infringement of commercial freedom in occupied territory, and all damages sustained by French interests in China, France had no objection to holding a conference.

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* In view of the fact that there was a consul-general at Hanoi, they did not see any need of sending a member of the Foreign Ministry and a military expert. They had no objection, however, to Japan's sending couriers to arrange a special contact with the consul-general.

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Military operations of Japan in the Kwangshai district are likely to upset the political equilibrium, the object of the Japan-France Agreement of 1907. France asked for an explanation of the object, nature, and duration of the operations. NOMURA replied that it was plain that munitions were being transported. NOMURA recently received information that confirms that Chungking has requested French assistance to have its military material and other stock stored in Kwangshai returned temporarily to French Indo-China, and that France has promised to make favorable arrangements. Japan is fully aware that since the war was not openly declared by Japan or China that France is not legally obligated to suspend traffic to China, but Japan hopes that France would recognize the extensive hostilities and take steps to suspend freight traffic via French Indo-China which would help China.

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* The military operations in Kwangshai are in parallel with the blockade of the Chinese coast line to bring about the collapse of the Chinese Government by cutting off its commissary line. Until these aims are realized, the duration cannot be stated. Notwithstanding the explanation, the French Ambassador reportedly emphasized the absence of munitions traffic.

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When the acting consul-general at Hanoi called on the chief administrator on August 26, 1939, he was informed that at about eleven o'clock on the 26th Japanese airplanes flew over French Indo-China from China, and one of them dropped two bombs in the vicinity of the Kha, near the border, causing thirty casualties. On September 25, the consul-general expressed Japan's regret and its desire for local settlement, and no negotiations were undertaken. The Governor-General made a demand for a total of 68,550 piastres, as indemnity for the killed and wounded. On November 17 the money was sent, and on November 29 receipt was acknowledged.

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6818 Exhibit No. 617-A, being a resolution of the League of Nations, October 6, 1937, stated * that the League adopted the report of its Advisory Committee, and approves a proposal contained in the second of the reports, and requests the president to take necessary action with regard to the proposed meeting of the members of the League which are parties to the Nine Power Treaty. It expressed its moral support for China, and recommended that members of the League should refrain from taking any action which would have the effect of weakening China's powers of resistance and increasing her difficulties * in the present conflict.

6824 Exhibit No. 619, Excerpt from KIDO's Diary, June 19, 1940. * stated that KIDO had spoken with the Foreign Minister twice and discussed two plans adopted at yesterday's Foreign Ministers' Conference relative to French Indo-China. The first plan was that a request be submitted about pro-Chinese acts, and if the request is refused by France * force be employed. The second was that force be employed from the beginning, since negotiation is unnecessary. The Military Ministers declined the second plan. They wanted the first part of the first plan put into effect at once. They would then decide after waiting for a reply whether to resort to force or not. This policy was decided upon.

6825 Italy and Germany have been informed of Japan's grave concern with the French Indo-China question, both politically and economically. * The U. S. and England will be dealt with after receiving the replies of Germany and Italy.

The Court's attention was also called to Exhibit No. 20, in which the German Ambassador showed that the Foreign Ministry of Japan had requested Germany to make a friendly gesture to Japan by declaring that Japan would receive a free hand in China, and also that army circles had stated to the German Ambassador that they were considering occupying the strategically important Yunnan railway.

Attention of the Court was also called to Exhibit No. 523, in which General MOISO inquired of officials as to the German attitude with respect to military activity of Japan in Indo-China and part of the Netherlands Indies.

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Exhibits no. 621, being a Foreign Office Statement of September 23, 1940, published in Contemporary Japan, * stated that the Foreign Minister MATSUOKA had held conversations with the French Ambassador on basic matters regarding the question of French Indo-China during August of 1940. * As a result, France agreed to afford in French Indo-China all facilities of a military nature as are required by the Japanese Army and Navy for executing their campaign for settling the China affair.

On the basis of this agreement, negotiations were conducted at Hanoi for deciding concrete matters between military authorities, and resulted in an agreement on the afternoon of September 22.

The Foreign Office stated that despite the understanding which had been reached, a local skirmish had occurred in the border region of French Indo-China, due entirely to a misunderstanding by French Indo-China. It is expected, however, that the agreement will be smoothly and peacefully carried out.

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* Since the agreement had been based on peaceful talks between the two countries, there could be no objection to it from any foreign country.

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* Exhibit 618-A "Business Report of the South Sea Section in 1940," states that "despite the notification by the French Indo-China authorities in October 1937 of her decision to suspend transportation of weapons to China, the transportation continued despite protests. On each occasion France denied the statement and gave deceiving answers, saying there was no change in policy and that the transportation carried on was the fulfillment of a contract made with China prior to July 15, 1937.

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Early in 1939 Japan decided to resort to force to intercept the weapons. Since the outbreak of the war France's attitude toward Japan improved and Japan replied that she would negotiate to adjust relations provided France would stop transporting munitions, gasoline, trucks and other commodities which might increase China's resistance powers. France denied Japan's information, stating she had prohibited the transportation of weapons and ammunition though she had no obligation to do so and there was no proof of transportation and stated it was regrettable that Japan had asked France to stop transporting commercial goods although there was no declaration of war between Japan and China. Japan replied that the information was reliable and revealed that weapons and ammunition have gone to China by way of French Indo-China and the majority was munitions; that the Japanese forces in Kwangai Campaign captured a large amount of arms and other munitions apparently from French-Indo-China.

The amount of transportation by the Yunnan Railway had approximately doubled after the cutting off of the Hainan route. In modern warfare gasoline and trucks and airplanes are munitions that increase fighting power and in the China Incident Japan had not placed any limitation upon ships bound for French Indo-China because of her friendly relations, but France in the war in Europe had afflicted great loss on Japanese ships by extending the items of contraband of war. The French authorities have caused resentment in Japan by declaring they would aid China on various occasions and by actually assisting China by transportation of munitions and granting loans.

6848

Japan requested that France recognize the present situation of large scale hostilities between Japan and China and she take resolute steps to stop the transportation from a political standpoint irrespective of legal argument of the existence of a legal obligation or of the existence of a declaration of war. France reiterated what it said before and Japan was obliged because of strategic necessity to bomb the Yunnan Railway since the end of 1939. * France filed protests and demanded compensation. Japan declared the bombing was in self-defense and that under the Sino-Japanese agreement of 1905 it was stipulated that the railway would lose its neutrality in case China becomes belligerent.

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Japan had no necessity to indemnify France. The railway was repaired and freight transportation became possible and Japan had to resort to armed force again. In March 1940 Japan proposed that France suspend the transportation of arms, gasoline and trucks to China during the time of negotiations to adjust relations between Japan and France and Japan should refrain from using military force during that period. * France replied that she would suspend transportation of gasoline and trucks during the month of March, but held for her decision on the matter of transportation in relation to other important problems. Japan concluded that further negotiations were impossible and notified France accordingly. The negotiations were suspended and transportation continued. Japan bombed the Yunnan railway late in April.

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Beginning with the German attack against France in the latter part of May, France asked Japanese companies for airplanes and a large amount of ammunition. Japan promised to help if France would accept Japan's requests on the pending problems, especially suspension of transporting munitions to China. As the war showed a rapid progress in France proper on June 19, France was notified that Japan could no longer overlook * the transportation of munitions to China. On June 17 the Governor General of French Indo-China, on his own authority, decided to suspend the transportation of arms, ammunition, trucks and gasoline. When confirmation was asked for the Ambassador stated he had advised the Governor General to enforce a complete blockade on the Chinese frontier, but the Governor General had accepted this and would accept the dispatch of military experts for inspecting.

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Japan requested France to maintain strict control over Chinese activities and over Chinese smugglers, and that the necessary facilities be given to Major OBANA.

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* On June 22, Japan proposed to France that France make possible an easy entrance and what necessary facilities for execution of duties for the thirty military experts, ten foreign office officials and the several interpreters being sent to F.I.C. That similar facilities be given to an advance party of seven army and navy officers. That the list of materials for which transportation will be suspended will be decided after inspection on the spot and up to that time a complete blockade is to be maintained.

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France accepted these requests and the inspectors were sent. Later Japan requested that so far as transportation of supplies via the leased territory of the Bay of Kwangchow, this route is to be completely prohibited and while the prohibition is expected to have taken place Japan desires to send two or three naval officers and men to the area to inspect the prohibition measures and requests that the facilities necessary for executing their duties be afforded them. French Indo-China authorities were requested to ban the importation of all materials from China for one month starting July 7.

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* These requests were accepted by France. The observation party landed at Hanoi on June 29 and started their work. French authorities enforced the blockade with sincerity.

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* When the Yunnan Railway was bombed for the second time five French passengers were killed as were many Japanese and Chinese. An explanation was asked for, the French stating that since 1937 the French government had never transported arms, but Japan had often bombed the railway without giving proof that arms were being transported. * The Ambassador explained Japan's policy toward the bombing and suggested the necessity of a voluntary suspension of the transportation of supplies to China to avoid recurrence.

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From the beginning the French publicized that the bombing was conducted by the forces on the spot, not

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according to orders from headquarters. This irritated the forces on the spot. The Ambassador was instructed to explain to the French that it had been decided as a matter of principle that the bombing target was limited to railroads and railway bridges and trains not used for military purposes would not be bombed. This policy was adhered to by the forces on the spot. * The bombing was due to a mistake resulting in difficult conditions while resisting heavy defense of enemy planes and anti-aircraft batteries. None of the pilots admitted knowing about the train near the targets. The existence of the train was learned only from later aerial photographs.

6858

On February 5, the French Ambassador handed protests to Vice Minister of Foreign Affairs which stated that France protested against the damage afflicted upon French property through the bombing of the railway in which 40 were killed, including five French and 34 wounded. France reserved the right to demand compensation when the circumstances were clarified. The Ambassador stated * that the incident would have a very bad influence on the United States and French public opinion. The Vice Minister stated that Japan was ready to take fair and reasonable measures after investigation, however, there were traces of the train being used for military purposes. He called the Ambassador's attention to the fact that so far as transportation of munitions and other supplies are concerned Japan, for strategic reasons, is obliged to bomb the railway.

France seems to be restrained by the non-existence of a declaration of war, although Britain has formally recognized large scale hostilities between Japan and China and on this view point * believed it was time to adjust diplomatic relations with Japan.

Although France has advocated neutrality in the China Incident, Japan believes she is adopting a pro-China policy through her statements and by giving credit to China by aiding in the construction of railways for the transportation of supplies. Japan will not ignore France's considerations, domestically or toward third powers, and will not ask for an official

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announcement as to the suspension of pre-China activities. She will be satisfied with the actual suspension such as not repairing the damaged railway and reporting to China that repair is impossible.

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Although Japan desired the transportation of all supplies to Chiang be suspended, however, when it is difficult, the following articles listed as 'contraband of war' by France should be suspended; arms and munitions, airplanes, trucks, automobiles, gasoline, oils, metals, machines and other metal goods, locomotives, freight cars and railway materials and chemicals.

If France takes these steps, Japan will negotiate with the military authorities to stop the bombing of the railway and will promote French interests in both the new Chinese government and the Japanese army. The Ambassador replied that Japan seems to be recognizing the actions of the military regardless of the bad effect it will have on the American public opinion and despite France's denial announcements, as though the French were transporting munitions to China without presenting evidence. TANI replied that their information was obtained through reliable sources and that they knew a great deal about the traffic.

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Due to the smallness of the incident and the French government policy the bombing of the railway had not been a problem of public interest in France, but there had been some discussion, because some French nationals had been killed. The newspapers seemed to have been instructed that it was surprising the bombings were repeated during negotiations, and that they seemed to have been conducted by unilateral decision of forces on the spot. France intended to maintain friendly relations.

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The Japanese Ambassador called on the French Vice Minister and told him that so long as transportation of munitions continued Japan was obliged to bomb the railway and hoped that France would recognize the existence of hostilities between Japan and China and stop the transportation of the above mentioned items. The French Vice Minister replied that since France had already stopped it voluntarily it was unreasonable for Japan to make a demand equal to suspension of all traffic. The Ambassador

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replied it was no time to adhere to legal theories and it was time for a political decision. The Vice Minister said it was impossible to make such a restitution, but France would reconsider the matter on receiving a formal reply from Japan as to her recent proposal.

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On February 20, the Japanese Vice Minister gave the French Ambassador a memorandum that the railway bridge was the main target of the bombing on February 1 and the bombing of the train was not planned. Conditions were very difficult and due to railway bridge constructions the pilots were unable to identify the stationary train. That the bomb hit the train entirely by accident. That the Japanese government regretted it and is willing to pay a reasonable sum of condolence money to French nationals.

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On May 7, the French Ambassador on instructions of the Governor General of French Indo-China asked for compensation of 175,030 pesos and to obtain a thorough investigation.

When the Japanese forces entered French Indo-China on September 26th a bomber dropped four bombs on the city and injured 18. On October 7, France notified Japan of this. Since this was done due to carelessness of the pilots the forces on the spot expressed their regret and settled the matter by paying 33,000 pesos.

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A telegram was received from the Consul General at Hanoi, stating that to assert Japan's power in southern French Indo-China and to control anti-Japanese activities to facilitate the purchasing of rice and to prevent maneuvers by Britain and the United States, a Japanese cruiser was to be sent to Saigon. Upon receiving approval from Vichy, as the Governor General had already agreed to it, an exchange of good will was going to be held for about one week. However, Vichy instructed that the matter was to be dealt with in France with the Japanese Ambassador and it was, therefore, not appropriate to enforce the program immediately, and that they wished to postpone it for awhile. This was agreed to.

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French Indo-China sent a military delegation to the United States to obtain support of the United States to resist Japan and it became clear upon their arrival

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6868 in San Francisco on July 21, that they were trying to purchase 200 planes. The Foreign Office proposed to the Consul of the French Embassy in Tokyo on December 3 that it was unavoidable for French Indo-China authorities to conduct such anti-Japanese maneuvers and asked them to refrain from such unfriendly acts.

After the revolution of 1932 and 1933 in Thailand, the racial consciousness of the people became outstanding and a reconstruction movement developed into a demand for recovery of national power or lost territory.

6869 In June 1939 the name of Siam was changed to Thailand and the movement of recovering lost territory developed. To maintain neighborly relations it was recognized in October that a non-aggression pact was necessary and on June 12, 1940 the French-Thailand non-aggression pact was concluded and both governments appointed commissioners to discuss the revision of the border of the Mekong River. France's position was very much weakened owing to her defeat by Germany so that meanwhile Japan's predominant interest in political and economic matters in East Asia were recognized by the HANUOKA-Henry Agreement of August 30, 1940. On September 13, Thailand demanded, as a condition for the exchange of ratification of the non-aggression treaty, the revision of the river frontier according to the deepest part of the river principle and for the recognition of the Thailand-French Indo-China border along the Mekong north and south of Cambodia. This demand meant the cession of areas along the right bank ceded from Siam to France in 1940. Thailand also asked for a guarantee from France that Cambodia and Laos would be returned to Thailand when France renounced sovereignty over Indo-China.

6870 On September 19, France replied agreeing to establish a committee for the resolution of pending questions and refused the Thailand demands. On September 28, Thailand again submitted a memorandum repeating her demands, but on October 11, France again refused, stating that the demands were without legal or factual basis and that direct negotiations with Thailand and French Indo-China were being discontinued. The situation became

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tense and Thailand concentrated troops along the French Indo-China border and the latter increased her garrisons. But since the advance of Japan into French Indo-China was limited to the northern district and the remainder of French Indo-China was guaranteed by Japan. The anticipated chaos did not occur and Thailand was in a dilemma and forced to depend on Japan to achieve her aims.

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At first Japan did not like Thai's attitude when Japan was negotiating to enter French Indo-China and did not think it the best policy to assist Thai to recover lost territory immediately after Japan had entered French Indo-China. So in September and October 1940 when Thai sent a friendly delegate on to sound out Japan's foreign policy, Japan adopted a neutral attitude.

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Japan having entered Thailand it was essential that Thailand cooperate with Japan and that an economic agreement be concluded for rice and other important raw materials and to separate Thailand from Britain. It was, therefore, decided to take up the problem of the recovery of Thailand's lost territory which Thailand earnestly desired. At the Four-Ministers Conference of November 5 it was decided to assist Thailand in recovering her lost territory and to make her cooperate politically and economically in establishing the new order. At the second Foreign Ministers Conference of November 21 it was decided that when Thailand accepted Japanese demands the latter would immediately assist her in the recovery of Luang Prabang and Pakase. This was immediately accepted by Thailand.

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On November 26, the troops of both countries clashed in Laos border district. Making use of this opportunity MATSUOKA unofficially stated to the French Ambassador that he intended a peaceful arbitration for the recovery of lost territory of 1904.

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On November 19, French replied that it appreciated Japan's good intentions, but it couldn't concede any territory. Consequently, Japan urged France to reconsider her unwise attitude.

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* Exhibit 620, the circumstances surrounding the contract of agreement between Japan and France for entry of the Japanese army into French Indo-China, July to September 1940, stated that since the arrival of the Japanese observation party in the latter part of June 1940 the Governor and the military commanders of FIC repeatedly announced that they would enforce the embargoes and cooperate in the execution of the duties of the observation party.

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According to reports, the embargoes were actually being carried out. * FIC authorities tried to show their good will by prohibiting the inflow of Chinese imports for one month starting July 7 and recognizing the construction of a submarine cable between Haiphong and Tientsin and the installation of a wireless for the observation party.

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Governor Catroux proposed to General MISHIMURA that if Japan respects FIC territorial integrity, the latter was ready to conclude with Japan a defensive treaty against China and will be able to cooperate with Japan in a wider sphere and from the economic standpoint was prepared to adopt friendly measures in regard to the expansion of Japan and enterprise and promotion of exports into FIC; and he asked that Japan propose an agreement of the above nature. With respect to the passage of the Japanese army and ~~aircraft~~ airdromes, however, * he stated that these matters were outside his authority and that they be taken up directly with the French government. The government finally, after consulting the army and ~~the~~ navy, reached a definite plan for proposal to France, but it was decided that political and military agreement talks will be held in Tokyo, while economic talks will be held in Hanoi. In the latter part of July an instruction was sent to the Consul General in Hanoi and the Ambassador from France was told to report to France that Japan's attitude will be determined as a result of the decision of the foreign policy by the new cabinet. The draft proposed * the conclusion of a political, military and economic agreement in Tokyo and negotiations for economic agreements at Hanoi. The negotiations are directed to commence directly.

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Under the agreement FIC * shall cooperate with Japan in constructing the new order in East Asia and

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will recognize the passage and utilization of airbases including the stationing of ground forces in FIC by Japan for the China operations and will provide facilities necessary for transporting arms, munitions and other materials for Japan. Japan will respect the territorial integrity of FIC.

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With respect to the economic agreement the word 'business' includes the banking business.

There was also a draft of explanation re the political, military and economic agreements. This stated that Japan expects to make FIC not only promise to cooperate in setting up the new order and in settling the China Incident, but to have her support Japan both militarily and economically for these purposes and to accede to Japan's demands by way of these agreements.

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Strategically the demands will be placed before FIC not only to have her suspend transportation to China from the standpoint of strategic necessity against Chungking. To establish Japan's good faith they will secure a pledge that they have no intention of invading the territory of FIC, but that they do not hold any responsibility to protect the integrity of FIC from invasions by third powers. Since such an invasion would be an obstacle in establishing the new order, Japan would not disregard such a matter, but the measures she adopted would be decided from her own independent viewpoint.

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If France brings up the question of Mian nan Island, Spratley Islands, Hsi Sha Islands, etc, it will be rejected since they have no direct relationship with the agreement for FIC.

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If France refuses all Japan's demands, she will have no reason to give any pledge on integrity of territory, but Japan's attitude will be decided after they have studied over the situation.

The economic agreement is aimed to establish cooperation between Japan and FIC and Japan has no intention to monopolize the economic interests there by totally ignoring the interests of France and other countries. Since Japan demands being treated in the same way as France and France commodities with respect to matters

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pertaining to trade and enterprise they believe that FIC will disapprove because the demands exceed the contents of ordinary commercial agreements, but since Japan is going to pledge respect for territorial integrity by virtue of the political and military agreements * it will be necessary to realize her economic demands to the utmost limit. Negotiations for the economic agreement will be conducted separately from the other.

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The conclusion of the economic agreement will be effected after negotiations between Japan and the French Ambassador in Tokyo, since the agreement contains the question of integrity of territory. The agreement shall be conducted between the Consul General and the Governor-General of FIC and in view of the Privy Council the proceedings to be followed will be that the Governor General will notify the Consul General of the measures taken by FIC authorities by letter and the latter will take note of it. Further steps will be taken care of in Tokyo.

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* On August 1, MATSUOKA met with the French Ambassador and told him that Japan appreciated the efforts taken by France to prohibit the transportation of materials to China and that Japan desired that FIC cooperate more with Japan in political, military and economic affairs to establish the new order and to settle the China Incident. He then requested further recognition of the passage through and the utilization of air bases by the Japanese army in operations against China and the provision of necessary facilities for transporting arms, munitions and other materials for Japan. These requests were made for solving the China Incident and were limited to that scope necessary to frustrate China and were not based on the intention to violate French territory. Furthermore, he wished the negotiations to be held in Tokyo.

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The French Ambassador replied that the demand was equivalent to asking France, who was a neutral, to declare war against China when Japan had not yet done so. MATSUOKA replied that it was not a question whether war was declared or not. Hostilities were going on in a large scale in China and Japan had no intention to violate French neutrality, but the request was of absolute necessity from a military standpoint and French neutrality might be infringed upon if France did not accept the request.

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* The proposal was made because Japan did not wish to have this occurrence. France was asked to take the request in the same spirit that Japan accepted the 1907 French request. Since those were days when unexpected and strange things happened, there was no need to think that accepting Japan's request meant a declaration of war against China. The French Ambassador replied that while there was some reason in MATSUOKA's explanation, Japan's requests on FIC were greater and greater each time and they could not estimate what Japan would next ask if the request was accepted. He promised to transmit the request to France.

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* On August 9, the Vice Minister of Foreign Affairs met with the French Ambassador and handed him a draft of the exchange of memoranda on political and military matters. The Vice Minister stated that the request was according to absolute military necessity and asked for quick approval. When the Ambassador stated that the request was vague and amounted to a 'blank check' the Vice Minister stated that the contents were clear as being clearly stipulated 'for operations against China.'

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The Ambassador replied that there would be no end to the requests * and it was clear that his government would not agree, although he would transfer it. The Ambassador stated he was not doubtful of the non-aggression of French territory, but as the draft stood there was a danger of Japan requesting the utilization of airfields and the passage of troops anywhere in FIC.

The Vice Minister replied that the draft only contained general principles and details would be decided through spot negotiation.

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The Ambassador replied that this was not desirable and the Vice Minister * stated that it was clearly stipulated that it was for operations against China and Japan had no intention of abusing it. The Ambassador stated he understood that Japan had no such intentions, but as a prudential matter if France agreed to the matter as it stood, it cannot be said what requests Japan may make. This point cannot be guaranteed. He would send the draft to his government as it was, but ask them to reconsider the matter.

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On August 10, the Vice Minister presented Ambassador Henry with a revised draft in which the contents 'passing through the Province of Tonkin', FIC and utilizing airdromes in the same province' were inserted.

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* The Ambassador stated that this was issuing a 'blank check' to the whole province and France could not oppose anything that Japan might do. This was not fair play and he asked for further clarification. The Vice Minister stated that the exact places were military secrets and could not be announced beforehand. Japan would not be able to answer by any means. No one but the military authorities know of these places. When Japan enters FIC, unless FIC cooperates matters will not progress smoothly and discussion as to the details will then be held. For example, if France wishes to know the exact places, military operations will be impossible and the value of France accepting as a principle will mean nothing and since it has been accepted in principle, to ask military secrets is going beyond the point.

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The Ambassador agreed to transmit the request, but stated that it was one-sided. The Vice Minister replied that this was natural and that was why Japan was able to negotiate.

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In a reply to a question as to what was meant by a new order in East Asia, the Vice Minister stated that in a few words it meant to establish a stable and dominant position of Japan in East Asia. Japan and China should maintain friendly relations but the Chiang regime is an obstacle. Japan is pushing toward overcoming that obstacle. They hope for French cooperation. They believe that France had no objection to settling the China Incident as quickly as possible and establishing peace in East Asia, for which purpose it is necessary to annihilate Chiang and use FIC to achieve the objective. This request would not be made if the Chiang regime had already been overthrown. There is no intention to transgress on FIC territory.

The Ambassador was asked to transfer the several points explained along with the official draft.

Page

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* On August 15, the French Ambassador visited MATSUOKA, and a conference was held. The Ambassador stated that he had not said at the previous conference that all Japan's demands would be accepted. When MATSUOKA told him that he was sure that the Ambassador had said that although the French Government was willing to accept Japan's military demands as a general principle, they would accept such measures as would not injure French prestige, the Ambassador replied that it was a misunderstanding and what he meant was that France would accept Japan's military demands within the limits that she would be able to. Japan's demands concerned passage of troops, use of air-
blast check.

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* France wishes to accept acceptable demands after having obtained a promise as to territorial integrity. When MATSUOKA pointed out that he had said clearly that Japan's demands had no intention to invade French Indo-China, the Ambassador replied that without the territorial integrity a full knowledge of Japan's demands being known, all FIC would be at the mercy of Japan, even though it may be Tongking province. MATSUOKA then pointed out that the demands clearly stated for demands against Indo-China and the points Japan wishes to pass through should be evident. There is no need to worry that all FIC would be occupied, but if France did not believe him it was useless to consult, and since Japan's demands are so urgent negotiations may be discontinued * and necessary military action taken. The Japanese Army and Government does not desire this.

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When the Ambassador pointed out that the Chinese Army might come into FIC, which would become a battlefield, MATSUOKA replied that he did not understand the statement, since when the principle of the Japanese Army passage was accepted the Ambassador must have known that there was a possibility of a Japanese-Chinese clash in the FIC. Japan asked for French cooperation in overthrowing the Chiang regime, which would make for lasting peace, which would be advantageous to France.

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The necessity for carrying out action is urgent whether France accepts or not, but Japan does not wish to take military action without an agreement, and they are therefore consulting * to urge him to persuade the French government to accept.

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In the course of the conversation, MATSUOKA pointed out that the security of FEJ had in fact been preserved by the Japanese-French pact of 1907, and it was therefore France's turn to respond to Japan's demands. On August 20, the ambassador called on MATSUOKA and handed over the French counter proposal which Japan would consider. He told him that though economic problems were included in the proposal, Japan wished to resolve the military problems on the spot. The French ambassador stated that his proposal did not injure French interests and was fair. MATSUOKA stressed the necessity of separating the economic problems in order to save time.

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According to the French proposal with respect to economic problems, France has included only Japan's predominant position in the Far East, and a predominant position over third powers was not mentioned. If France continues, the negotiations are bound to reach a deadlock.

With respect to economic problems, the reply should be that negotiations on the spot be instructed to respond as much as possible to the French homeland treatment request.

* After investigating the French counter proposal, the Vice Minister of Foreign Affairs met with the French Ambassador at night on August 20. OHASHI stated that the French proposal included the Japan-French road, and since the situation in changed it only complicated the matter to bring up the past. The Ambassador pointed out that MATSUOKA first mentioned the Road. OHASHI stated that MATSUOKA had referred to it, because he wished to show that Japan had no territorial ambition toward FIC. Also in the French proposal, all military negotiations are left for the gov. and passage of troops and all other items have not been approved in principle. Japan objects. When asked why France limited the providing of facilities to the border zone, the Ambassador stated that it is impossible to promise vaguely to provide for facilities over a vast area like the provinces. Therefore they limited it to the border, adjacent and narrow. They could not permit the stationing of troops in the city bases. To this, OHASHI stated the provision of facilities is meaningless and also that Japan wished to settle the military problem separate from the economic. To this, the Ambassador replied that since the French proposal was made after considering Japanese objections, if Japan still objects there must be some objections in Japan who did not wish to settle the problem and are trying to postpone the settlement purposely.

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* ONASHI replied that this was a mistake and that they suspect that the French are trying to delay. MATSUOKA had informed ONASHI in the morning that since the military demand was temporary and exceptional, all expenses of the action would be charged to Japan. With respect to detail of action and expenses, the authorities on the spot would consult secretly. He then asked him to hand over the Japanese amended draft to the French government. In the event France postponed the matter, responsibility would lie with the French should an incident occur. The Ambassador agreed to convey.

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* On August 21 the French Ambassador met with the Chief of the Western Eurasian Bureau, who stated that although it is not preferable to reveal Japanese secret military plans, since France was doubtful of Japan's military demands, as a result of conferences with the Army to speedily dissolve French suspicion Japan had decided to unofficially notify her the outline of her request. He asked for quick approval without alterations.

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The request that with respect to airfields in Tongking to be used by the Japanese Army forces, there would be permanent airfields in Hanoi, Phauling Thong and Phutho, and other airfields near the border may be utilized. With respect to troops to be stationed in Tongking, they will be the units necessary for guarding the airfields, the air force units which will use them, and the supply units, a total of both Army and Navy not exceeding 5,000 to 6,000. The route of passage of Japanese troops, according to necessity of operations, the zone along the Hiphong, Hanoi, and Lucky line, and theanoi and Langson lines may be used. The units necessary for transporting the units mentioned above will be additional units, but their number cannot be stated.

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* To transport the Army and supplies, and for guarding the transport, several navy ships may enter Hiphong. Communications equipment for exclusive use of the Japanese forces will be brought in.

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On August 22, the French Ambassador called on ONASHI and presented the French draft concerning the military, political, and economic matters and asked for approval. ONASHI pointed out that three of Japan's military requests with respect to airfields, number of troops to be stationed, and the course of passage for units, had not been clearly mentioned. The French Ambassador stated that to mention them officially was impossible from the point of view of French prestige, that actually this will be recognized as negotiations are held on the spot.

The French Government is asked to be informed the Governor of FRO that France had subsequently accepted the military demands revealed to the Ambassador and to instruct him to conclude the agreement. On August 21, General KISHIMOTO called on the Governor of FRO and proposed to commence military negotiations according to the agreement. The Governor had not yet received any instructions from France. KISHIMOTO decided to transmit all descriptions personnel and Japanese residents if the French failed to agree by September 2. As soon on the 11th, the General called on the Governor again, but could not begin since there were conditions which necessitated the immediate signing of the agreement. On the night of September 2, KISHIMOTO again called on the Governor, who stated that he had received instructions, but because the message was long and had incomprehensible points he wished to postpone them until the morning of the third. The Governor declined to accept immediate negotiations. KISHIMOTO decided to his notification with respect to withdrawing Japanese residents and evacuation of troops after September 5. The Governor promised to give an answer in an hour. At 10.30 the

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The Ambassador asked for decisive action with no announcement of agreement, and GASSIT consented. After consulting with the military, it was decided to accept, and the Japanese draft letter was shown to the Ambassador, who stated he had no objection and wired here for instructions. As a result of the negotiations, on August 30 there was an exchange of official notes by MATSUOKA and the Ambassador to promote an agreement concerning military requirements. MATSUOKA made an oral statement at the time of the exchange. He pointed out that there was no clear statement by France on this issue as to Japan's military requirements. France had been outlined to him, and the Ambassador had stated on the 25th to GASSIT that while France could not officially accept all the requirements, Japan will place confidence on this statement, and will therefore accept the letter.

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Japan feels that the military requirements in PIO can be filled immediately, and are hastening to fill them under pressure of circumstances. The High Command has designated General KIKIYAMA of the Inspection General as PIO to be the representative of the Japanese Commander of the Army and Navy, to be sent. He was instructed to conclude a spot agreement at once with the French Commander to carry out the requirements, if possible, within two weeks.

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Governor sent a note stating that the contents of his instructions * differed extensively with the Japanese, and advocated a revision and desired to begin from the third. NISHIHARA, feeling that it was a matter of more delay, immediately told the Governor that the Commander in Chief of the Japanese Expeditionary Forces in South China would advance his army into FTS after September 5, also notifying the Japanese Consulate-General of this. On the 4th the Consul-General retained two ships to prepare for evacuation. The Ambassador in Paris was again instructed to persuade France to give instructions to the Governor to accept the Japanese demands, and at the same time OHASHI * requested the French Ambassador to have instructions given to the Governor of FTS for the conclusion of the agreement.

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The next day, the third, General NISHIHARA met with the Commanding General of the FTS Army, who told him that they had wired to Vichy that negotiations had ended in failure and they now had no authority to negotiate, and a counter proposal was to be drafted. The counter proposal came in that evening. NISHIHARA again requested to meet the Commanding General, who asked for a postponement to the 4th at 9 a. m. At 8 p. m. on the 4th, an agreement on the spot was signed between NISHIHARA and the French Commanding General.

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* With respect to this fact, agreement of details was expected to be finished by the 6th, but a unit of the Japanese Army crossed the border on the morning of the 6th, and the Governor proposed to drop the negotiations on the ground that the incident was a contravention of the Pact. NISHIHARA explained that this was an arbitrary action taken by a front line unit not knowing of the agreement, and had not been intended by the authorities. The Governor would not change his attitude, however, and it seems he was trying to delay the negotiations.

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* Japan sent instructions to the Ambassador in Paris to propose to France that if the settlement was postponed an unforeseen event might happen, and requested that instructions be given to the Governor to settle negotiations immediately. This was on the 10th of September. On the 11th, the French Ambassador visited OHASHI and stated he had received information that the Thailand Army was likely to invade FTS along with the Japanese, and he asked that Japan stop Thailand's plans.

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On the 12th, OHASHI met with the French Ambassador, and told him the issue was between France and Thailand and Japan had nothing to do with it and that the French proposal was only for delay. On September 12, NISHIMURA had an interview with the Governor, who told him that even instructions from France, the Headquarters of the French Army, was studying the details but the negotiations showed no progress. The French Ambassador called on OHASHI on the 14th, and stated that the Japanese were responsible for the delay, and that Thailand's movements were backed by Japan. This was denied by OHASHI, who said that the actual situation was serious, as the Japanese Army may move in at any moment without an agreement.

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On the 17th, the Governor and Commanding General of the FIC Army gave general consent to the Japanese request, but even after the conclusion of the agreement and the peaceful occupation some clashes were unavoidable, and it was decided to evacuate all Japanese residents on the 20th. On the 18th, the Commander of the FIC Army replied that there was a wide difference of opinion between the two, and it was useless to continue the negotiations. NISHIMURA notified the French that all members of the observation party would leave Hanoi on the 20th, and on the 19th OHASHI informed the French Ambassador that Japan would advance into Tonking at any time after noon September 23, regardless of an agreement or not. On the same day several negotiations were held without results. The Japanese residents in the Hanoi Area left, and as soon as the ships left at noon of the 22nd Japanese troops began to advance. At 12.30 that day the French adopted a compromising attitude on details, and the agreement was signed. On the 24th, the final agreement was reached and it was decided that the main part of the expeditionary force would enter Haiphong harbor on the 25th and land on the 26th.

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with respect to the evacuation of Japanese residents, SUZUKI issued private evacuation orders on September 18 to all Japanese residents and at the same time reached an agreement with the Governor of FIC as to the method of protecting the lives and property of Japanese in the course of evacuation. On the 20th the movement began. The boats left on the 22nd, and all members of the Consulate General and Japanese residents arrived at Hanoi at noon of the 23rd.

The documents in support of the previous story are summarized as follows.

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On August 30, 1940, MATSUOKA sent a letter to the French Ambassador in which he acknowledged receipt of the previous letter in which the Ambassador had said that since France had recognized Japan's predominant interests in the Far East that it expects Japan would give assurance to France that Japan will respect the rights and interests of France in the Far East, including the integrity of Indo-China and French sovereignty, that France was prepared to negotiate to promote trade between FIC and Japan, and to secure the most advantageous position possible, and superior compared to that of the Third Power.

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As for the special military facilities, France understands that the purpose is for Japan to settle the conflict with China and that the use of FIC facilities will terminate when that conflict is over and is to be limited to the provinces of FIC adjacent to China. Under these circumstances, France is prepared to order the French Army in FIC to settle the military problems with the Japanese military commander. Demands submitted by Japan and orders issued to the French commander will not restrict their competence. The negotiations are to be carried out by both military commanders, and upon their word of honor exchange information which would clarify the necessity of the Japanese Army and the method by which they would be satisfied. These are to be limited to military operations in China adjacent to Indo-China.

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Following the exchange of information, contact establishments between the authorities to provide necessary military facilities for the Japanese Army. France will have no financial responsibilities as to the various facilities provided to the Japanese Army. The facilities shall not be of a military occupation nature, but are limited to strategic necessities and conducted under the superintendence of the French military. Japan will promise to take the responsibility of compensating for damages sustained by FIC through acts of war of the Japanese Army.

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MATSUOKA stated that Japan intended to respect the rights and interests of France in the Far East, including Indo-China, accepts the proposals made by France, and desired that negotiations commence without delay to speedily achieve the objective and asked that France issue the necessary instruction.

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* The basic data based on the instructions issued by the French Government communicated to the Japanese naval and military forces on September 9, 1940, provided that no Japanese troops shall enter Anwei without the special authorization of the French Commander-in-Chief. Japanese troop movements are limited to the north side of the River Rouge. In strategic zones the French civil and military organizations will remain. When the Japanese Army must come in contact with the natives it will be done * with the Sumer.

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The numerical strength of Japanese ground forces in Tongking shall not exceed more than two-thirds of the mobilized forces in Tongking. The Japanese Army promises to bear all expenses arising from transporting, billeting, etc., and to compensate both FIC and private individuals for damages accruing from the presence of the Japanese Army or because of belligerent actions of Chinese and Japanese in FIC. The Japanese Army will take one or more bases for strategic purposes in the strategic zone, and the districts of their position are defined.

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* The Japanese military have complete freedom to select one or several strategic bases under the superintendence of the French authorities, and will strictly restrict losses to be sustained by individuals and make immediate requests for compensation. The selected landing point is to be Haiphong, which cannot be made a strategic base. The landing is to be at one time, and the point is to be released as soon as possible. The Japanese were given three railroad lines and three roads as lines for military operations, and certain other auxiliary roads, depending on the circumstances. * These roads are to be used only according to the requirements of military operations and only during the period necessary to transport troops. * Transportation is to be regulated by agreement. The French military commander is alone qualified to determine the course and to grant permission to reach one or more of the strategic bases.

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Guarding of communication roads is to be done by French and Japanese according to district. The guarding from Haiphong to the base is to be undertaken by the French. Three airfields north of the Rouge River are to be used and occupied by the Japanese air force. The number of guards is to be reduced and the strictest possible minimum is to be decided by mutual agreement. The French will decide the areas of forbidden aviation, as well as aviation regulation. The French are to be informed * of the movement of airplanes without the district of military operations

6946 24 hours in advance. Personnel and supplies can be landed only by transport. Warships must not enter within six nautical miles of a certain line, but one warship not larger than a torpedo boat may enter Haiphong and stay there. The French must know of the arrival of all Japanese transports and all soldiers to be landed at least 24 hours in advance. The number of ships to be moored at the wharf are to be limited by mutual agreement as will be port establishments, some of which will be permanent. Anchoring positions will be decided mutually, and the refueling of ships along the coast will be strictly limited and carried on only at anchorage points.

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* Powerful fixed wireless, excepting field wireless, shall not be established in FIC. This does not apply to ships. The question of a submarine cable between Tongking and Hainan will be studied. Unless the final agreement is signed and the date of effect determined, Japanese forces cannot enter the territory of FIC and the Japanese army and navy may take no action of a threatening nature. The following will be considered threatening actions. An attempt to cross the border in gathering of troops near the territory, meaning no more troops than at present shall be gathered * for purposes of invasion. Action of warships or transport ships, flying in territorial area. If the conditions are not met, the French commander shall suspend negotiations and resort to freedom of action. The basic items to be decided are to be kept secret until final signing. If the Japanese measure. This was signed by NISHIHARA and General Martin.

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* The agreement signed on September 23 provided that the Japanese air forces could use three air bases and occupy them, in accordance with the agreement signed on September 4. The number of military personnel for guarding air bases are to be fixed by a mutual agreement, * and shall be limited to an irreducible minimum. As to troops for guarding air bases, transport, and guarding supplies, their strength shall be fixed by the military authorities. The personnel strength shall be limited to a minimum degree necessary to accomplish these duties and shall in no event * exceed 6,000.

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Stationing areas shall be decided jointly, and they may utilize villages directly adjoining air bases. This is not applicable to Hanoi. No Japanese troops, except liaison officers, shall pass through Hanoi. Equipment for Japanese air corps and guards shall be installed by the Japanese. Haiphong shall be used as a landing spot under terms jointly consented to.

Page

No warships shall approach within six nautical miles from a certain line. One warship no larger than a torpedo boat may enter in Haiphong Harbor.

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* In case the commander of the Japanese desires to conduct an attacking operation with ground forces from the northern boundary of Tongking or conduct replacement movements from Haiphong, the traffic roads decided by the French commander shall be used according to operational needs, and shall be according to the clauses of the fundamental matters of agreement signed on September 4, 1940. The strength of the passing troops will be decided later. However, the total number will not exceed that established by the fundamental matters of agreement.

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* In view of the fact that 2200 hours on September 22 is to be observed strictly by Japan, the first shipment of troops may enter the harbor at the time fixed. Unless special agreements as to debarkation are concluded, the troops shall be detained within the ship and other troops shall not enter the harbor. Japanese forces now in the vicinity of the border will be permitted to be transported through FIC for embarkation at Haiphong. A special agreement will be made * and if no agreement is concluded no Japanese corps forces will cross the border.

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With respect to other matters, the fundamental matter of agreement is effective. The two general staff offices will keep in touch. This was signed by NISHIHARA and Marten.

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Exhibit No. 622, telegram from Ott to Ribbentrop, August 2, 1940, stated that * MATSUOKA had had a talk with Ott, * and he told him that he had received the French Ambassador and asked for consent of France for the passage of Japanese troops through north FIC and the establishment of two airfields to attack the Yunnan Railway. He had assured him that Japan had no territorial ambitions in FIC, and would evacuate later. He hoped that France would see the point of all these demands and would not put Japan to the necessity of enforcing passage by violence. The French Ambassador had promised to pass this on to his government, but had said that France could not decide for herself because of the armistice, and that the matter would have to be referred to the armistice commission. MATSUOKA asked that the German Government not object * to the Japanese wish, and would influence the French Government.

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Exhibit No. 623, memorandum by the U. S. Under-Secretary of State Welles, September 20, 1940, stated that the Japanese Ambassador called to see Mr. Welles and gave an oral statement as a reply to his memorandum of August 29. Welles stated to the Ambassador that the U. S. had information that General NISHIHARA had been instructed to present an ultimatum to the Government making demands that were tantamount to complete occupation of FIC, with the threat that if they were not accepted by ten a. m. September 22 the Japanese military forces would at once invade Indo-China. These demands had been refused. He was told that the civilized world was facing a spectacle which meant that Japan, in addition to its nine years of aggression was about to commit an act of aggression on a colonial possession of France. He called his attention to the various utterances of Japanese statesmen during the past six months where they stated that Japan desired to maintain the status quo in the Far East, and had indicated their concurrence with the U. S. that the status quo be maintained. Here was another case where official announcements of the government were completely contrary to the acts and policies of the military. There should be no misapprehension as to the serious and open opposition which Japanese threatened action would create in the minds of the U. S. Government.

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The Japanese Ambassador first tried to say that the latest demands of NISHIHARA were in compliance with the agreement of August 30 between Vichy and Japan. Welles replied that this was not true, since the French Government had rejected the demands on the grounds that they were outside the scope of the August 30 agreement. The Ambassador stated he did not know the exact terms of the ultimatum and had not been advised of what MATSUOKA had told Grew. The Ambassador stated that there was great likelihood that Japan was undertaking the occupation not only to expedite the conclusion of the China Affair as a temporary measure with no thought of permanent occupation, but also as a means to prevent Germany from occupying French, British, and Dutch possessions in the Far East.

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Welles replied that if Japan had to take measures to preserve the status quo in the Far East the U. S. would not only have been willing to discuss the possibilities with Japan, since it was the considered policy of the government to support the whole structure of international treaties and agreements. The U. S. could hardly support the sincerity of the argument that Japan was occupying FIC to prevent Germany.

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The Ambassador pointed out * that the U. S. had recently received air and naval bases in British possessions. Welles stated he could see no parallel. Britain and America had freely entered into an agreement on the basis of give and take, and both governments believed that it enhanced the security of the two nations. On the other hand, Japan's demands to FIC threatening aggression was completely unparalleled.

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Exhibit No. 624, Memorandum by Ambassador Grew, September 20, 1940. * On September 20, 1940, Grew had an appointment with MATSUOKA, and acted upon instructions. MATSUOKA confirmed the reports that an ultimatum had been presented by General NISHIHARA to the Governor of FIC. He explained that on August 30 the French Ambassador had signed an agreement in Tokyo which provided inter alia for the movement of Japanese troops through FIC and the use of temporary airports. The Governor, on September 6, was ready to sign an agreement to implement the August 30 agreement, but he refused and obstructed the agreement. Japan felt it necessary * to ask France whether it had control over the Governor, since he was uncooperative. The French Government said that it was acting in good faith, and since the Governor-General did not appear to be so acting and was boasting of using obstructive tactics, the ultimatum was presented.

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The purpose was to be able to attack Chiang Kai-shek and bring peace to China. When hostilities have ceased, Japanese troops would be withdrawn. The integrity and sovereignty of FIC would be completely respected and there would be no interference with the status quo. MATSUOKA, KONOYE, and others represented a minority opinion in Japan, but they were determined that Japan would not oppress, exploit, or interfere with the integrity of another country. * They were struggling against extremist elements.

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Grew pointed out to MATSUOKA that there were clauses pertaining to commerce and economics and no denial was made, but he was assured that exploitation would not ensue. MATSUOKA stated that the terms of the August 30 agreement were confidential and would be nullified by divulgence. France, however, had broached the subject first and had requested a renewal of guarantees pertaining to the integrity of FIC based on the 1907 agreement. When asked as to what countries encroachment France desired guarantees against, MATSUOKA stated this was a moot question.

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Japan had asked for permission to move forces against French Indo-China * and to temporarily use airports as compensation. This information was confidential and would be denied in the event it was made public. Grew officially stated that if Japanese troops moved into FIC the U. S. would regard it as an infringement of the status quo which Japan had promised to preserve and would answer further.

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* Exhibit 62, report of telephone conversation between Chairman of the French delegation to the Armistice to the Chairman of the German Armistice Commission, stated that since the beginning of September negotiations have been under way in Hanoi, with respect to allowing Japanese troops to march through FIO, a basic agreement was reached on September 5 determining the details. When this is settled the Japanese delegation brought forth completely new demands such as the permanent stationing of 32,000 troops in FIO. This would amount to military occupation of Tongking.

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The Japanese have stated that their troops will march into Tongking at midnight, September 22, regardless of the state of negotiations, and France has ordered Admiral Decoux to inform Japan of its desire to speed up the negotiations, but that it needed an extension of time limit because of slow communications. If the threat is carried out, Decoux is to resist by force while trying to localize the incident.

Exhibit 626, excerpt of September 9, 1940, from KIDO's diary, stated that the Chief Aide de Camp had reported that the military agreement parley had taken a turn for the worst as soon as the advance of one battalion of Japanese troops into FIO.

Exhibit 627, entry of September 14, 1940, of KIDO's diary, stated that he had met MATSUOKA before and after he had been received in audience and he stated he was going to send an ultimatum to FIO. After the audience of the Chiefs of Staff, KIDO was received by the Emperor and told that MATSUOKA's statement and that of the army did not seem to coincide, but there seemed to be no other way but to let the government carry out its policy.

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* KIDO gave as his opinion that if matters continued without doing anything the mischief making of England and the United States might become serious and they might take the opportunity to cooperate with FIO and China and asked the Emperor to direct the people to be careful before taking any action and to give his approval even though matters stand as they do.

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Exhibit 628, statement of Japanese foreign policy dated September 26, 1940, stated * in the regions including FIC, Dutch East Indies, Strait Settlement, British Malaya, Thailand, the Philippines, British Borneo and Burma, Japan with Manchukuo and China as the center would construct a sphere in which politics, economy and culture are combined. With respect to FIC and the Dutch East Indies, Japan must first endeavor to conclude a comprehensive economic agreement while planning political coalitions such as the recognition of independence and conclusion of a mutual assistance pact.

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As to Thailand, Japan should strengthen the mutual assistance and coalition in political, economic and military affairs. With respect to the southern regions on October 4, 1940 * it was decided that the objective of Japan's penetration into the southern regions would cover, in its first stage, the whole area west of Hawaii excluding the Philippines and Guam for the time being.

FIC, the Dutch East Indies, Burma and the Strait settlements must be first controlled then they would gradually advance into other areas. Depending upon the attitude of the United States the Philippines and Guam would be included.

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In FIC they should maneuver an independence movement and make France renounce its sovereignty. If they reach an understanding with Chiang Kai-shek the Tongking area will be managed by his troops with Japanese military advisors, while Thailand would manage Cambodia. This will be executed immediately after a truce with Chiang Kai-shek. If that did not succeed with Chiang, * the moves should be carried out after the adjustment of the battle line in China; but, if Germany lands on the British mainland, it may be necessary to carry out the moves against FIC and Thailand regardless of Chiang. This will be decided with Germany.

If military alliances are concluded by Japan and China and Japan and Thailand, the Tongking area will be subject to China, the Cambodia area to Thailand and the others independent. Japan will have with these areas a protective treaty under the title of military and

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economic alliance with Japan holding the real power. Japan will hold strategic points in every area. In the new independent states the rights of nationals of third countries with which Japan is at peace will be recognized, but they will have to follow Japan's instructions in developing resources and the disposing of products.

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* A military alliance should be concluded with Thailand and she should be used as a rear base. To delay Thailand's preparations, therefore, it is well to pretend that diplomatic relations are not secure until military action is started. In case a military alliance cannot be kept secret they must consider whether they should set up a secret committee based on a non-aggression treaty between Japan and Thailand to enable Japan to enter a military alliance as soon as military action starts.

The former territory of Thailand shall be returned to Thailand and other regions made protectorates. The Strait Settlement shall be placed under the direct rule of Japan. In the new independent countries the enterprise rights of the nationals of third countries with which Japan is at peace will follow FIC.

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* Exhibit 629, memorandum by Weissbacher, January 23, 1941. The Japanese Ambassador mentioned the conversation between Ott and the Vice Foreign Minister re Indo-China. * The Japanese advance southward in the direction of Singapore could not be made without using the land bridge of the Malacca peninsula. For this Japan had to pass through Indo-China and Siam. Any British influence on Vichy must be prevented.

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Exhibit 630, telegram from Leahy to the United States Secretary of State, January 28, 1941, states * the Minister of Colonies told Leahy that the Germans had refused to allow any French troops to enter FIC. They definitely do not wish French defense in FIC strengthened.

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The Court's attention was called to Exhibit 568, in which the German Ambassador in Tokyo reported to Ribbentrop that activist circles in Japan had demanded

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a preventive attack on Singapore and that it was the conclusion of military specialists of the German Embassy in Tokyo that such an attack would be successful and it would have to be carried out in steps by occupying Saigon and landing on the Malayan Peninsula. That the role of intermediary between Thailand and Indochina gave Japan the opportunity to establish herself militarily in Saigon primarily going against Singapore.

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The Court's attention was called to Exhibit 564, a telegram from the German Ambassador in Tokyo, February 6, 1941, which showed that the Japanese government intended to obligate France and Thailand by secret agreement to take no political or military agreement with a third power.

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Exhibit 631, a telegram from the Japanese Ambassador in Tokyo, dated February 9, 1941, and a second telegram dated February 21, 1941, is summarized as follows:

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The first telegram stated that the Vice Foreign Minister had told Ott that Japan is willing to support Germany in procuring rubber and other raw materials from the South East Asia sphere and that Japan has taken notice that Germany has a contract for purchasing more than 25,000 tons of raw rubber from FIC and is preparing to transport this amount to Dairen and instructions are asked as to the total amount of raw rubber which Germany orders from South East Asia other than FIC rubber. It is to be expected that the export of raw rubber from Malaya and the Dutch East Indies to Japan will be difficult and Japan will only be able to cover its own requirements with difficulty. There must, therefore, be a compromise between the amount of raw rubber desired by Germany and the amount able to be delivered and the negotiations are to be made exclusively through diplomatic channels. In addition, the Japanese government desires to know what raw materials besides rubber Germany wishes to obtain from South East Asia. Commercial execution of the business will be taken over by showa TSUSHU.

The second telegram from Berlin to Ott stated that he was to inform Japan that Germany welcomes Japan's intention that Thailand and France reach no political

6992

or military agreements with a third power. The armistice with Germany applies to France with all her possessions, colonies and protectorates, as Germany is interested in the further development of affairs in Indo-China.

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* The attention of the Court was called to Exhibit 656, a telegram from OTT to Ribbentrop, February 17, 1941, in which it was pointed out that the Japanese government was working on a proposed compromise settlement in the Thailand-French Indo-China negotiations and that Japan would ask for German influence on Vichy.

Exhibit 652, the record of the discussion of Ribbentrop with OSHIMA on February 23, 1941, stated that as a result of Japan-German friendship France has been eliminated from the position of a power in East Asia. England is likewise greatly weakened and Japan has been enabled to advance closer and closer to Singapore.

Exhibit 653, a letter dated March 11, 1941 to the French Ambassador from MATSUOKA and a letter of the same date to MATSUOKA from the Ambassador, is summarized as follows:

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* In the first letter MATSUOKA stated that Japan attaches great importance to maintaining peace in East Asia. According to the agreement of August 30, 1940 there has been a special relationship between Japan and VICHY agreed upon. In view of the fact that peace must be preserved in East Asia, Japan proposes mediation to France and Siam to end the dispute between them. Japan has drafted a mediation proposal which is inclosed, which she expects France to accept unconditionally. If France accepts, Japan will guarantee that the decision of the disputebain the mediation will be final and Japan believes that France will profess to maintain peace in Asia and to maintain good neighbor relations and close economic relationship between Japan and VICHY. she also believes that France will proclaim that she will not conclude any treaty or agreement between VICHY or a third power for a political or economic or military cooperation which will oppose Japan directly or indirectly.

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The reply letter stated * that he had received the MATSUOKA communication and that France, although neither the local situation nor the fortunes of war compelled it to

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renounces the benefit of treaties freely negotiated with Thailand, is prepared to yield to the insistences of the Japanese Government. By accepting this plan of mediation France, who has never disturbed the peace of East Asia, affords proof of its fidelity to the spirit that inspired the agreement of August 30, 1940. In order to avoid all engagements so as to involve its Far Eastern possessions into a conflict with third powers, France declares it does not intend in Indo-China to enter upon an agreement with a third party providing for political, economic or military cooperation directly or indirectly against Japan. It assumes that Japan will be anxious to assure strict observance of the agreement of August 30 and subsequent military arrangements.

The Court's attention was called to Exhibit 566 in which ^{Colonel} ~~Colonel~~ of the German Embassy on March 12, 1941 stated he had visited OHASHI and the German representative had been asked to convey Japan's gratitude to Germany for the valuable and effective support they had received from Germany in mediating the dispute between Thailand and FIC.

The attention of the Tribunal was directed to Exhibit 47, the peace agreement between France and Thailand of May 9, 1941.

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* Exhibit 694, a memorandum from the Chief of Staff of the FIC Expeditionary Forces to the Vice Minister of War KIMURA, dated May 10, 1941, stated the incident in which a Japanese military employee was injured by a FIC soldier on the night of April 24 was a great shock to the FIC authorities. The majority are pessimistic and look on it as a regrettable event and will bring about a great crisis in friendly relations between Japan and FIC. They believe this might serve as a fuse for opening hostilities because of the presentation of grave demands by Japan.

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* They are in a state of panic and are trying to bring about an amicable settlement of this affair. They have been forbidden, notably the soldiers, from visiting Japanese streets and areas which Japanese frequent. Anticipating that the Japanese army might demand expansion of rights of self-defence under pretext of this affair * they are trying to find counter-measures. They

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have adopted policies for sacrifice to get an amicable peace settlement of the affair. They are trying to moderate the firm attitude of the Japanese, such as arresting the offender, punishing him and give consolation and favors to the victim's family. Anticipating that Japan will take retaliatory measures they have compiled a list of all the houses of prostitution and bars which the Japanese frequent and have forbade the French to enter the zone where the Japanese gather. However, there are some who point out that the changed international situation, especially the aggravation of American-Japanese relations. In view of these relations Japan is now forced to reorganize its troops and Japan cannot carry out positive military policies in FIC because of the incident.

Since the actual state of affairs is one in which they desire to have amicable settlement, regardless of cost or compensation, it is only fair for Japan to demand the investiture of power as follows:

1. The increase in strengthening of the rights of stationed troops despite the fact that the limit is now 6,000 Japanese ordered stationed additional troops required and expand the area if necessary to solve the Chinese problem.

2. The enlargement of the area of action of the Japanese army. The Japanese army will be given the right to act freely in Chungking when required for military operation and educational training. Despite the fact that Japanese civilians can travel in certain areas which are very important militarily, the military are forbidden to travel. In case of maneuvers there must be negotiations with FIC authorities. An FIC military man is allowed to study and observe the maneuver. This is disadvantageous.

7006

3. Freedom in selecting housing. For Japanese barracks are provided the primary schools which are dilapidated and unsanitary. The alienating Japan from Annam and distressing the Japanese Army will be two advantages. They have set up a police station to watch the movement of officers and they are oppressing the Annamese to bring about anti-Japanese action. They should provide appropriate buildings for headquarters and barracks for the Japanese army.

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4. Freedom of travel in FIC. At present an application must be made to the Governor General for permission and they always attach a Frenchman with a Japanese. Japan must have the rights of freedom of travel except in non-trespassing zones.

7007

* 15. The free use of airfields. Despite the fact that the army is installing new facilities the FIC is charging rent of ¥35,000 annually. Demand should be made for free use of them.

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* The Court's attention was called to Exhibit 586, a memorandum from Wernmann to Ribbentrop, June 10, 1941, stating that ONAGHI wished to discuss with Ribbentrop the desire of the Japanese army to obtain bases in FIC.

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Exhibit 635, telegram, June 21, 1941, from Ott to Ribbentrop, stated that in a conversation with MATSUOKA the latter had told him that renewed negotiation with the Dutch East Indies is not to be expected. To proceed against it air and naval bases must be set up in FIC. He asked OSHIDA whether Berlin could obtain French consent, otherwise the matter would be taken up directly with Vichy.

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Exhibit 636, telegram from Ott, July 3, 1941, to Ribbentrop, stated "the Japanese Foreign Minister made the following statement: The Japanese government has decided to secure points in FIC which will enable Japan to strengthen her pressure upon Britain and the United States. Japan has been keeping constant vigil in the Pacific " with a view to restraining the two powers and will continue to intensify her efforts.

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Exhibit 637, proceedings of the Privy Council, July 3, 1941, is summarized as follows:

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* At this meeting the ratification of French-Japanese protocol, on guarantee of political understanding and a similar agreement between Thailand and Japan were taken up. The French-Japanese protocol provides that Japan guarantees to France that the settlement of the dispute between France and Thailand through Japanese mediation as embodied in the peace treaty is definite and unalterable.

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* France accepts the guarantee and will strive to maintain peace in East Asia and to establish friendly relations and to promote intimate economic relations between Japan and FIC. That France has no intention to conclude with any third power any agreement concerning FIC which anticipates political, military or economic cooperation directly or indirectly against Japan.

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The second protocol is the same as the first but places no special regional restriction on arrangements with third powers. The judging committee had unanimously decided that both be ratified.

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MATSUOKA explained that the French agreement would have been submitted sooner but he learned that the Vichy government had opposing views and that the treaty had been signed almost solely on the responsibility of the French delegate. MATSUOKA feared that the treaty would not be ratified by France and, therefore, requested a postponement, but France had finally decided to ratify the two treaties and they had been submitted.

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Councillor ISHII stated these are a victory * for Japan's diplomacy through the success of her mediation in the dispute between Thailand and France. It is gratifying that Japan has succeeded in placing Britain in the shade. For the first time Japan has been able to prove that she is the stabilizing force of East Asia. He was pleased that the right of Japan to mediate her possession of leadership had been acknowledged * in the French-Thai peace treaty, which is permanently effective. This is more valuable than any other advantage to be derived from either Thailand or France. This has enhanced the reputation of Japan. * With respect to Thailand's views as to recognizing the national government of China, MATSUOKA stated that Thailand is further from Nanking than from Chungking and is in a delicate situation. Furthermore, British influence is unshakable. It is difficult to expect Thailand to recognize the Nanking government. When Japan has penetrated into the country and Thailand is out of a perplexing situation Japan will grasp the opportunity.

With respect to the German-Soviet Union fight and as to whom was the aggressor * Germany made a treaty with the Soviet Union as a temporary expedient lest she

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go over to the British side. At that time Germany explained to Japan that it was unavoidable and that her real intention was to suppress not only the Soviet Union's aggressive principles but also her ideology. The Soviet Union knew this and planned to strike Germany at a favorable time.

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Councillor FUKAI pointed out that unless they could win the sentiments of the people * of French Indo-China and Thailand, the Japanese position cannot be said to be perfect. * The agreements were ratified unanimously.

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* MATSUOKA stated that by the agreement of August 30, 1940, Japan made France acknowledge Japan's political superiority and agree to cooperate in French Indo-China. Later she submitted to Japan's mediation.

With respect to the economic principle and the trade treaty with French Indo-China, Japanese will be able to enjoy in French Indo-China, Japanese will be as French nationals with respect to specially designated matters. This is a result of the acknowledgment of Japan's superiority. The purpose of this agreement is to retrieve Japan's reputation which has been completely lost since the Manchurian Incident.

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Inasmuch as France, defeated by Germany, agreed * to export to Japan the full quantity of polished rice demanded, MATSUOKA thought it would enhance Japan's reputation to be satisfied with half of her demands with respect to other matters. They ultimately succeeded in getting 80 percent of their demands. MATSUOKA reproached the negotiators for taking more than fifty percent.

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* Criticism was expressed of MATSUOKA'S lenient views.

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- 7090 Exhibit No. 698, telegram from Ott to the German Foreign Office, July 4, 1941, stated that the Japanese Army was seriously preparing secretly, and the occupation of Saigon is not too far distant. This is preliminary to an eventual southward move, for which there is no discernable tangible footholds.
- 7092 Exhibit No. 699-A, telegram from Schol. Thomas, at Bangkok to the German Foreign Office, stated that the Military Attache had been informed that the Japanese failure in economic negotiations with the Netherlands Indies had forced Japan to take over the oil resources there by force, otherwise her fleet would be incapable of action. Prior to this there will be a military occupation of Indo-China to procure a concentration area and jumping-off ports against the Netherland-Indies. Thailand's occupation is not foreseen. Preparation and carrying out of the operations will be by General USHIROKI on the south China front. The English force's conduct in Singapore is considered purely defensive.
- 7094 Exhibit No. 699-B, telegram from Ott to the German Foreign Office July 10, 1941, stated that the Japanese move against Indo-China is now imminent, and MATSUOKA has described it as the move for securing bases. Three divisions are scheduled for action to get a firm hold on most important towns, including Saigon. The key day for action is to be July 17. MATSUOKA intended to ask Germany to obtain Vichy's consent to the move. OGHIMA, however, was informed by Germany that German mediation on the Indo-China problem is not advisable. Japan, before action, intends to propose to Vichy military cooperation for the joint defense of Indo-China, with immediate occupation of the bases.
- 7095 The announcement was made only shortly beforehand to preclude Anglo-Saxon intervention. Should the latter resort to unexpected military measures, Japan would fight. Preparations are made accordingly. No serious resistance is expected from France. The British ambassador has made inquiries about Japan's intentions, but Japan has flatly denied them to Britain and to the United States.
- Japan will probably secure only Indo-China, soothing those who are pressing for further action by pointing out the need for time for preparation. The Japanese Foreign Office believes that Japan has to beat all others in Indo-China in order to get a start on action to be started by Anglo-Saxons and De Gaulle. FIC must be the substitute

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after the breakdown of economic negotiations * with the Netherlands Indies. Ott asked for instructions as to what he is to say and whether the German Government had been consulted.

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Exhibit No. 640, telegrams from the Japanese Foreign Ministry to Ambassador KATO in France dated July 12, 1941, is summarized as follows. * The first telegram stated that Japan has decided to take possession of military bases and to send forces * to south VIC, and they are going to make a proposal to France to that effect. Japan is determined to realize this, despite any hindrance from Britain and America and even if France and VIC oppose.

Though the relations between Japan and VIC have improved, they are not satisfactory and if Britain and the U. S. endorse their boycott, unless Japan has a firm foothold in south VIC it will be impossible to have VIC act with her. Japan well knows France's recent conciliatory attitude and the delicate relations with the Axis, but Japan is compelled due to these facts to take this measure for self-existence and self-defense and to pursue her southern policy.

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The Ambassador was asked to open negotiations at once. He will make a general explanation * covering joint defense and the advance of Japanese troops and the proposals in the other telegram, and will receive the answer some time during the 20th. It is preferable for France to give her consent for a peaceful occupation, but if they do not make haste she will have a chance to prolong the negotiations and Britain and U. S. will have found out and make a fuss about it, which must be avoided. When France agrees he is to exchange the documents shown in the separate telegram. The military are prepared to start on the 20th, and the date cannot be changed.

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France must recognize thoroughly that if she refuses * and Japan has her troops advance from her own standpoint, a grave change might occur in the situation in French Indo-China. If France accepts, Japan will solemnly secure the territorial integrity of VIC and the sovereignty of France. This proposal is made from this point of view. When she consents, Japan will afford facilities to supply goods and arms to VIC as well as to the Axis powers.

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Since the conclusion of the MATSUOKA - "Henri" Arrangement, France has been endeavoring to approach Japan. She will probably feel this is beyond her expectations. It is necessary during the serious circumstances, and France should be reassured.

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"Henri", the Ambassador to Tokyo, is suspected as a DeGaulist and that the negotiations between him and Japan are secretly given immediately to the British and U. S. Ambassadors. Negotiations will now be in France, directly with Marshal Petain. You may have to negotiate with Darlan. France should be given strict notice to take full caution lest there will be a leak to the British and U. S. side and useless difficulties ensue.

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* Exhibit No. 641, telegram from Canton to Tokyo, July 14, 1941, stated the immediate object of the occupation of FIC will be to achieve the purposes there, and when the international situation is suitable to launch from there a rapid attack, and will be carried out in spite of any difficulties. Peaceful occupation will be endeavored to the last, but if there is resistance it will be crushed by force, the country occupied, and martial law set up. After it is occupied an ultimatum will be sent to the Netherlands Indies. The navy will play the principal part in seizing Singapore, and the army will need only one division for Singapore and two for the Netherlands Indies. Through the activities of the air force in Canton and certain areas of Asia and the submarine fleet in the South Seas and around French Indo-China, * Japan will crush Anglo-American military power and their ability to work against Japan.

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The troops to occupy FIC will be two corps under General IIDA, with military headquarters in Saigon. All preparations have been made, ship fees paid, and the expedition will soon start from Canton.

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Exhibit No. 642, telegram signed "Rintalen" to Ribbentrop, July 19, 1941, stated * that OSHIMA had handed a memorandum of Appendix concerning Japanese demands on France and Indo-China on the 17th. This memorandum stated that Japan had begun to negotiate with France to secure for herself inter alia naval and air bases in FIC. The proposal was in the Appendix. This plan is the first step in the push to the south and will undoubtedly play an important part in diverting Anglo-American forces. Japan is thus giving valuable assistance to Germany and Italy and she believes that she can assure that Germany will not only

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refuse any plea by France * to mediate a refusal or mitigation of Japan's proposal, but will try to convince France of the appropriateness of its acceptance.

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The Appendix, which is a proposal, stated that France and Japan undertake to cooperate militarily for the common defense of FIC, and for this purpose France will allow Japan to dispatch the necessary number of troops, fleet units, and air units to south Indo-China, to use as air bases eight localities, to use Saigon and the Bay of Camran as naval bases, Japan to bring the necessary installations. The forces will have all freedom in balloting, maneuvers and movements, and will be given special facilities including * the rescinding of limitations in the NISHIMURA-Martin agreement.

France will deliver to the Japanese Army the required amount of foreign bills of exchange, and Japan will pay for them under modalities mutually determined. France will agree to a general plan of entry, the modalities to be the topic of a consultation between local authorities. To avoid conflict, France will take measures to remove FIC forces from the neighborhood of landing points.

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Exhibit No. 649, extract from the Diary of KIDO, September 26, 1940, stated * that SAKIYAMA has reported that the NISHIMURA unit which was to have advanced peacefully into FIC, * despite the advice of the navy commander to carry out a landing in the face of the enemy, to carry out air bombardment of Hiphong, returned. The NISHIMURA organization was incensed at these wrongful measures and left the spot. The Emperor ordered a report be made to the Privy Seal. It is regrettable that measures are taken by those in the field who do not understand the general situation.

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* The attention of the Court was called to Exhibit No. 588, being the resolutions concerning Japanese - American negotiations adopted at conferences in the Imperial presence. The conference of July 2, 1941, stated that first, Japan would accomplish her schemes against FIC and Thailand, following the 'Principle Policy towards FIC and Thailand' and 'Matters concerning the promotion of the Southern Policy', thereby stabilizing the southern advance structure.

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7052 Exhibit No. 644, telegram from Ott to the German Foreign Ministry, July 19, 1942, stated * that Foreign Minister TOYOKA had received Ott and had denied that the change in the Cabinet altered the FIC action. The Vice-Minister stated that Japan had pressed Vichy for a reply and Darlan had promised to reply quickly and they were expecting a telegram from the Japanese Ambassador.

7053 * Should the French reply be in the negative, Japan would use force, but it was hoped that there would be an agreement.

7054 Exhibit No. 645, telegram from Schoel in Bangkok, dated July 18, 1941, stated * to carry out the planned Siberian operation, Japan was creating a defensive front against U. S., England, China, and the Indies, aiming at the same time to suppress the DeGaulle movement. The work in FIC will be finished at the beginning of August.

7055 Exhibit No. 646, telegram from Schleier in Paris to the German Foreign Office, July 21, 1941, stated that * at noon Admiral Darlan had told him orally that on July 14 Japan demanded of France certain demands with a personal message from Prince KINOYE to Marshal Petain. KINOYE's message stated that he wished to assure France that Japan's firm determination to respect territorial integrity of Indo-China and France's sovereignty would be upheld.

7056 * France pointed out that aside from native interest as a risk of such action, the acceptance of Japan's demands would be interpreted as a hostile action against England and the U. S., implying a risk of reprisal and that owing to the armistice, France is in no position to make such an important decision without previous German approval. Despite this, Japan insisted on receiving France's reply by 1800 July 22, stating that Japanese troops would enter FIC regardless of the answer. France has said it had no alternative but to give in to violence.

7057 They asked Japan to consent * that the occupation is only temporary and limited to the duration of operations for which it is destined.

7059 Exhibit No. 647-A, being letters exchanged by Ambassador KATO and Foreign Minister Darlan, stated as follows. * KATO's letter stated that Japan proposed that the two nations cooperate for the joint defense of FIC, and that to this end France give to Japan the right to

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send to southern FIC the necessary number of troops, navy units, and air groups to use eight air bases, and to use Saigon and Camranh Bay as naval bases, with Japan furnishing necessary installations; * to be granted billeting, maneuver, and training facilities, with a recognition of liberty movement, and the troops are to have special facilities to carry out their tasks, including the suppressing of restrictions in the NISHIHARA-Martin Agreement.

France is to provide necessary currency to Japan up to 23 million piastres for the current year, or 4,500,000 monthly, which sum does not include the currency to be provided to Japanese forces in Tonking under previous agreements. Japan will pay for this currency in convertible yen, U. S. dollars, or in gold, at France's option.

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France will agree to the general terms of the entry of the forces, and will avoid a chance clash with FIC forces by temporarily withdrawing them from the points of debarkation. Details shall be drawn up by agreement * by local authorities.

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The incoming letter from Foreign Minister Darlan acknowledged the receipt of KATO's letter, and by another communication he expressed certain desires. * He pointed out the gravity of the consequences of putting into operation the announced plan, but the circumstances were such that taking into account KONOYE's firm assurance in his letter of July 13 addressed to Petain, France had no other course than to bow to Japan. In this spirit France will guarantee the defense of FIC against any attack, and being executed in accordance with the agreement of local headquarters.

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It is to be understood that the presence of Japanese forces will be only temporary, and that Japan will totally withdraw them * as soon as the danger is removed.

Referring to KONOYE's letter, France wishes to stress that this defensive operation does not imply any renouncement or limitation of French political rights in FIC. France wishes that Japan will make a public statement using terms similar to that of KONOYE. Such a declaration is indispensable for maintaining order and for properly carrying out the first steps made necessary by the arrival of the Japanese.

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* France relies on Japan to supply the French forces in VTC with supplemental means of defense of all kinds, which the present situation has not permitted France to obtain elsewhere. France will give to the governor of VTC all necessary instructions so that all on the spot military organizations will be available for defense, especially coast defense.

France emphasizes the extreme importance which it attaches to a public statement on the integrity of VTC and France's sovereignty. In the absence of such a statement, either French at home or the troops in VTC would understand and would oppose arrival of foreign forces into the territories which they are to guard.

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As to matters of technical nature, * this requires an examination by competent authorities before they can be put into effect, particularly with respect to the withdrawal of VTC forces from the point of embarkation.

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Exhibit No. 648, telegram from Ott to the German Foreign Ministry, dated July 22, 1941, stated that Vice Foreign Minister OKAMURA had * told him that the Ambassador at Vichy had wired that he was expecting the unconditional acceptance of the main points of the Japanese demands by France, that the beginning of maritime transports was to take place on July 24 by about 40,000 troops. It would take several weeks before the planned naval and air bases were completely set up. He had denied Japan's intention to take military steps to the British Ambassador. The U. S. had made no inquiry.

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Exhibit No. 649, Proceedings of the Privy Council dated July 28, 1941, at which were present TOJO, MIYANO, and OKA, * stated that the matter had been referred on July 28 to the Privy Council, and a committee was set up. In the inquiry it was stated that France had been * told that an undesirable situation was liable to develop if France failed to accept the proposal, and that the Foreign Minister had stated that Japan had already requested Germany and Italy to cooperate in realizing the conclusion of the protocol if France asked for their advice.

The Vichy party in the southern part of VTC has kept up its activities in cooperation with Great Britain and the U. S., and they must take effective steps against them.

PAGE

7072

Foreign Minister TOJODA stated that the recent declaration made by the government had given the impression to third powers that Japan had penetrated into FIC by force. To prevent the U. S. from taking unjust measures, Japan wished to make it clear quickly that the penetration was on mutual agreement of an understanding between the two governments.

TOJO explained that the penetration of last year into northern FIC was concerned with the China problem, and its aim was different from the present measure. Under this, while Japan is responsible for common defense with FIC, the area of activity is not restricted.

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With respect to the question asked whether the money provided in the agreement would not limit the size of the operation, TOJO answered that the amount was estimated with an ample margin to cover the necessary expenses for forces of about 70,000, and there would be no fear of reduction in size and action because of expense.

When asked about the NISHIHARA-HENRY agreement, TOYOKA and TOJO explained that the agreement was a military one, although based on the MATSUOKA-HENRY agreement, and did not need to be referred to the Privy Council. One of the Commissioners stated that the agreement was an international one under the authorities granted by the MATSUOKA-HENRY agreement, and was the same in nature as the exchange of notes, but there was no time to submit it to the Privy Council.

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Exhibit No. 650, the minutes of the second Privy Council Meeting for concluding the protocol between Japan and France for the common defense of FIC, held on July 28, 1941, with SUZUKI and TOJO present, stated that relations between Japan and FIC had improved since 1940, and the success of economic negotiations and the Thailand FIC mediation had strengthened with FIC. However, FIC has a tendency to depend on England and the U. S.

In the interior and in the south there are some who did not wish to cooperate with Japan, and Dejeune is trying to collaborate with England and the U. S. Japan has realized that it is necessary to have France cooperate in the military field. He then outlined the agreement, which is substantially in the form set forth in the Japanese note to France.

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* Reporter SUZUKI stated that the plan was indispensable for the stability of the Far East and the co-prosperity of Japan and France, and that the matter had been approved unanimously.

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Exhibit No. 651, being the protocol between France and Japan concerning the joint defense of FIC, July 29 1941, and two letters dated at Vichy of July 29, 1941, are summarized as follows. In the first letter KATO * asked the French Government to agree to the proposals hereinbefore outlined.

(October 7, 1946)

7104

* The protocol showed that it was signed at Vichy on July 29, 1941, and was promulgated by Japan on August 1, 1941. It stated that Japan was renewing her agreement to respect the rights and interests of France in East Asia and the territorial integrity of FIC and France's sovereignty, and that France * was reaffirming its agreement not to enter into any understanding with a third power anticipating cooperation opposed to Japan.

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In the protocol the two governments promised to cooperate militarily for the joint defense of FIC under the special arrangements, which are to remain effective so long as the circumstances which motivated them exist.

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Exhibit No. 652, being a telegram from Neumann of the German Legation at Bangkok to the German Foreign Ministry, September 1, 1941, stated that the Japanese * invasion of Indo-China looks like it will last for a long time. So far Japan has landed 25,000 troops, and an additional 20,000 will follow. Not only the seven * towns and airfields named in the July note have been occupied, but all strategic points, large towns and settlements in Cochin China, Cambodia and Southern Annam have been occupied. In Cam Ranh there are no Japanese warships thus far, and only a weak landing detachment.

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The deployment is obviously directed against Siam, and he had been informed that Japan was considering sending an additional 150,000 troops. This is probable, since the troops landed are insufficient for further offensive operations. The attack on Siam is possible at the earliest in November.

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• Exhibit 654-A, containing a telegram from Ott to the German Foreign Office, dated October 15, 1941, stated that observations in Japan confirmed Huxford's description from Saigon. The occupation of VIC did not proceed without friction. There are numerous points in dispute concerning interpretation of the agreement. The controversy concerned treatment of the Chinese Consul, the handing over of airplanes, the seizure of quarters and goods and anti-French propaganda. The French Ambassador has lodged a number of protests.

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Japan intends to increase the present forces to 40,000. Japan assures Germany that the agreement does not provide for a maximum limit for occupation troops. Japan seems to intend to get from the French colonial administration a number of concessions locally only after the creation of a fait accompli. YOSHIZAWA will leave for Saigon and this not before the beginning of November. Both parties will not let it come to an open conflict. Japan is trying to keep up the appearance of a defense alliance and is afraid of diminishing the economic use of the country through an open clash or peaceful resistance.

The rice quota of 700,000 tons was secured on the strength of MATSUOKA's agreement, but it is hoped that even greater quantities will be obtained. Japan denies that there has been an argument with Iain Smith's order concerning supervision of the militarized zone.

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Exhibit 655, a telegram from Brunschwiler to the German Foreign Minister, November 17, 1941, stated that Brunschwiler had conferred with the Japanese Ambassador as to possible Japanese action either to the north or south. OHNUMA stated that he had no information concerning the government's intentions and could give only his personal opinion. He remarked that the Anglo-Chinese pacture might get up with the Japanese an invasion of Thailand, which would be undertaken after prior agreement with Thailand. To prepare for this in mediating the conflict between VIC and Thailand, Japan had decided in favor of Thailand. Due to active English and American propaganda in Bangkok the attitude of the government has become irrevocable. In OHNUMA's opinion

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Japanese troops in South VIC should be further increased before Thailand can be invaded and its only purpose would be as a springboard off Singapore. It is not likely that the English would invade South Thailand since they would expose themselves there and in the narrow Malayan Peninsula to a Japanese flank attack. This would not be easy since dense jungle would have to be surmounted.

7121 The Court's attention was drawn to Exhibit 600. It is a telegram from Göt to Ribbentrop * in which he reported that the Japanese Ambassador to the United States has reported to Hull that the aim of Japan preparations in VIC was in view of the Chinese massing of troops contracting stipulations with France.

Exhibit 606, the Local Military Agreement between the French authorities and the Japanese army concerning the joint defense of VIC, is summarized as follows:

7122 The general principles of the agreement * were that the French authorities should collaborate with all resources in defending VIC in accordance with agreements.

7123 For the duration of operations VIC authorities are to insure public order in all territories so as to secure the rear of the Japanese army. The VIC group shall grant to the Japanese army all facilities for movement, subsistence and installations of military establishment. The Japanese army will defend South VIC and other regions when it takes up its positions. The VIC army will defend North VIC and other regions where stationed. * Where both are stationed a special agreement will govern. There are to be separate agreements as to anti-aircraft defense, coastal defense, sea and air navigation, utilization of transport, communications, medical service, employment of material and labor, anti-spying and control of information. The instrument was signed on December 9, 1941.

7124 Under the detailed provisions, * air defense of VIC is guaranteed by the French who will work in close liaison with the Japanese army who can require the French to put into action their defense to be employed primarily in defending VIC civil and military installations. Her defense measures will go into effect immediately and air

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7125 alerts will be given by each on their own initiative. As to coastal defense, where war or merchant ships or planes belonging to countries at war with Japan approach the FIC coast, * French shall inform the Japanese and make all dispositions to repel the attack. The defense of the coast shall be in agreement with the Japanese to be determined by agreement. The Japanese may place liaison personnel in the fortified zones of Camranh Bay, Douch and Cape Saint Jacques. As to ship movements, the Japanese Navy is to be consulted before any movement by French ships. There is to be no access to Camranh Bay without Japanese permission and in exceptional cases the Japanese may discuss with an FIC pilot.

7126 As to plane movement, the French shall concentrate on military aviation in North FIC * and shall effect preliminary coordination with the Japanese army with the anticipated modifications on its disposition. Modification may be carried out without preliminary consultation in case of necessity with notice to the Japanese. The Japanese army may use, if needed, all air bases, but the French are free to make use of areas actually occupied and indispensable to them. In case of joint occupation, local agreements will be made. The two armies in North FIC will exchange liaison officers if necessary.

7127 As to traffic and transport, * FIC will satisfy as soon as possible demands necessary to Japanese operation. In regard to demands there must be a specific request in each particular case and they will be made so far as safety of traffic will permit. Where military operations involve use of the Cambodia railway it will be made by special through trains. If, in the course of operations, required transportation may be subject to delay and difficulty, after giving notice Japan may assume control of the use of the railways. All Japanese use of railways is to be kept strictly secret. Indemnity will be calculated. * When necessary the Japanese shall have the power, after notice, to limit or forbid land, sea or river navigation in the bounds of Japanese military installations and in reserve zones.

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With respect to communications, in case of need and after demand FIC will have certain radio sendings and certain cable messages stopped. Air defense messages are

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to have priority over all others. In case of necessity the two services may send liaison agents to radio stations. The FIC authorities are to give to the Japanese any use of certain radio stations and telegraph lines and the Japanese may give necessary priority to FIC official telegrams.

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* With respect to counter-propaganda measures, the FIC authorities will deliberate without prejudice and activities likely to endanger Japan's security in FIC and will lend support in the matter of counter-propaganda and will exchange without delay all information on this subject. Concerning FIC authorities will take steps against foreigners whose activities might endanger Japanese security. In order to preserve security the Japanese will place a liaison agent in each FIC central communication area telegrams, telephones and telegraph offices of newspapers and mail. As to control of information the FIC authorities will decide on measures which might be necessary, because of the needs of the FIC, to take steps for controlling FIC information and in Japan will begin to establish and utilize Japanese organizations for radio broadcasting to foreign countries other than to FIC. If necessary, the Japanese shall have the right to attach liaison agents to FIC broadcasting companies.

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* Continuing with subject 697, a Policy Council meeting, Comptroller MATSUZAKI stated that on the occasion of the Franco-Japanese agreement of June 1937, France and Japan declared as to FIC that until a commercial treaty shall have been concluded Japan and FIC would give each other the most favored nation treatment for protecting lives and property of each other's nationals. When the Franco-Japan commercial treaty was signed in August 1938, Japan wanted to apply to FIC, but France refused and merely reaffirmed her previous declaration. Since then Japan had tried repeatedly to conclude a commercial treaty about FIC, but failed because France opposed forcing Japanese participation. In August 1937 an agreement was made on residence and navigation and was provisionally concluded, but no agreement could be reached on commercial matters. France further strengthened her measures against imports of Japanese goods and Japan was about to impose a retaliatory duty on coal. France then reconsidered and a commercial treaty as to trade regulations

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* between Japan and FIC was concluded in May 1932.

In the protocol of 1927 the two countries guaranteed to each other the treatment of the most favored nation with respect to residential matters and the treatment of domestic vessels or of the most favored nations in respect to shipping. The protocol was provisional only and could be abolished at any time on three months' notice after January 1, 1930 and lacked concrete provisions as to many matters. The commercial treaty of 1932 granted the advantages of customs but this was provisional and placed numerous items of Japan's important exports beyond the treaty and made no provisions for prohibition and restriction of exports and imports, import quotas and modification of rates. When France joined its custom tariff - the advantages of the agreement were reduced and the treaty with FIC fell into a slump. The change in the general situation due to France's surrender to Germany has changed France's attitude, giving Japan the opportunity to settle questions concerning FIC.

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The attention of the Court was called to exhibit 550, in which the attitude of Germany and Italy toward the position of Japan in the construction of a new order in Great East Asia is related.

The attention of the Court was called to exhibit 502, in which the certainty of FIC and Shell with the future of Japan in the south was shown.

The Court's attention was also called to exhibit 541, the meeting of ministers in which Japan's expansion toward the south was discussed.

The Court's attention was called to exhibit 620, relating to Japan's ambition in South East Asia and the desire to conclude a comprehensive economic agreement.

The Court's attention was also called to exhibit 506.

Exhibit 677, an official report from the Japanese Foreign Minister concerning the Japanese advance in North FIC, stated "from the viewpoint of necessity of operations against China as well as the disposal of the

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7282

The Court's attitude

615-4

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Article 37.
most concerning the matter
of settling accounts between
real, into evidence.

This agreement
imported between Japan and
favored nation treatment of
another nation and rule
Japanese origin imported
minimum tariff rate
be exempted from
relative provisions
Japan is contained.
there is to be no
the enforcement of
unavoidably raised
notion.

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There is
alteration of the
In order to get the
essential, in all
certain exceptions
invoice certified

The
from all taxes
storage, warehousing
times in all
have the most
to local taxes
most or the most

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to prohibition and restriction - or express prohibition
the treatment of a most favored nation is guaranteed with
certain exceptions. This is true also as to special
privileges except as to Japan's interest in Manchuria.
Each year the authorities shall determine by agreement
the PFC articles and quantities to be imported to Japan
and the import quota to be allowed to Japan as well as
the articles of Japanese origin and the quotas to be im-
ported into PFC during the following year.

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The Court's attention was called to Exhibit
625-A.

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• Exhibit 627, the Franco-Japanese agreement concerning the customs system, trade and the facilitation of settling accounts between Japan and FIC was placed and read into evidence.

This agreement provided that goods exported or imported between Japan and FIC shall enjoy the most favored nation treatment with respect to taxes, fees and other matters and rules and procedures. Goods of Japanese origin imported into FIC shall be subject to minimum tariff rates, but those listed in Annex A shall be exempted from duties or have further reductions. A relative provision in favor of FIC goods imported into Japan is contained. As to goods listed in annexed lists there is to be no raise in duties for one year after the enforcement of the agreement. In case there must be unavoidably raised provision is made for giving advance notice.

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• There could be no raising of duties through alteration of the table of extents and classification. In order to get these advantages direct shipment is essential, in addition to a certificate of origin, but certain exceptions shall be recognized. As a principle, invoice certified by a special organ shall be attached.

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The products of each country shall be exempted from all taxes and fees of transit, trans-shipment, storage, warehousing, temporary importation and re-exportation. In all regulations and procedures such goods shall have the most favored nation treatment and with respect to local taxes they shall have the same domestic treatment or the most favored nation treatment. With respect to prohibition and restriction of exports and imports the treatment of a most favored nation is guaranteed with certain exceptions. This is true also as to special privileges except as to Japan's interest in Manchuria. Each year the authorities shall determine by agreement the FIC articles and quantities to be imported to Japan and the import quota to be allowed to Japan as well as the articles of Japanese origin and the quotas to be imported into FIC during the following year.

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As to agreed articles the two countries will mutually grant to each other export and import permits up to quantities agreed upon. They will give friendly consideration to export and import in excess of these quantities and to other goods and to the granting of additional quotas to goods of Japanese origin in case the total quota is raised. This is to be done by agreement. The two governments are to notify each other on the method of certifying the origin of goods, the list of import permits and statistics on imports and exports.

7254

Article 660, the subject of the treaty presented in relation to Japanese economic expansion, June 14, 1941, stated with respect to a question asked about supply of FZC performing her duty to supply rice and rubber to Japan, MATSUOKA replied that she will perform her duty as arranged unless some unexpected situation happens. With respect to the development of trade with FZC the head of the Foreign Office Gresham Norton replied that FZC is affected by the European war and her imports had considerably decreased. The result is that under the treaty the commodities from Japan will be increased so as to reach a total of seventy to eighty million yen a year. Other products, except rubber, in FZC cannot be exported to third countries generally exports to Japan will be smooth. Rice exports will amount to eighty million yen and all others to eighty million yen.

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It was stated that since Japan intended to gradually force the Japanese of the proposed and to exert Japanese influence by degrees it is inevitable that it will become known to third powers.

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From Exhibit 654-A, telegram from Moscow, a member of the German Ambassadors Commission for Economic Affairs, dated October 1, 1941, stated that negotiations had been conducted with the French as ordered and the French president of the delegation had confirmed the order to the Governor of FZC to release the 3,000 tons of rubber which Japan had requested for September and he asked for German support of the French efforts for Japan. It was approved for delivery of 5,000 tons to the United States. FZC needed the proceeds of the sale to buy vital goods of strategic value and the United States would not approve French blocked accounts or accept

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Martinique sold. This request was turned down.

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With respect to Germany's request, the president of the delegation stated he would take the German point of view into consideration during negotiations with Japan. He could not go further. It was pointed out that not only Japan - but also Germany would not cease to export further exports of raw rubber from FRO to the United States.

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Exhibit 46, the France-Japanese treaty of residence and navigation relative to FRO, provided that the nationals and subjects of each country shall have full liberty to enter and reside in the territories of another so long as they conform to the law of the country they enter. They shall have the right - in all matters concerning travel and residence to be treated as nationals of the country and the right to carry on business and manufacturing and to deal in all articles of lawful commerce individually, by agent or in partnership. In matters concerning industry, trade or profession and the pursuit of studies or investigation they will be treated as nationals and subjects in the most favored nation. They will be able to own and lease real estate which is necessary and to lease land for residence or commercial, industrial and agricultural purposes.

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Under reciprocal conditions they will be able to possess and obtain all kinds of movable or immovable property which the laws of the country permit or which is allowed to the nationals and subjects of the most favored nation - and they will be able to dispose of such property in any manner allowed to the nationals. They can freely export proceeds of sales and all accessories without being subject to other and severe taxes than the nationals are under such circumstances.

From Exhibit 47, the protocol signed in July 1941, provided that the protocol and the treaty are an inseparable whole and have the same terms. The treaty provided that 'For the foreigners,' identification cards shall be refused in the case of Japanese nationals. Japanese are to be specially permitted to engage in certain business prohibited to foreigners and the maximum number of employees they can employ is to be raised. The consideration is to be given to Japanese acquiring ownership of immovables in Japan and teaching. There are to be

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special concessions in agriculture, mining and hydraulic power in VIC to joint France-Japanese enterprises. Japanese nationals are to be permitted to open and manage Japanese schools for giving Japanese education. An economic conference is to be established. Problems of coastal trade, navigation and fishing, and problems of aviation wireless stations and interarea cables are to be settled by consultation. Marine transportation problems will be solved through the cooperation of the shipping interests.

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* This protocol is to be kept secret so that third powers will not share equally with Japan in the privileges, because of the most favored nation clause.

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From Exhibit 652, a telegram from Hanoi stated that there has been seizure of all valuable raw materials. The VIC-Siam border Commission has 93 Japanese, 14 Siam and 1 French, provided over by a Japanese. At Saigon there are serious differences of opinion and friction between Japanese and Siam. In Saigon there are 20 Japanese newspaper correspondents and 24 firms. There is competition between the new and old Japanese firms. * Japanese agents swarm over the country and there is marked economic espionage. In Cambodia the Japanese buy rice fields and Kapok plantations, but attempts to buy small rubber plantations have failed. In case of continued worsening of the situation the Japanese will obtain large rubber plantations, even from the French since they have unlimited right of settlement as well as the right to acquire real estate. A rubber syndicate has been formed under MINGHI for buying rubber plantations in VIC.

7166

Exhibit 661, Decision 16 of the Supreme War Leadership Council, February 1, 1945, stated * that in view of the change in the war situation and the attitude of VIC, Japan shall resort to timely independent military action. The time for this action is to be determined later and the principles are to be kept secret until started. Prior to using military force Japan will have her Ambassador demand, as a time limit, from the Governor of VIC to agree * that as long as the present situation continues collaboration with the Japanese against a tendency for the United States to exercise military power toward VIC is necessary. That the military and

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7172

decided to explain that in order to reorganize at this point clear. The army has agreed to carry contact with the government liaison who made.

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• Exhibit 64
Japanese forces in FIC, in the attitude of the French Indo-China • rapidly local war situation, especially in the Philippines. In the French view to prove FIC in every sphere and it can didn't do anything, a difficult position in of FIC was disposed of as an sincerity and make them of Japanese war preparation.

The Japanese gov
Guiding Conference in Febru
tion into consideration of
Governor of FIC should con
tions:

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• As long as pro
French troops and armed pol
ice control and command and
All organization necessary
ways, the transportation in
under Japanese control, the
give instructions to all FIC
fully with the Japanese spe
items were officially annou

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• In the event the Governor accepts the de-
mands, the Japanese will not go beyond reorganization
of French troops and armed police. If not, the Japanese
will be obliged to resort to military control, in which
case it will adopt the following plan: The relations
between the two countries will not be considered as at
war, but Japan will not be bound by existing treaties.
Japan will not permit the Governor General and his staff
to function. The personal treatment will be as moderate

7172

decided to explain that they will disarm the FIC forces in order to reorganize them. The government will make this point clear. • The commander of the Japanese army has agreed to carry out the plan after making full contact with the government. Request for complete liaison was made.

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• Exhibit 643, a report of changes in the Japanese force in FIC, December 17, 1945, stated that the attitude of the French toward the common defense of Indo-China rapidly lost sincerity in the general war situation, especially with the American progress in the Philippines. In spite of repeated expectations, the French tried to prevent Japanese war preparation in FIC in every sphere and it was evident that if the Japanese didn't do something, they would find themselves in a difficult position in case of a United States landing. FIC was disposed of so as to attempt to nullify the French sincerity and make them contribute to the fullest to Japanese war preparation.

The Japanese government at the Supreme War Guiding Conference in February 1945, taking the situation into consideration decided to demand that the Governor of FIC should consent to the following propositions:

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• As long as present circumstances last, French troops and armed police will be put under Japanese control and command and will act under its directive. All organization necessary for war contact, such as railroads, sea transportation and communications, is to be put under Japanese control. The Governor will immediately give instructions to all FIC organizations to collaborate fully with the Japanese upon their demand. These three items were officially demanded of Governor De Goux.

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• In the event the Governor accepts the demands, the Japanese will not go beyond reorganization of French troops and armed police. If not, the Japanese will be obliged to resort to military control, in which case it will adopt the following plan. The relations between the two countries will not be considered as at war, but Japan will not be bound by existing treaties. Japan will not permit the Governor General and his staff to function. The personal treatment will be as moderate

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as possible. The lower organizations of the government will not be touched and will be used as they are. The French troops and armed police will be disbanded and re-organized, but those who resist disarmament will be treated as prisoners. The French will not be treated as an enemy nation, but moderately. In case of necessity the Japanese may control private property and the restriction of habitation and movement.

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On March 9, 1945 at 1900 Ambassador MATSUOKA called on Governor De Sosa according to instructions. The governor admitted the possibility of Americans landing in FIO. MATSUOKA asked him to strengthen Japanese-French coastal defense and outlined the conditions and asked for a reply by 2200. About 2200 he sent the reply, which the Japanese found qualified and considered as a rejection.

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The commanding general of the 30th army immediately ordered all disarmament of French troops and armed police. This succeeded in a few days, although some resistance in Hanoi, Saigon, Yunnan-chow and Kweichow. In the northern frontier the Japanese had considerable losses. The Japanese army proceeded to suppress French detachments in French places and contingents which had fled to the mountains. In a month time public order was re-established except in the remote places and public feelings were soothed and various organizations were working again. On May 15 the Japanese army finished its armed operations.

7179

The Viet-nam activities in Northern FIO became more vigorous and movements to establish full independence were strong. The Japanese had to use considerable strength against them until hostilities ceased on August 14. The French troops were divided into the French and native groups. The French were concentrated and interned in Saigon and Hanoi. As for the natives, a part of them were taken into Japanese army as auxiliaries and the rest they planned to reorganize into volunteers and national units, but this plan did not work out.

7180

The Japanese reduced the police to a minimum number, including the French and distributed them. The total numerical strength was less than half of the prior strength. French civilians were restricted in residences to Hanoi, Haiphong, and five other cities.

... persons were forbidden. Doors of houses must be left open.

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Administrative organizations were left intact and while some Japanese officials took some of the important positions, almost all French and American officials were prevented to remain at their posts. This helped to re-establish public order and prevent social uncertainties and with FTO cooperate with Japan in war preparations. As a result, Japan and other groups proclaimed their independence. The Japanese army did not interfere in internal affairs and left them free to do as they wanted. However, the Japanese wishes them to prevent their showing the same uncooperative attitude as they had to the French. Japan's disposition of FTO was favorable as a result of the fact that France retained United States interests. The French could not be hoped to correct their unfriendly attitude and to cooperate with Japan. Japan did not regard the French as enemies or to occupy its FTO territory. This disposition was based upon directives from Tokyo and not on the opinion of the local commander. The Japanese troops and officials always acted solely by orders of the superior commander.

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Exhibit 66, 2nd proclamation from the High Command of the Japanese Army March 10 to March 18, 1945. Is summarized as follows:

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A proclamation number one stated that Japan intended to abolish the present government in Indochina. The Japanese Army is fighting the present government and its troops and not the natives and will cause no harm to the people. Accidents may happen, however, and the Japanese is asked to take necessary precautions so as not to become victims. They must remain quiet and not take any unauthorized action and perform their usual duties. Anyone hampering the operations of the Japanese Army will be prosecuted under martial law.

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The second proclamation stated that the French population, if it refrains from any unauthorized action, may continue to live in peace and security. Those who adhere to French and Malabar with the new government must present themselves to the respective offices and state their intentions. They were forbidden to travel or move without permission. They had to hand in all fire arms, ammunition, radios, cameras, binoculars and typewriters. A curfew was set up and meetings of more than four persons were forbidden. Doors of houses must be left open.

7285

Resolution number 7291 was adopted that the Japanese
Government should be required to insure the total repara-
tion for the damage of 1.2 billion dollars in the form of
the Japanese Government. The Japanese Government
does not intend to change the existing regulations
of the Government and will respect all laws and de-
crees in force and to all within the present limits
of the Government and respect all Government employees and
with to work in them. All Government employees and non-
Government employees will be treated with the same
basis of the Council of Ministers and collaborate with the
Japanese Government. The Japanese Government will
support any attempt to satisfy the desire for independence
and to the desire to help the national movement in
conjunction with the fundamental principles for the de-
struction of Greater East Asia.

7291

Resolution number 7290 was adopted that the Japanese
Government should be required to insure the total repara-
tion for the damage of 1.2 billion dollars in the form of
the Japanese Government. The Japanese Government
does not intend to change the existing regulations
of the Government and will respect all laws and de-
crees in force and to all within the present limits
of the Government and respect all Government employees and
with to work in them. All Government employees and non-
Government employees will be treated with the same
basis of the Council of Ministers and collaborate with the
Japanese Government. The Japanese Government will
support any attempt to satisfy the desire for independence
and to the desire to help the national movement in
conjunction with the fundamental principles for the de-
struction of Greater East Asia.

7290

Resolution number 7289 was adopted that the Japanese
Government should be required to insure the total repara-
tion for the damage of 1.2 billion dollars in the form of
the Japanese Government. The Japanese Government
does not intend to change the existing regulations
of the Government and will respect all laws and de-
crees in force and to all within the present limits
of the Government and respect all Government employees and
with to work in them. All Government employees and non-
Government employees will be treated with the same
basis of the Council of Ministers and collaborate with the
Japanese Government. The Japanese Government will
support any attempt to satisfy the desire for independence
and to the desire to help the national movement in
conjunction with the fundamental principles for the de-
struction of Greater East Asia.

7289

Resolution number 7287 was adopted that the Japanese
Government should be required to insure the total repara-
tion for the damage of 1.2 billion dollars in the form of
the Japanese Government. The Japanese Government
does not intend to change the existing regulations
of the Government and will respect all laws and de-
crees in force and to all within the present limits
of the Government and respect all Government employees and
with to work in them. All Government employees and non-
Government employees will be treated with the same
basis of the Council of Ministers and collaborate with the
Japanese Government. The Japanese Government will
support any attempt to satisfy the desire for independence
and to the desire to help the national movement in
conjunction with the fundamental principles for the de-
struction of Greater East Asia.

7287

7287

(October 7, 1946)
(Foreign Relations)

NARRATIVE SUMMARY OF THE RECORD

2000 1972

THE PRESIDENT OF THE UNITED STATES OF AMERICA
OFFICE OF THE SECRETARY OF WAR
WASHINGTON, D. C.

TO THE HONORABLE SENATE
EXECUTIVE SECRETARIAT
WASHINGTON, D. C.

REPLY TO A RESOLUTION OF THE SENATE
PASSED APRIL 21, 1915, CONCERNING THE
PROVISIONS OF THE TREATY OF COMMERCE
AND MARITIME RELATIONS BETWEEN THE
UNITED STATES AND FRANCE, AS AMENDED
AND SUPPLEMENTED BY SUBSEQUENT TREATIES,
AND BY EXECUTIVE ACTION, AND AS THE SAME
AFFECT THE OPERATION OF CERTAIN
ARTICLES OF THE TREATY, AND AS THE SAME
AFFECT THE OPERATION OF CERTAIN
ARTICLES OF THE TREATY.

THE

(See also 70 Stat. 746)
(French Relations)

7302
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7308

SOVIET RELATIONS

Opening address by Mr. A. A. Gromyko.

Exhibit No. 666, an outline map of the Soviet Far East in the northern part of Manchuria, was offered and received in evidence.

Exhibit No. 667, summary of a talk between ARAKI and MATSUOKA, Secretary-General of the Imperial Rule Assistance Association from the Imperial War Museum of August 14, 1941, stated that looking back at the Siberian Expedition, ARAKI feels that the plans were complete but there was considerable regret because of the failure to take the expected last stroke. They may simply call the Siberian Expedition by that name, but there are very complicated circumstances lying in the background. Japan's intention to dominate the continent may be considered to have predominated in the Siberian Expedition. Unfortunately, ARAKI feels that in the execution of this expedition the courage and determination to strive for the calculated ends by a firm and resolute cabinet policy had been lacking. It had been very carefully planned, but due to various regrettable obstacles which had arisen at home and abroad they had been unable to carry out the plan to perfection.

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Exhibit No. 668, affidavit of Sergeant, Sergei Mikhailovich, 11 April, 1946, stated that on November 30, 1940, when the document and his staff were in Manchuria, Colonel JOSEF, of the Japanese General Staff, informed him that Japan was planning to create an independent government in the Far East and was ready to support him as head of the government.

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7300

In examining the investigations he went to Vladivostok in November, 1940, where he met with General TAKAYAMA, Chief of the Japanese Expeditionary Forces in Siberia, where TAKAYAMA informed him that JOSEF had correctly given the Japanese position on Primorye, and the document agreed to become the head of the government. Later, to fully define Japan's conditions, he met with General TAKIYAMA, Commander of the Kwantung Army and later all Japanese expeditionary forces in Siberia, and his successor General KAMI. They expressed Japan's desire that he head the government.

7301

Japan's final conditions were forwarded by Count MATSUOKA, the head of the Japanese mission in the Soviet Far East. These conditions were that Japan would lend the necessary money for food, weapons and ammunition, and he would do away with all frontier formalities between the

7322

Princely and the territory under the Governor-General of Korea. He, in fact, agreed to annex the Princely to Japan. Later YAMAGUCHI and HEDA informed him that Japan intended to create an independent government under the dependent in Zabaykalye and to completely annex the Princely.

7323

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Exhibit No. 667-A, the statement of Baron SHIMIZU on Japanese policy towards the Soviet at the Washington conference, stated that it is the fixed and settled policy of Japan to respect Russia's territorial integrity and to observe the principle of non-intervention in the internal affairs of that country.

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From Exhibit No. 30, the draft of the treaty proposed by the Japanese delegation to the Delegation of the Far Eastern Republic at Dairen on April 19, 1922, it was proposed that the government of the Far Eastern Republic agree to take down and to blow up all fortresses and fortifications along the coast in the Vladivostok area and the Korean frontier, and never to rebuild them, and not to take any military measures in areas adjacent to Korea and Manchuria. This government should recognize the right of official stop and travel in its territory by Japanese military missions and army officers. It was to agree never to keep a navy in the Pacific and to destroy the existing one. Japan was to evacuate armed forces from the Princely whenever it considered it necessary. This draft was never accepted.

7331

Exhibit No. 670, an affidavit of TANIGUCHI, Ichiro, March 24, 1946, stated that as Governor of Akita Prefecture in 1933 and 1934 he heard ARAKI's speech to the Prefectural Governors. ARAKI, on a map of the U.S.S.R. and Manchuria, explained Japan's need for the maritime provinces, Siberia, and Zabaykalye.

7332

Continuing with Exhibit No. 668, the Sergeyev affidavit, the Depoent stated that in 1936 he met General OKAMURA, Chief of the Kwantung Army, and learned that under the Japanese plan the Ussuri Region was to be made part of Manchuria, and a buffer state under the Depoent was to be created extending from Lake Baikal to the East.

ARAKI best represented the Japanese aspirations. The Depoent had been friendly with him since the Expedition. At the time he had been Chief of the Japanese Military Mission in Khabarovsk. When ARAKI became War Minister in 1931 and a member of the Supreme Military Council, the

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deponent went to see him often in Tokyo.

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In 1936, ARAKI told him that Japan aimed to create heavy industry in Manchuria quickly to partially provide the Manchung Army needs, and following this it would begin its war against the Soviet Union. He also told him that it was the Japanese plan to annex Eastern Siberia and the Primorye by force, and to create a limited state in that territory.

This seizure of Primorye would in no way mean stopping further advance into the U.S.S.R., Japan's ultimate aim, being, said ARAKI, the territory immediately east of Inner Manchuria.

7336

Exhibit No. 671, being a statement of ARAKI in the Densetsu Press printed in the Japan Advertiser, stated that ARAKI had said that Japan's determination to fight to a finish with China and the Soviet Union will carry it on for more than a decade.

7337

Exhibit No. 672, telegram from TOJO, Chief of the Manchung Army to the Vice-war Minister and Vice-Chief of Staff, June 9, 1937, stated that judging from the present situation in China from the point of view of preparing for war against the Soviet, he was convinced that they should first deliver a blow to the Manchung regime to get rid of the menace in the rear.

2382

7345

• Exhibit 673-A, an excerpt from the book entitled "The Japanese-English-Chinese War" by KUNDO, Shigeki, stated the propelling force of Japan in the Far East has been influencing the whole world. Japan has been the only motivating force in modern world history for the "Sino-Japanese War, Russo-Japanese War, World War I, Manchurian Incident, The Nazi Regime in Germany, The Annexation of Ethiopia, The Spanish War, The occupation of the Rhineland, The China Incident" and the Annexation of Czechoslovakia, Austria and Albania.

7346

The fall of modern Europe means the rise of Asia and great propaganda for the Imperial way. The European incident should be developed into a world-wide incident.

Exhibit 674-A, an excerpt from an article entitled "New Stage of the Soviet-German War and Japan," by TANAKA, Kense, published in "Kaizo" November 1941, stated the attack on Moscow, which appeared impossible before the end of the year, seems to have become an accomplished fact. Japan's standpoint at this time is definitely she rejoices and hopes for the victory of Germany, her confederate. She should make use of the world situation to achieve her primary great mission.

7348

• Exhibit 675-A, an article written by HASHIMOTO on January 5, 1945, entitled "Greater East Asia Sphere Under Imperial Influence," published in "Toyo-Dainippon," stated that he thought that the Greater East Asia Sphere included Japan, Manchuria, China, the Soviet Far East, FIO, Burma, Malaya, Dutch East Indies, India, Afghanistan, Australia, New Zealand, Hawaii, Philippines and the islands of the Pacific and Indian Oceans.

7349

While it cannot yet be decided whether all these countries can be included at once into the sphere, it is absolutely necessary to include, for national defense, those countries in the sphere of Japan's influence.

7350

Exhibit 676-A, an article entitled "The Great Union of Asia," by TANAKA, Noshiki, published in the "Asahi Ji-shi," January 1, 1941, stated "for the purpose of the Great Union of Asia the first step is to unite namely Japan, China and Manchuria under Japan, the second is to have Thailand, Burma, the Philippines and Burma participate and the third to effect the annexation of Australia,

1077

... is ...
... as it is ... on ... and the participation
of the General Staff and Navy General Staff in ...
... since the disposition of the Army and Navy forces
in the South is ... and these matters are ...
... under the General Staff.

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1078

Ministry participated in carrying the Committee in
show as it is written on them and the participation
of the General Staff and Navy General Staff in such
cases since the disposition of the Army and Navy forces
in the north is mentioned - and these matters are un-
derstandably under the General Staff.

7307

of these questions in the interest of the Association and give financial support and help with questions. The reports, documents and plans were submitted to the government through the President's correspondence and the instructions of interest. The government provided necessary materials and data, including the exact date. In October 1941 when it seemed that we were about to launch there was set up in the Association a committee for administrative measures to work out a plan to be submitted to the government in preparation for war in the North and South. The committee had the principal figures, President A.P. 6000, President KRAMER, and the Minister of the Navy, Admiral PEARSON and KIM, Chairman, Minister in the 1930s.

The document entitled "The Report of the Committee for Administrative Measures" was made up by this committee and submitted to the President and Mr. King and Foreign Ministers in October 1941. During the war these members of this committee were appointed as administrative leaders in the southern occupied areas of Singapore, Singapore and Java. From 1940 to 1941 the witness was on the non-official staff of the Research section of the War Ministry, which was headed by General KIMURA from 1940 to 1943. Early in 1942 the witness was given to clarify the official view of the situation and also to participate in the witness was shown by the War Ministry the documents which represented the official opinion.

Early in February or March he borrowed from the War Ministry two documents, one entitled "The State of Policy for Management of the Southern Areas Occupied as a Result of the Greater East Asia War" and a plan for the disposal of land in the Greater East Asia Co-Prosperity Sphere. The witness made a study of these two documents and the witness was able to write on them and the participation of the General Staff and Army General Staff in both. The witness also the disposition of the Army and Navy forces in the South is mentioned and these matters are explained under the General Staff.

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• The witness identified Exhibit 679 as a photo-static copy of the new document compiled by the military authorities in the Overseas Ministry and by the Society under the titles of "The Dist of Policy for Management of the Southern Areas Occupied as a Result of the Great East Asia War" and "The Plan for Management of Territories in the Greater East Asia Co-prosperity Sphere" and also identified the report of the committee for the administrative measures.

7370

• The witness also identified Exhibit 680 as the "Plan of Measures as Regards the Construction of the Great East Asiatic Co-prosperity Sphere" published by the Society in May 1943 as the document testified to in his affidavit as produced under the special subscription of ¥300,000.

The witness identified Exhibit 681 as the list of members of the Kenmeikai Kenkyukai published in 1942

7373

• With respect to the juridical members the witness stated that government departments, by their nature, were prohibited from becoming juridical members and it was only for sake of convenience to gather the subscriptions that they were considered as juridical persons.

Exhibit 682, a tentative plan concerning the scope and structure of the Greater East Asia Co-prosperity Sphere of February 16, 1942, the witness stated was prepared by the Society.

CROSS-EXAMINATION BY MR. SUICHIARA

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• The witness stated that the Association was a Bureau Research Association consisting of non-official civilian members cooperating in the common task of research and also a private organization. The purpose of the Association was to assemble the knowledge of the researchers and to advise the government on various problems as well as to make public some of their findings. As to matters of national policy the organization was neutral and had no particular ideology. The government and members were free to accept or reject the views of the organization. • Members were free to join or resign as they pleased. They had no responsibility except payment

7372

of established fees. There were no active military personnel admitted as members. It was not a subsidiary organization of the army.

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As to the method of preparing reports if a certain problem arose, those interested in the particular problem, the number of which might differ, would gather together and form a research party on this subject. If they reached some conclusion, they would prepare the report and submit it to the committee and the committee would act upon the results in accordance with the particular wishes or desires of those who had done the research. Non-convicted members, but members of the organization would not engage in the research of such reports. The aim of the organization was to get its subscriptions from a wide field - donations were received by request.

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The Association was established in 1936 and has received donations since then from both the army and navy and naturally they received them before the time of NUTO and SATO. The lectures given by NUTO and SATO were lectures sponsored by the Association and public lectures carried on as a service to the members.

The purpose for which the plan of constructing the Greater East Asia Sphere was prepared was to make clear the purpose of the war and to cooperate in making this purpose clear.

With respect to problems of Greater East Asia the reports prepared by the Society were made public and distributed, but the part shown to him a little while ago had not been made public. A small number had been prepared and it was distributed only internally among the members of the organization. Not all of the members of the executive committee were agreed with respect to this particular report and it was held by only a few members among the senior executive officers of the organization. When it was distributed to the war, navy and other ministries it was merely tentative. This committee which prepared this report was formed in the summer of 1941 when war appeared to be imminent and it was their consideration that if a war started and territories were to be occupied, that they were very much concerned with the administration of such areas and it was desired to avoid the unpleasantness which developed in Manchuria and China.

through the press bodies of the Army before the individual
had to go through the Board of Investigation and then
of the Army or Navy to speak before it. The request
for any further organization to handle an active effort
to include doctors. At this time it was very difficult
to be separated from them. The question which he asked
was whether in handling the entire number of those who
were in Tokyo would be too large. Since all information
that KIRO spoke up or knew from the time he took
by KIRO was an expert matter. His investigation was
the witness stated that the doctor given

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CROSS-EXAMINATION BY MR. OKAMOTO
COUNSEL FOR KIRO

or he may reply to questions.
only responsibility was to go to the office once a week
several names of the office he had no recollection. His
memory. As a matter of fact the medical staff of the ho-
pital that the military would have no authority on such
staff or was familiar with the hospital. He did not
recall the name of any person who was connected with the general
by which the doctor would be identified. He stated that
general staff could be identified by the information he
stated in his affidavit that only the Army and Navy
by the statement that appears at the end of it. When he
recalled KIRO's name and was connected with the document
as to what happened to it. He only knew that the
man. As to what was happened to him he recalled
none of the names of the original of the document
them of some of the high leaders of the Army. The in-
formation was given by some of the officers. He stated
thought that these documents had copies and he had
no knowledge of this particular document. The witness
has been suggested previously by any effort, but he had
of him in this instance. He had some other documents which
purpose of the military of the Army and that was a great deal
although was an unclassified matter of the investigation
he had no recollection to give proof. At this time the
official documents of the Army he cannot answer since
beyond from the military. Whether there were
the documents which he said he borrowed were

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and it was with this in mind that the report was pre-
pared. The fact that the witness was on the
basis of general information available at the time.

7301

THE

(OFFICE OF THE PROSECUTOR GENERAL, WASHINGTON, D. C. 20530)
EXHIBIT 9, 1946

MEMORANDUM SUMMARY OF THE R OOR
(October 9, 1944)
(Soviet Relations, YATSUJI--Cross)

1083

282

CROSS-EXAMINATION BY MR.

736

• The witness could
the \$25,000 from the Foreign
it was approximately March or
go to the Foreign Ministry to
and did not accept it. This
officials of the Association.
burned down in March 1945 and
records or a copy of the part
Foreign Ministry. The letter
the Association was pursuing a
Asiatic problems and would like
to see and support of both private

739

• By the use of the
the term in the case that
public.

**MEMORANDUM SUMMARY OF THE R COIFD
(October 9, 1946)
(Soviet Relations, YATSUDI--Cross)**

PAGE 3024

2002

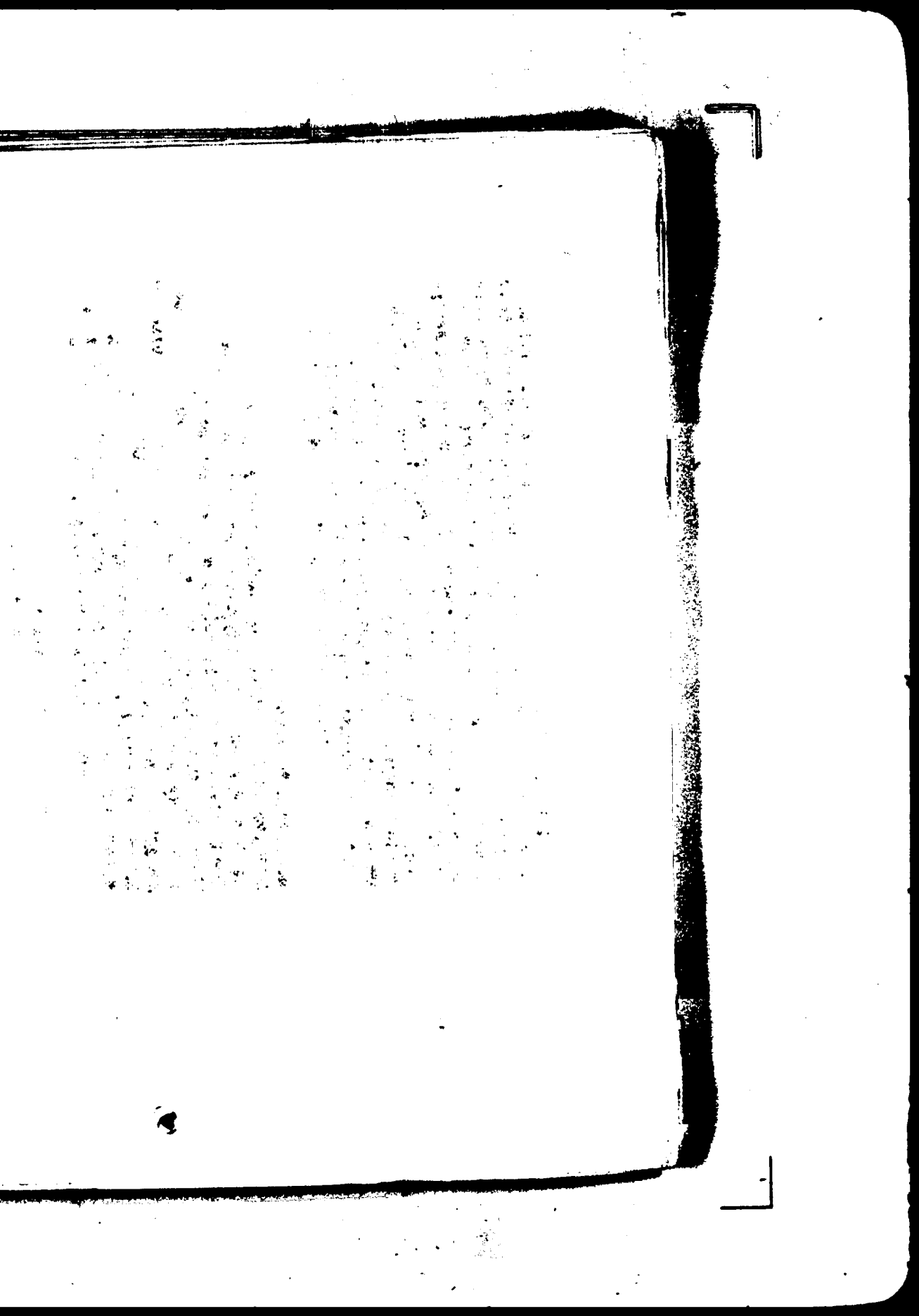
CROSS-EXAMINATION BY MR. BLAIRBY

7396

• The witness could not recall when he got the \$20,000 from the Foreign Ministry, but he believed it was approximately March or April 1942. He did not go to the Foreign Ministry to collect the contribution and did not receive it. This was done by one of the officials of the Association. • The Association was formed then in March 1942 and he did not have the records or a copy of the particular letter sent to the Foreign Ministry. The letter was to the effect that the Association was pursuing a study of Greater East Asiatic problems and would like to request the assistance and support of both private and official Americans.

7397

• If the use of the term "stomach" is used the term in the sense that these publications were made public.



the result as to Siberia will be influenced by the German-Russian pact, as well as the extent to which the Soviet survives.

7407

The report of the staff (the first administrative measure of the consolidation) stated that according to the survey will inevitably expand, either to the south or north. If there is no preparation in its probable that Japan will simply repeat the experience in establishing Manchuria and North China. Dependence is heretofore, the country is deteriorating the conditions to study and discuss all sorts of problems, and will forward the results to the Government, requesting it to make the necessary preparations.

7408

* With respect to the use of railways in the matter of administration, the original plan stated they must pay attention to different cases. As one number stated, railways should not be used in the British East Indies, nor should substitutes of that plan be employed. In the case of the U.S.A., it will be to make use of the railroad system enterprise. It would be considered a good plan for expanding the influence of Japan, and of the same line regarding regulations and other things that the Army needs, and that such regulations be sent immediately after the first survey of occupation.

7409

**REPORT SUMMARY OF THE PROCEEDINGS
(October, 1944)
(Secret's Information)**

Page 1005

7100

subject's no. 64, an excerpt from the list of

members of the Japanese Technical Society. (subject's no.

64) showed there were 115 Japanese members, including

the name of Okuma, Kyoji formerly Japanese Consul.

Subject's information: the South Manchurian Railway and the

Manchurian Iron Company - KIDAI 7080.

7101

subject's no. 64, an excerpt from subject's no.

67, files of documents compiled by the Military Authorities

in the Overseas Department sent by the Military Authorities

was offered and received in evidence. The document

outlined plans for the management of territories in the

former part and (approximately) sphere control - that

through the problem of power territories must be

early decided since it is to be decided under the

Japanese-German pact, the territories mentioned in to be

annexed to Japan, the detailed adjustment to the Japanese

map is to be placed under the influence of this country,

and the German-German Railway is to be under the complete

control of Japan and Germany, if the case on the point of

division.

7102

7417

7418

estimated in. 60%, being the top secret acquisition of the first total war military games of the Sotomitsko Research Institute of total war of 1941, stated. With respect to the north, Japan shall by some facilities the side power's disposal of the north, and it is to insert-able Japan will resort to arm. • Against the north, Japan will strengthen her defense in north Manchuria, especially she will avoid on her so possible war with the north in the north is concluded, she will employ the strategically important areas in the far east by attacking armed warfare when favorable, that is, when the soviet is your collapse in the European war, or is about to take hostile action against Japan, or when the U. S. tries to make military advances into the Soviet far east, or otherwise war is inevitable under any conditions.

7419

In August 1941, with respect to the situation in September 1940, this plan stated that at the outbreak starting of July 10 items decided there would be an opening of war against the Soviet on August 1. • Outstanding fighting would have occurred in many places along the Manchuria-Soviet frontier, but there would be no great resistance. As a result of speedy progress by Japan, a great part of the far northern army and a large part of the army and air forces would be destroyed, and an important part of Soviet far east be occupied by the latter part of September.

**MANAGING SUGGESTION OF THE PROPOSED
(October 5, 1946)
(Service Instructions)**

Page 1006

2002

This may be necessary in the Dutch East Indies, with more serious consideration in the case of U.S.S.R.

7410

Include the G.S. a tentative plan concerning the scope and structure of the Greater East Asia Co-Prosperity Sphere, January 15, 1942, stated that there is a working plan for presenting the construction in details of the plans that are being drawn away from the European part of Russia.

7411

Include the G.S. concept from plan of American on regards the construction of the Greater East Asia Co-Prosperity Sphere (Include the G.S. stated that if the demands are put together and the geographical outline of the reasonable scope of the Greater East Asia Co-

7412

Prosperity Sphere is considered, the scope of the sphere includes all areas generally recognized as self-sufficient economies of the sphere, including those under military occupation, the Aleutians and Alaska (Alaska being non-territorial), all eastern regions of the Soviet Union, including the Far East, and all of other regions, islands, etc., self-sufficient.

END

The Soviet Union would have retired and declared long-term resistance, but its sustaining powers are doubtful. The great offensive by the Axis against the Soviet and Britain since the spring would have gained conspicuous effects correlative to Japan's operations, but is not yet decisive. The situation does not allow anyone to make any assumption as to the ultimate conclusion.

7420

The document stated that the center of the Greater East Asia Sphere is comprised of Japan, Manchuria, China, the Soviet Far East, Burma, the areas north of and also Australia itself, and areas west of 180° East Longitude.

7422

Exhibit No. 687, Records of the Second Conference of the Policy Council regarding the question of the Ministry of Greater East Asia of October 12, 1942, the document stated that the documents TOYO, HOSHINO, MIYAKI, and SUZUKI were present at the conference. TOYO stated that the limits of the Greater East Asia Sphere included the Kwantung region, the South Sea Islands, Manchuria, China, Formosa, and the Philippines, and the extension of new territories.

7423

7425

Exhibit No. 688-1, Plans for establishment of the Greater East Asia Co-prosperity Sphere, a publication of the Institute of Total War of January 27, 1942, stated that within the limits of the area formed by the Pacific and Indian Oceans and Central Asia, are brought together the nations and the resources, and the areas of independent co-prosperity are established.

7426

The area including Japan, Manchuria, North China, the down-stream region of the Yangtze, and the Soviet Maritime Provinces is to be the central zone of the East Asia Union, under Japan's leadership. The Sphere is divided into three zones, and in the central sphere is included Japan, Manchuria, North China, the down-stream region of the Yangtze, and the Soviet Maritime Provinces. The East Asia Smaller Co-prosperity Sphere includes the Central Sphere, Eastern Siberia, China, Indo-China, and the South Seas. The Greater Co-prosperity Sphere includes the smaller one, and Australia, India, and the islands of the Pacific.

EVOLUTIVE SIBELAY OF THE FUSOFO
(October 9, 1946)
(Secreted Materials)

1089

7438

Exhibit No. 691, confided
Inspection tour in Korea and Manch
Colonel SUZUKI, Shinyama, May 1938
had made an inspection tour of the
area about the middle of March 1938
instructions which stated that he d
inspection of general conditions in
particular reference to the supply
and in executing his duty he should
both the Japanese Army and Korean
organs. His further instructions c
general considerations concerning
Manchuria with regard to the "P" p
considering the strategic advantages
the Suijingai-Tsushima and Chinese
airports in Manchuria, and concrete
tactics in Northern Korea in the "P"
operations.

7440

7442

"P" meant a plan of war
Union and "Q" a plan against China
"P" plan, SUZUKI reported that ju
of the strategic advantages betw
from the standpoint of the "P" pla
Japanese main forces, there is her
However, considering the recent de
in certain areas in connection wit
it is properly acknowledged to ab
towards the Suijingai-Tsushima rail

7443

With respect to tactics
any in Northern Korea, it is adv
whole power for use at Manchun.
of the same division in China, it
majority or the complete force is

7444

With respect to the
Manchurian provinces in the "P" plan,
land on the coast east of Vladivostok, the KOREAN ARMY should
not separately from the main forces by taking their opera-
tions into consideration. Special attention should be made
to protecting the equipment of the Korean forces to make
a separate operation possible. At the present plan, the
main purpose of Japanese forces in the Manchurian provinces
is to facilitate operations by the Manchurian Army. Special
attention should be paid to occupying the eastern line of
the Chinese Eastern Railway. This attempt should be realized
as soon as possible. From this standpoint, the main forces
should go into operation with the Japanese occupation army
in Northern Korea.

7427

• Manchuria will steadily develop, following the ideal of the establishing of the state. Japan and Manchuria will be unified, and the latter will be fortified as a military base for operations against the U.S.S.R. The Soviet Maritime Province will be annexed to Japan as soon as possible. Territories besides these will either belong to Japan or Manchuria, and will be treated as special military regions.

7428

• The main principle of construction will be to satisfy the demands of the state defense of Japan and Manchuria, with Japan holding the military power in her hands. After the complete eradication of the Red influence of the Soviet, the lowest degree of self-government may be established if needed. Adequate policies for developing natural resources will be adopted to fortify these areas against the U. S. S. R.

In Mongolia the ultimate object will be to establish a defense wall against the Soviet, and the degree of self-government will be gradually promoted according to the people's standards but military and diplomatic matters will be guided by Japan to the last.

7431

Exhibit No. 689-A, an "Secret from Secret" publication of the Institute of Total War, entitled "Outline of First Period of the Total War for the Establishment of East Asia, February 10, 1942, stated that in the north Japan must strive to establish an international defense base and to maintain a superior strategic position, as well as to make no miscalculations in acquiring strategic war materials.

7432

The main points to bear in mind in occupation are included in Appendix J. According to Appendix J, the main points of Eastern Siberia to be occupied are in the Maritime Province, Vladivostok, Murinsk, Khabarovsk, Petropavlovsk, important natural resource centers; in Khabarovsk Province, Khabarovsk, Khabovskhansk, Nakhovo, Ussuritsk, the center for molybdenum, Kivda and Krichinsk for coal; in Chita Province, Chita and Murinskaya and other strategic points; and Kharinsk for iron, Darsan for lead and zinc, Gatal for molybdenum, Nakhachka, Chernovsk, Turbatnai, Arbagar, for coal; and in addition, Buriat-Mongol Province.

... in Northern Korea. This matter is being handled as a special case. The main reason for this is the fact that the Chinese Communist Party has been active in the region. It is being handled as a special case. The main reason for this is the fact that the Chinese Communist Party has been active in the region.

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Exhibit No. 691, confidential report of the Inspection Tour in Korea and Manchurian Areas by Colonel SUZUKI, Shiga, May 1931, stated that he had made an inspection tour of the Manchurian and Korean areas about the middle of March 1931, in accordance with instructions which stated that he should make a tour of inspection of general conditions in Manchuria, with particular reference to the Soonglinghai-Pusuan Railway, and in executing his duty he should be in connection with both the Manchurian Army and Korean Army and their controlled organs. His further instructions were to investigate general conditions concerning tactics in Northern Manchuria with regard to the "A" plan of Operations, considering the strategic advantages of the areas along the Soonglinghai-Pusuan and Chinese Eastern Railway lines, airports in Manchuria, and concrete consideration concerning tactics in Northern Korea in the "A" and "B" plan of operations.

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"A" meant a plan of war against the Soviet Union and "B" a plan against China. With respect to the "A" plan, SUZUKI reported that judging by the comparison of the strategic advantages between the two railways from the standpoint of the "A" plan for transporting Japanese main forces, there is hardly any difference. However, considering the recent development of conditions in certain areas in connection with strategic advantages, it is properly acknowledged to advance the main forces towards the Soonglinghai-Pusuan Railway.

With respect to tactics of the Japanese occupation army in Northern Korea, it is advisable to concentrate the whole power for use at Hanchuan. With respect to the use of the main division in China, it is suitable to use a majority or the complete force in "Hanchuan".

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With respect to the army tactics in the Maritime Provinces in the "A" plan, the main force is to land on the coast east of Vladivostok. The Korean Army should act separately from the main forces by taking their operations into consideration. Special attention should be made to protecting the equipment of the Korean forces to make a separate operation possible. At the present time, the main purpose of Japanese forces in the Maritime Provinces is to facilitate operations by the Manchurian Army. Special attention should be paid to occupying the eastern line of the Chinese Eastern Railway. This attempt should be realized as soon as possible. From this standpoint, the main forces should go into operation with the Japanese occupation army in Northern Korea.

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• An affidavit of KASAHARA, Tokio, certified that the photostatic copy of Exhibit No. 692 of a conversation in 1931 between Ambassador HIROTA and Major-General MATSUDA was a true copy of the record of that conversation written by the affiant at the request of General MATSUDA.

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• Exhibit No. 692, the conversation between HIROTA and General MATSUDA in 1931, stated that MATSUDA desired the following matters to be transmitted by HIROTA to the Chief of the General Staff. It is necessary for Japan to have strong policies against Soviet Russia to be ready for war at any time. The principal objective is not against Communism, but the conquest of Eastern Siberia.

HIROTA stated that more than half of the diplomats of the world are in favor of disarmament. However, this refers to the general theory of disarmament. If it became known that the military preparations of Japan in Russia against the Soviet, it is only natural that she could not reduce her armaments.

7457

Exhibit No. 694, proposal made by the Japanese General Staff, 9 February 1930, concerning Russo-Japanese fishing problem, stated • Japan must be convinced that the urgent necessity of considering the reason by which her interests in Russia is authorized, and determined to make unlicensed fishing absolutely safe in the future, to push through her demands during negotiations. Looking at conditions in the Soviet, if Japan shows determination • to obtain unlicensed fishing, Russia will not have the courage to maintain her position. If Japan carried on in spite of Russian resistance, the result would be severance of diplomatic relations with Russia and would give Japan the opportunity to promote its basic national policy against Russia.

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DIRECT EXAMINATION OF KASAHARA, Tokio:

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• The witness stated that he was 58 years old, and in 1931 he was Military Attaché to the Japanese Embassy in Soviet Russia. He identified presentation Exhibit No. 693 as having been written by him, and the facts contained therein were true. Upon being shown Exhibit No. 692, • he stated that when General MATSUDA was on a tour of inspection in Europe and visited Moscow, the witness took him to see Ambassador HIROTA.

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EXHIBIT SUMMARY OF THE RECORD
(October 10, 1944)
(Security Information)

Page 1098

KAMATA - Direct

Exhibit No. 608 is an outline of what HIROTA told KAMATA and which the witness wrote and gave to KAMATA. The witness has given Exhibit No. 607, which he stated was his affidavit, and everything in it was true. The witness, upon being shown Exhibit No. 606, stated that this was a copy of each of the letters in which General KAMATA with respect to individuals in question was by and to Hirota. The witness identified Exhibit No. 607 as an affidavit written by him, and stated that it contained the truth.

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The witness identified Exhibit No. 609 as a copy of the full-length summary report, which Major KAMATA showed him in a private capacity and prepared by him then working with the Special Service Division in Berlin.

CONFIDENTIAL - BY MR. HALL

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The witness advised that General KIRKDA's principal mission in Korea was to study military education being given by the General Educational Board of the State. His intent was to report and nothing to do with the witness, since in his report, nothing through the witness could be given without authorization. KIRKDA was not attached to either the General Staff or the War Department, he was wholly connected with military education.

Originally the military officials (was not present) to the Ambassador's military officers, but in the case of General KIRKDA was the general custom for the officers to take grounds to the Ambassador for a courtesy call. The witness followed that custom. There was no other particular purpose for the call. Inscriptions were not the case. The document is only an outline of the conversation, and not a verbatim transcript of it. It could not be with confidence that it was an exact reproduction.

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Major General KIRKDA was taken to the Ambassador's witness stand by the General on the afternoon in question. It was on the basis of information taken by KIRKDA that he asked questions of the Ambassador and the Ambassador replied to him. The witness himself summarized and wrote down the gist of the conversation, which was not submitted to KIRKDA for inspection. The document was not written during the conversation, but after the witness had returned to his own office, by request of General KIRKDA who stated that the witness was from one of the points, just before his departure.

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MEMORANDUM FOR THE RECORD
(October 10, 1946)
SECRET

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THE THIRD PART IS A SUMMARY OF THE WORK DONE DURING THE YEAR. THE FOURTH PART IS A SUMMARY OF THE WORK DONE DURING THE YEAR.

THE FIFTH PART IS A SUMMARY OF THE WORK DONE DURING THE YEAR. THE SIXTH PART IS A SUMMARY OF THE WORK DONE DURING THE YEAR.

THE SEVENTH PART IS A SUMMARY OF THE WORK DONE DURING THE YEAR. THE EIGHTH PART IS A SUMMARY OF THE WORK DONE DURING THE YEAR.

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* Exhibit 496, a summary of an address made by EAS/ARSO to EAP/DA, stated that the reason is at present not operative but operative and is afraid of foreign invasion. * At present it is judged that the Soviet does not have enough strength to invade the war. There is more a better than the present for Japan to make her own system problems. Soviet workers might have political and economic, are able to rise with Japan, but this will get more difficult as the years pass. If Japan is organized to enter the war system problem now on the side of ending war, it might be solved without a war, although there is no objection if there be a war.

7403

Exhibit 495, the agreement of EAS/ARSO, stated that during his service as Military Attaché to the Japanese Embassy in Manila from 1939 to 1942, he was to know the following: that in 1931 General EAS/DA had a talk regarding the Soviet Union and Japan's policy toward it in the witness and Alexander KIROV. There was present, in addition, Major YANAKOVA. That the document entitled "Soviet Union talks to General EAS/DA" was the one in which the talks he held with EAS/DA were correctly recorded. The witness on page one to nine he believes are the YANAKOVA's handwriting and his explanation of this fact the witness has placed his signature on the paragraph says. The paragraph copy of the document entitled "Witness concerning the talk between KIROV and EAS/DA" is the one made by the witness of EAS/DA's request and he has identified it by writing on the back of the document.

GRAND-EXAMINATOR OF KIROV PROGRAM
Concerning the document

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* The witness was asked to read from EXHIBIT 496 under royal to follow. It should be self-evident that the world will change her policy. From that of ending war to aggression in the future, provided with the cooperation of her economic power and defense.

* Continuing with his reading, he read the explanation of the people. All possible efforts are being made on the collaboration of the people and Japan, the war before hand, these military last year five million

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REPORT OF THE ...
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policy for controlling North Manchuria will become useless. It would have been better to have left North Manchuria alone from the beginning, but it would be more damaging to all policies to leave things half way.

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Exhibit 701, report dated July 14, 1932 of Lt. General KAWANE, stated • as to the obstacles such as Chinese customs, League of Nations restrictions, acts of America and the Soviet against the accomplishment of the great task, proper diplomacy should be used and efforts made to exclude the obstacles and avoid making matters worse. Japan must be ready to appeal to such against Russia, China under certain circumstances against the United States. Emphasis must be laid on the rejection of military movements against Russia. The Russo-Japanese war in the future is unavoidable. With respect to the conclusion of the proposed non-aggression pact with Russia, Japan must be non-committal and reserve freedom of action. Regarding transportation of transportation networks in North Manchuria, Japan must consider the needs of the East China Railway and strategy toward the Soviet.

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Exhibit 702, a message of Lt. Colonel KANDA of July 15, 1932 on behalf of Lt. Colonel KASAHARA to KAWANE, stated • that it appears in the record of the chief of Russian Section of the Japanese General Staff, Colonel KANAMURA • have the following information: It was decided that preparations for war against Russia should be completed before the middle of 1934. This does not mean that hostilities will be opened immediately after preparations are completed. To consolidate Manchuria the war against Russia is necessary for Japan. This is not the intention of the entire army.

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Exhibit 703, affidavit of General UHIMIZU, Jap., stated • that 'KOO' meant the war against the United States, 'OTSU', against the Soviet and 'HEI' against China, in the operation codes of the General Staff. The 'OTSU' plan for 1935 against the Soviet was to carry on mass transportation of troops from Japan to Northern Manchuria and transfer the troops in Manchuria from central areas to the North. The main positions were concentrated to the East and other positions were concentrated to the North, South of Heilong and the vicinity • of Hailar. Twenty divisions were to be transported

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from Japan proper according to this plan. The witness stated that the plan for 1935 was drawn up by General KIUCHI, Chief of the First Department in the General Staff and approved by Prince YAMATO, Chief of the General Staff. The plan was submitted to and sanctioned by the Emperor in March 1935.

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Exhibit 70A, the conclusion of the conference of the Prime Minister, Foreign Minister, War Minister and Navy Minister of August 7, 1936, called "Foreign Policy of the Emperor" stated that the present plan, taking into consideration the present state of relations between Japan and the Soviet, the most important point in the practical scheme for China is to make North China immediately a special district of pro-Japanese and Manchurian and anti-Communist to obtain resources for national defense and to extend Japanese establishments as well as to make all China anti-Soviet and pro-Japanese. Measures to be used practically for the present shall be decided separately. KIUCHI was Foreign Minister and MATSUO was Navy Minister.

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Exhibit 705, the affidavit of TSUKIYAMA, Major, stated that as Chief of the First Department of the General Staff he drew an aggression plan against the Soviet in 1940. According to the plan the main attack was to be operated from the Lake Baikal area toward Khabarovsk to separate the Maritime Provinces from the USSR. They were to use twelve infantry divisions, two artillery brigades, three tank regiments, two cavalry brigades and five bombardment groups. After attacking Khabarovsk and occupying the Vladivostok plain, the Northern Front Forces of seven divisions with auxiliaries were to begin to attack. If successful the Western Front Forces were to open their attack in the direction of Chita to occupy Soviet territory extending to Lake Baikal. It is reported that General Prince YAMATO, Chief of Staff and also reported it to the Emperor, and after a few days attention to the plan was given by the Emperor in March 1940.

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Exhibit 706, table of the increase of the strength of the Manchung Army and of the Japanese Army as a whole from 1932 to 1945, shows that by January 1933 the Manchung Army was 50,000 men while the Japanese Army, as a whole, was 256,000 and the Manchung Army was about one-fifth of the Japanese Army. By January 1, 1937

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from Japan proper according to this plan. The witness stated that the plan for 1925 was drawn up by General KIYOKI, Chief of the First Department in the General Staff and approved by Iwane Matsu, Chief of the General Staff. The plan was submitted to and sanctioned by the Emperor in March 1925.

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Exhibit 764, the minutes of the conference of the Prime Minister, Foreign Minister, War Minister and Navy Minister of August 7, 1934, called Japanese policy of the Emperor stated that the general plan, taking into consideration the present state of relations between Japan and the Soviet, the most important point in the practical scheme for China is to make North China immediately a special district of pro-Japanese and Japanese and anti-Communist to obtain resources for national defense and to extend traffic establishments as well as to make all China anti-Soviet and pro-Japanese. Measures to be used practically for the present shall be decided separately. KINOYA was Foreign Minister and HOSONO was Navy Minister.

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Exhibit 765, the affidavit of YOSHIDA, Major, Staff, as Chief of the First Department of the General Staff he drew an aggressive plan against the Soviet in 1940. According to the plan Manchuria should be to be operated from the Lake Khaba area toward Khabarovsk to separate the Maritime Provinces from the USSR. They were to use twelve infantry divisions, two artillery brigades, three tank regiments, two cavalry brigades and five bombardment groups. After attacking Khabarovsk and occupying the Vladivostok plain, the Northern Front forces of seven divisions with auxiliaries were to begin to attack. If successful the Northern Front forces were to open their attack in the direction of China to occupy Soviet territory extending to Lake Khaba. It reported this plan to Iwane Matsu, Chief of Staff and also reported it to the Emperor and after a few days attention to the plan was given by the Emperor in March 1940.

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Exhibit 766, table of the increase of the strength of the Manchung Army and of the Japanese Army as a whole from 1932 to 1945, shows that by January 1932 the Manchung Army was 50,000 men while the Japanese Army, as a whole, was 254,000, and the Manchung Army was about one-fifth of the Japanese Army. By January 1, 1937

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The Kwantung Army had increased to 872,000 men, while the 3rd Army was 572,000. The Kwantung Army was thirty percent of the whole Japanese Army. By January 1, 1942 the Kwantung Army had 1,100,000 men, while the Japanese Army, as a whole, had 3,500,000 men. The Kwantung Army was about thirty-five percent of the whole army. On the chart on page 2, with respect to tanks of the Kwantung Army, on January 1, 1932 they had 40 tanks; January 1, 1937 they had 130 tanks; January 1, 1942 they had 1,000 tanks. On January 1, 1932 the Kwantung Army had 900 pieces of ordnance; January 1, 1937, 1100; January 1, 1942, 5,000. With respect to fighting planes, this army had in 1932 100; 1937, 500; 1942, 1,500. Infantry Divisions--the Kwantung Army had in 1932, two divisions; January 1, 1937, six divisions; January 1, 1942, seven divisions.

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Exhibit No. 707, Report on the Organization of the Manchung Army Divisions, stated that the number of personnel and the amount of the reinforced divisions of the Manchung Army was twice that of a normal Japanese infantry division, and type "A" consisted of 24,000 men while type "A-1" consisted of 20,000, as compared to the ordinary division of 12-15 thousand men. Out of the 24 reinforced infantry divisions of type "A" and "A-1" in the Japanese Army, the Manchung Army had 17. These divisions were stationed in the areas bordering on the Soviet in the most important operation directions.

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Exhibit No. 708, the table of increase of technical equipment of the Manchung Army of 1938-1945, showed that a large number of units armed with the most threatening tank and artillery weapons were destined for use in the attack against the Soviet, and were concentrated in Manchuria. In 1937 Japan had four tank regiments, two of which were in the Manchung Army; in 1942 two tank groups were formed in the Japanese Army and stationed in Manchuria; in 1943 three such divisions were formed, and all put into the Manchung Army. As to Artillery Reserve Artillery Regiments, in 1938 the Manchung Army had two units, in 1937 had 7, 1942 it had 12, and in 1943 it had 20 of the 46 in the whole Japanese Army.

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Exhibit No. 710, Report of Puppet Troops created in Manchuria and Inner Mongolia, showed that in 1945 the Manchukuo Army had 270,000 men with 800 pieces of ordnance and 100 planes. The Inner Mongolian Army had 12,000 men strong. The map of the location of the Manchukuo Army is attached.

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Exhibit No. 711, table of increase of Sungari River and Shufu flotilla, from 1931 to 1945, showed that in 1931 there was only one Japanese warship with a crew of 60 on the Sungari River; in 1935-37 it increased to 26 warships, and in 1941 it had increased to 98 warships with a personnel of 2500.

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Exhibit No. 712, report of the increase of the network of railways in Manchuria from 1931 to 1945 with maps attached, showed that at the time of Japanese occupation in 1931, all railways in Manchuria were 6,140 km. including the Chinese Eastern Railroad. There were no automobile roads except in the Manchung area, where there were several kilometers of asphalt roads. By 1936 the railroad network had reached 8,136 km. and the directions of the newly built lines and those in process of construction showed their aggressive nature.

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From 1932 to 1936 one line was constructed from Tchengchung through Toren to Hailun-Grahan at the Mongolian People's Republic frontier. The railroad line to the U.S.S.R. frontier in Primorye was completed. A new railway line was built from Yaki in Korea to Tsuin, and other lines were built to points on the Soviet-Manchuria frontier. Automobile roads were rapidly being built. In 1936 the total was 9,000 km. Automobile roads were mainly built in districts adjacent to the Soviet frontier, in parga, Primorye, along the Changari, and in districts near Soviet Primorye. By 1941 the railroad lines had reached 10,735 km. Railroad communications in the west were extended. The second railroad line from Mukden to Chenchun was completed, and the construction of second tracks on Chenchun-Harbin and other lines began to develop.

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By the end of 1941 the Japanese had built in Manchuria 18,468 km. of automobile highways and they had improved 20,665 km. of local roads, so that the total length of all auto-truck roads by the beginning of 1942 was about 40,000 km. By the beginning of 1945 the railway network of Manchuria was about 13,700 km. By this time, the Japanese had completed the second railroad from Manchuria to the north, and had completed laying the second tracks on several lines. Automobile roads were built by improving road possibilities, mainly in districts near the frontier. The total length of automobile roads at the beginning of 1945 reached 22,000 km.

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Exhibit No. 713, being information on the growth of airfields in Manchuria from 1931 to 1945, showed that beginning from 1931 on, following the occupation of Manchuria, the Kwantung Army undertook large-scale construction of air bases, airfields, and landing fields, were preparing a military base for operations against the Soviet. In 1931 the total number of airfields in Manchuria was 5, in 1936 it was 49, in 1941 was 74, and in 1945 reached 116. Taking into account air bases and landing grounds, the total number of airfields were 5 in 1931, 150 in 1936, 207 in 1941, and 416 in 1945.

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Exhibit No. 714, report of construction of the fortified districts in Manchuria from 1931 to 1945.

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This document showed that construction of these districts was begun by the Kwantung Army in 1934, continuing through 1945. Their disposition clearly indicated their aggressive nature, because all were shallow in depth and built in zones facing very important operation objectives in Soviet territory.

By the beginning of 1945 the number of dumps reached 370, with the following capacity: American 300,000 tons; old dumps, 12,000 tons; fuel, about 250,000 tons. The greater number of dumps were located in north and eastern Manchuria in the Hamuliao vicinity of the Soviet frontier.

Exhibit No. 726, being a report on the increase of barracks facilities from 1931 to 1945, shows: In 1931 7.5 divisions, or 100,000 men, could be housed in Manchuria barracks, all of which were in south Manchuria along the Chinese Eastern Railway. In 1937 the billeting capacity was increased five times before the Japanese invasion, and about fifty percent of them were built in districts adjacent to the Soviet frontier. From 1937 to 1941 they increased three times in number. By 1941 there were already billeting facilities for 39 infantry divisions, of which 0 were in northern Manchuria and Inner Mongolia, 8 in the district adjacent to the U.S.S.R., about 15 in eastern Manchuria, and 10 in central Manchuria, a total of 300,000 men.

Approximately percent of barracks facilities were constructed in the main operations districts. During 1942 to 1945 the Japanese did not stop constructing new barracks and expanding and enlarging old ones. In 1945 the capacity had increased up to 55 divisions, and under con-

**MANUFACTURE SCHEDULE OF THE RECORD
(Between 1st, 1945)
(Several million tons)**

Page 1509

TABLE

From 1924 to 1937, seven such districts were built extending 150 km. along the frontier and having 300 permanent fortifications. From 1937 to 1940, construction was extended additionally. With a general length of 300 km. and 600 permanent fortifications. By 1941 there were 13 fortified districts over more than 700 km. in length, with more than 1500 permanent fortifications. From 1941 to 1945 the old ones were improved and new districts constructed. By 1945 there were 17 fortified districts on the Soviet frontier and in the immediate rear. In 1945 the total length was about 800 km. with more than 4500 permanent fortifications.

Table 10. 715. Report concerning construction of military camps in Manchuria from 1938 to 1945; almost a hundred camps in 1938, there were only 7 military camps in Manchuria. By the beginning of 1945 the total number of camps reached 100, with the following capacity: Amur basin camps - 10,000; Far East - 7,000; Manchuria - 19,500 tons.

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NARRATIVE SUMMARY OF THE RECORD
(October 11, 1946)
(Soviet Relations)

Page 1104

2002

ditions of increased guarding it could have accommodated 27 divisions more. The creation of such large facilities for 30 to 70 divisions, about a million and a half men, showed that the Russian Army was not preparing for a defensive war but planned large-scale offensive operations against the Soviet Far East.

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Exhibit No. 737, report concerning Japanese military settlements in Manchuria, showed that in 1938 Japan began to establish barracks in districts of greatest military importance. The first settlers were recruited who had finished active service in the army, as well as such an accumulation of personnel for mobilization by the Russian Army to prepare war against the Soviet. Military school camps were organized for settlers and they received three years training, and were used for garrison service. After the three years they were transferred in special militarized settlements. The main districts of settling were in areas adjacent to the Soviet Primorye.

By the beginning of 1938 the number of Japanese settlers in Manchuria exceeded 300,000. From 1936 to 1940 about 22,000 Japanese came, of whom 150-160 thousand were fit for military service. By 1945 the Japanese had one million people there, and the camps were used to train new divisions of the Manchurian Army.

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Exhibit No. 72B, report of the events of operations and maneuver bases for the Japanese Army.

Exhibit No. 72C-4, correspondence between 8030, Outer of the Japanese Army, and 12830, War War 1937-1938, from the Japanese Confidential Files of 1938, was prepared and reviewed in evidence. 2. The plan for developing technological service system in October-December 1937, stated that the object was to establish promptly; an operational technological service system in Mongolia north of the inner great wall so as to enable more accurate weather forecasting services in Japan and Manchuria, especially to strengthen the system in preparing for war with Russia. For this being these stations were to be controlled by the army, which was to locate them by conducting military operations, troop positions, and special agencies. Upon completion they were to be transferred to the control of the local government and

Under date of January 11, 1950, the Board of Directors of the company, consisting of the following members: James H. ...

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Under date of January 11, 1950, the Board of Directors of the company, consisting of the following members: James H. ...

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Under date of January 11, 1950, the Board of Directors of the company, consisting of the following members: James H. ...

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(Sealed envelope)
(Date: 11, 1950)

RECEIVED BY THE BOARD

7562

East Asia Research Institute, the Kwantung Army could not agree to it because it is undesirable to have the railway make the donation as though it were an ordinary private corporation. It was not only a national policy company but was related to the army, in that it was receiving guidance in the enforcement of national policies in Manchuria and in operational preparations against the Soviet Union.

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Exhibit No. 721-A, being top secret military topographical data for the purpose of landing operations in the Northern Sea, showed that they were military topographical data necessary for landing operations in 15 districts of Manchuria. They considered such data as geographical features, inhabited areas, roads, communications, harbors, navigable transportation resources, meteorological observations, military affairs, customs, troop dispositions, and meteorological statistics.

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Exhibit No. 699, the affidavit of General MIYAKE, it was shown with respect to the preparation of military bases, there had been a remarkable increase of Japanese troops in the district near the Soviet frontier, the establishment of new railways and highways towards the Soviet frontier, and the construction of airfields, warehouses, and barracks in regions of operations regarded as important for waging war against the Soviet.

Exhibit No. 722, affidavit of General MIYAKAMI, stated that he knew in 1942 that there was a plan of attack on the Soviet Union from a Manchurian military base. The strength of the Kwantung Army had been increased beforehand for this purpose, highways and strategic railroads had been constructed, and about two hundred airfields, as well as fortified areas, munition dumps, and many plants had been constructed. In Mukden there was a tank, automobile, and aircraft plant, and in Laiyung there was a plant to produce explosives.

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Exhibit No. 703, affidavit of General UCHIKAWA, stated that with respect to railways, construction was begun in 1932 on three railways, which was completed in about two years. These railways had high strategic value which was directed against the Soviet Union and their contribution toward troop movements and smooth transportation of munitions is very effective.

NARRATIVE SUMMARY OF THE RECORD
(October 21, 1946)
(Secret Relations)

Page 1106

East Asia Research Institute, the Easting Army could not agree to it because it is undesirable to have the railway into the domain as though it were an ordinary private corporation. It was not only a national railway company but was related to the army. In that it was receiving subsidies in the equipment of national railways in Manchuria and in operational preparations against the Soviet Union.

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Exhibit 10, 721-4, being top secret military geographical data for the purpose of landing operations in the Maritime Area, showed that they were military geographical data necessary for landing operations in 15 districts of Manchuria. They considered such data as geographical features, inhabited areas, roads, communications, harbors, railroads, transportation resources, meteorological observations, military affairs, customs, troop dispositions, and meteorological statistics.

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Exhibit No. 699, the affidavit of General KUZNETZ. It was shown with respect to the preparation of military bases, there had been a remarkable increase of Japanese troops in the districts near the Soviet frontier, the establishment of new railways and highways towards the Soviet frontier, and the construction of airfields, warehouses, and barracks in regions of operations regarded as important for fighting against the Soviet.

Exhibit No. 722, affidavit of General KUZNETZ, indicates that he knew in 1942 that there was a plan of attack on the Soviet Union from a Manchurian military base. The strength of the Japanese Army had been increased beforehand for this purpose, highways and strategic railroads had been constructed, and about two hundred airfields, as well as fortified areas, military camps, and many plants had been constructed. In addition there was a tank, automobile, and aircraft plant, and in addition there was a plant to produce explosives.

Exhibit No. 723, affidavit of General KUZNETZ, stated that with respect to railroads, construction was begun in 1938 on three railroads, which was completed in about two years. These railroads had high strategic value which was directed against the Soviet Union and their construction toward troop movements and smooth transportation of munitions is very effective.

INDUSTRY SUMMARY OF THE RECORD
(October 11, 1946)
(Soviet Relations)

No.
1107

7502

was entered in compliance
two ways, one by supplying
other by supplying labor-
were mobilized every year

7506

The mobilization
for from four to six or
labor law youths of 21
executive order people
this mobilization was
of laborers under the
1943 to still the anti-
production factories

7507

Groups in Moscow from
1931 to 1938 to 1941
had increased from 2
had increased to 24

7508

from 1931
divisions in 1941
300 pieces of ord
1945 it had 1500

from 1931
had 170. placed

7502

was enforced in compliance with the Japanese plan in two ways: one by supplying administratively, and the other by supplying labor. More than a million people were mobilized every year.

7506

The mobilization of laborers was compulsory for men four to six or eight months. By the compulsory labor law youths of 21 to 23 were mobilized and by executive order people were mobilized regardless of age. This mobilization was carried out by UNRRA. Mobilization of laborers under the labor service law was enforced in 1943 to fill the deficiency of laborers in the military production factories.

7507

Exhibit No. 704, which shows increase of Japanese troops in Korea from 1931 to 1945, shows that from 1931 to 1932 to 1941 to 1942, Japanese troops in Korea had increased from 30,000 to 120,000 men, and in 1945 had increased to 240,000.

From 1931 to 1932 the Korean Army had two divisions; in 1945 it had 9. From 1931 to 1932 it had 300 pieces of ordnance, in 1941-42 it had 600, and in 1945 it had 1500.

7508

From 1931-32 it had 20 tanks, and in 1945 it had 170. Planes increased from 70 to 400.

Exhibit 750, report on increase of volume of railroads in New York from 1911 to 1945, shows a sharp drop in volume of business, New York being a poor railway area for the following reasons and in connection with the preparation for an exhibit on the subject the number and kind of the lines and the construction of the railway rapidly increased. In 1911 the railway lines in New York were 18,000 miles in length and in 1945 the railway lines in New York were 15,000 miles in length. The railway lines in New York were 18,000 miles in length in 1911 and in 1945 the railway lines in New York were 15,000 miles in length.

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Exhibit 751, report on construction of railroads in New York from 1911 to 1945, shows a sharp drop in volume of business, New York being a poor railway area for the following reasons and in connection with the preparation for an exhibit on the subject the number and kind of the lines and the construction of the railway rapidly increased. In 1911 the railway lines in New York were 18,000 miles in length and in 1945 the railway lines in New York were 15,000 miles in length. The railway lines in New York were 18,000 miles in length in 1911 and in 1945 the railway lines in New York were 15,000 miles in length.

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Exhibit 752, report on increase of volume of railroads in New York from 1911 to 1945, shows a sharp drop in volume of business, New York being a poor railway area for the following reasons and in connection with the preparation for an exhibit on the subject the number and kind of the lines and the construction of the railway rapidly increased. In 1911 the railway lines in New York were 18,000 miles in length and in 1945 the railway lines in New York were 15,000 miles in length. The railway lines in New York were 18,000 miles in length in 1911 and in 1945 the railway lines in New York were 15,000 miles in length.

752

Exhibit 753, report on increase of volume of railroads in New York from 1911 to 1945, shows a sharp drop in volume of business, New York being a poor railway area for the following reasons and in connection with the preparation for an exhibit on the subject the number and kind of the lines and the construction of the railway rapidly increased. In 1911 the railway lines in New York were 18,000 miles in length and in 1945 the railway lines in New York were 15,000 miles in length. The railway lines in New York were 18,000 miles in length in 1911 and in 1945 the railway lines in New York were 15,000 miles in length.

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(OFFICE OF THE COMMISSIONER OF RAILROADS)
(STATE OF NEW YORK)

STATE OF NEW YORK

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Exhibit 759, report of the increase of barracks capacity in Korea from 1938 to 1945, shows that from 1931 to 1941 barracks facilities in Korea increased more than three times to a capacity of seven infantry divisions, five of which could have been billeted in Northern Korea. From 1941 to 1945 Japan continued to build barracks and settlements all over the country so that it was increased to receive about 12 divisions with support units.

7595

Exhibit 21, the Protocol Treaty of 1905, showed that Russia and Japan had agreed to abstain from taking any military measures on the Manchurian frontier, which would menace the security of Russia or Korean territory. Both parties had mutually agreed to evacuate completely and simultaneously from Manchuria except from the leased territory and to restore to the authentic administration of China all possessions of Manchuria then occupied or controlled by Japan or Russia with exception of the leased territory. Both countries agreed to exploit their respective railways in Manchuria exclusively for commercial and industrial purposes and in no way for strategic purposes.

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Exhibit 49, the affidavit of General MIYAKE, Chief of the Central Headquarters of the Manchuria Society, stated that the chief function of the Society was to mobilize all Manchurians to secure the rights established by Japan. It required all Manchurians to work hard to make Manchuria an important base for Japan on the continent, especially to strengthen it as a base against the Soviet. For that purpose the Society issued widespread propaganda, gave military training, made efforts to develop Manchuria industrially, especially munitions, participated in constructing military installations under the military headquarters and organized military groups for war-time preparations called *gunpo dan*.

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The idea of the society was first disclosed in 1921 by its organizers in the Manchung Army Staff, especially HANNO and MIYAKE, the chief of staff. In 1940 MIYAKE became the head of the central office. In 1945

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Adviser was accepted by General HUNTO, Commander of the Manchurian Army. One of the basic plans of the society was to carry out the ultimate purpose of maintaining to create a foundation to successfully achieve allied and friendly Japan in her struggle against the Anglo-American world and against Comintern aggression in which holy struggle all peoples of East Asia must join. This stated that the society had a special mission of great importance to spread the spirit and ideology of the state through Manchuria and the world and to accomplish this purpose it must carry on a permanent struggle to have its ideal attained.

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On October 11, 1944, an all-Manchurian Congress of the Society was held in Harbin. The purpose of this congress was to discuss this general idea and to discuss this general idea and to discuss this general idea concerning the intrinsic nature of the society. In October 1944 the all-Manchurian Congress of the Society was held in Harbin and the Commanding General HUNTO was present. Four delegates of the Russian anti-communists participated in this congress for the first time. Their previous absence was due to the fact that there was language difficulty and there had been no special Russian section of the society. These obstacles had been removed and the Russians were able to participate.

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On February 5, 1945, an all-Manchurian Extraordinary Congress was called by the Central Headquarters. It was called in connection with the promulgation of Manchurian collaboration with Japan in the holy war for Greater East Asia. In his speech in this Congress, HUNTO stated that this hour was filled with special heavy feelings. That the aim of the war was to liberate East Asia from the harmful influence of England and the United States and by joint efforts of the East Asian nations to establish a New Order. The Japanese Army and Navy had won a series of brilliant victories in the Pacific Ocean and had annihilated a number of military bases of the enemy, making a gigantic stride toward organizing the New Order. To insure complete realization of the purposes of the war there is a long way to go. The delegates to the Congress must first of all pay attention to the general world situation, and perceiving the gravity of the international situation of Manchuria they must take the lead to raise the spirit of the foundation of the state to promote the

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Article 109. The officials of General KERRIN, Chief of the General Inspectors of the General Society, stated that the chief function of the society was to mobilize all inspectors to secure the papers established by paper. It required all inspectors to work hard to make themselves an important part of the work, especially in connection with the papers and the work. For that purpose the society issued appropriate propaganda, gave military training, and efforts to develop themselves (especially regarding military) particularly in connection with military installations, and other military inspectors and engineers. Thus under the military inspectors and engineers military groups for various propaganda and other work.

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The idea of the society was first developed in 1931 by the engineers in the Training Army Staff, especially KERRIN and KERRIN, the Chief of Staff. In 1940 KERRIN became the head of the central office. In 1945

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(October 11, 1946)
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Page 1110

7594

Exhibit 793, report of the increase of bar-
roads operated in Korea from 1921 to 1945, shows a sharp
rise from 1921 to 1941 barroads facilities in Korea increased
more than three times to a capacity of seven hundred
miles. From 1941 to 1945 barroads facilities in
Korea increased from 1941 to 1945 from one hundred to
two hundred miles and a statement all over the country so
that it was increased to roads about 28 divisions of the
country's roads.

7595

Exhibit 794, the provisions of the 1905
Treaty between Korea and Japan had agreed to establish
the railway system in the Korean peninsula from
1905, which would ensure the security of Korea by
Korean territory, both parties had mutually agreed to
operate completely and shall voluntarily from Japanese
control from the Korean territory and to restore to the
Korean administration of Korea all possessions of
Korea then occupied or controlled by Japan or
Korea with exception of the Korean territory. Both
parties agreed to exclude their respective railways
in Korea from exclusively for commercial and industrial
purposes and in no way for strategic purposes.

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Adviser was accepted by General HORIO, Commander of the Kwantung Army. One of the basic plans of the society was to carry out the ultimate purpose of maintaining to create a foundation to successfully ally with and friendly Japan in her struggle against the Anglo-American world and against Comintern aggression in which only struggle all peoples of East Asia must join. This stated that the Society had a special mission of great importance to spread the spirit and ideology of the state through Manchuria and the world and to accomplish this purpose it must carry on a permanent struggle to have its ideal attained.

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Certain people believed that the society was, by nature, a temporary organization. To dispel this General MIYAZI and NISHIO issued special directives concerning the intrinsic nature of the society. In October 1941 the all Manchurian Congress of the society and with the Emperor and the Commanding General were present. Four delegates of the Russian anti-Comintern participated in this congress for the first time. Their previous absence was due to the fact that there was language difficulty and there had been no special Russian section of the society. These obstacles had been removed and the Russians were able to participate.

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On February 8, 1942, an all Manchurian Extraordinary Congress was called by the General Headquarters. It was called in connection with the proclamation of Manchukuo collaboration with Japan in the holy way for Greater East Asia. In his speech in this Congress, MIYAZI stated that this hour was filled with special heavy feelings. That the aim of the war was to liberate East Asia from the harmful influence of England and the United States and by joint efforts of the East Asian nations to establish a New Order. The Japanese Army and Navy had won a series of brilliant victories in the Pacific Ocean and had annihilated a number of military bases of the enemy making a gigantic stride toward organizing the New Order. To insure complete realization of the purposes of the war there is a long way to go. The delegates to the Congress must first of all pay attention to the general world situation, and perceiving the gravity of the international situation of Manchukuo they must take the lead to raise the spirit of the foundation of the state to promote the

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Exhibit 51, the connection between the Soviet and Japanese agents at Peking, January 24, 1938, stated that the two parties admitted their desire and intention to live peacefully and to respect the territorial rights of a state to order its own life in the way and upon its methods and materials all persons in any government service and all organizations possessing financial possessions from their own and every other source should be subject to the control of the state. Such agents are to be used in their handling organizations or groups belonging to the government of organizations of the state or other subjects or citizens of the state to be actually employed on political activities for such organizations or groups.

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Exhibit 52, page revealed for examination by Colonel Bremer.

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Exhibit 697, the affidavit of KASAHARA, stated that he had been Chief of the Russian Section of the second bureau of the Japanese General Staff in 1938 and obtained knowledge of the following matters during that period:

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202

Idea of uniting to lead the masses to the great goal of the holy war, and to raise the spirits of the masses to holy Japanese national production. They must give an example to the masses of national defense so that Japan may be sure to far in the year is democracy.

7613

General KURI also made a speech. It was stated in the book that the great ideal of founding a new nation had spread all over East Asia and had its perfection in Japan where Germany was undoubtedly first discussed by the ideas from the East. It stated that the DMS in Japan, the formation of Asia Union, the grand theme of mobilization of spirits in Japan, the society of mobilization of spirits in Japan, the nation of Asia Association in the Japanese nation, Association for uniting the spirit of the South Islands, the spiritual production in the Japanese nation, etc.

7614

At the end of the meeting, Kuri gave a powerful ideological speech, making wonderful promises. Among these the DMS had to the masses in the ideological front.

MEMO

In 1940 when KENNEDY was on special duty with the British Special Mission, having drafted a little pre-arranged with the Russian Division of the British General Staff. From the beginning of the conflict of fifty pages entitled "Military Activities for the Operations Against Germany in the East". The planning of military activities was left to the British General Staff and the Russian Division to be carried out with all the necessary care of detail and staff operations. It was then 10 years ago that the first part of the document from the first to the sixteenth page. This document was given to KENNEDY. It was entitled "Military Activities for the Operations Against Germany in the East". The document was very important, particularly in that it was against Russia and it was intended to be used as a guide for the operations in the East. The document was intended to be used as a guide for the operations in the East.

MEMO

MEMO

MEMO

The document was very important, particularly in that it was against Russia and it was intended to be used as a guide for the operations in the East. The document was intended to be used as a guide for the operations in the East. The document was very important, particularly in that it was against Russia and it was intended to be used as a guide for the operations in the East. The document was intended to be used as a guide for the operations in the East.

These operations are not military operations, they are operations of a different kind. They are operations of a different kind. They are operations of a different kind. They are operations of a different kind.

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Propaganda activities will be carried out out of Albania by Soviet anti-government and anti-religious groups among the Albanians and among anti-war movements will be organized. Anti-government organizations will be created in North Macedonia, France and England and they will be directed by high level and top Western Russian intelligence to prepare operational activities of the Soviet. An anti-government program will be conducted in Great Britain, and there will be plans to organize the Communist Government in Albania and German Spain.

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They will try to win over Bulgaria under Soviet and if a pro-Soviet government is established in North Macedonia, they will start plan to overthrow it. In the sphere of shipping activities against the Soviet extends throughout the world this organization should cover both continents. Various organizations for the purpose of espionage activities against the Soviet and their allies are desired. In North the activities of the North Macedonia organization will especially enter the defense political group and if a pro-Soviet government is established, it shall be established. In the field of all matters of the Soviet regarding their from the Balkan States, therefore, by releasing all Soviet intelligence from North Macedonia, they will undertake anti-revolutionary Russian and British and shipping subventions from organizations.

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MEMORANDUM FOR THE RECORD,
Command for 1945

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The subject stated that they report was an ideological movement in the third group in to replace organized for movement and therefore to them it was used by major forms of the war industry to a private person's name. It was referred to Colonel Repetto and Major Eastman, private individuals. Under every regulations when a person in an organization makes a report it must be sent in the name of the Chief of the organization. All official documents of the General Staff have to be sent to the Chief of the General Affairs of the General Staff. If he had been an official document, it should have been sent to the name of the Chief of the North Special Mission Service through the name of any General Staff to the General Affairs Bureau

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of the General Staff in Tokyo. Without these indications it would not be an official document. For these reasons the report is not official. It is the result of a private research sent to a private person. He did not know whether this plan was ever adopted by the general staff as an official plan, but he had not shown it to his superior officers. In the same year he conveyed to Major KAMA, through Colonel KASAHARA, matters concerning the policy to be adopted toward the Soviet Union. Although in exhibit 702 'which year of show, 1938' meant that all preparations should be made by that time and that Japan would be fully prepared to meet the situation, the meaning was not to wage war, but to be prepared in case a war should break out. This was not a formally decided policy, but an agreement or plan between the principal interested officers. He did not believe that exhibit 678 was divided into two parts, but he only had a clear recollection of the first part and could not remember whether or not he had seen the second. However, looking at its general drift he would say it was not of an official nature, nor that the first part of the document was addressed by a private individual to himself, in a private capacity, he could say without looking at the second half that it had no official nature.

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CROSS-EXAMINATION BY MR. FURNES,
Counsel for SHIMAMITSU

The witness stated there was no question of whether the plan was defensive or offensive. It was merely a question of the measures to be taken in case a war broke out. He first saw the plans in 1928.

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• Generally speaking, judging from what is written at the beginning of the report it was made in that year. It dealt not only with Korea, but it showed that in case a war began that operations would be pursued in every land in all regions and in other countries and it would include Korea, which was Japan.

CROSS-EXAMINATION BY R. BROOKS

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• The witness stated that the plans were not merely put into action since this was a plan made by a private person.

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NO-DIRECT EXAMINATION BY MR. CULLINERY

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The witness stated he did not know precisely, but judging from the document, Major KAMAHARA was attached to the Special Service Mission in Berlin in 1938. He did not believe the sabotage plans were among the others given to the Berlin Mission by the Commander-in-Chief. The official duty of the Special Mission in Berlin was to gather information. The information in KAMAHARA's report was not really confidential. While there was no permission in the Japanese Army to send secret information in private letters, a great deal of latitude was recognized in that respect.

The witness stated that he was a military
officer in the 1st Cavalry Division of the I.C.A. and that he
was in the Philippines from 1946 to 1948. He stated that he
was in the Philippines from 1946 to 1948. He stated that he
was in the Philippines from 1946 to 1948.

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CHONG-KHAIKUNYON BY MR. WATSON

The witness stated that he was a military
officer in the 1st Cavalry Division of the I.C.A. and that he
was in the Philippines from 1946 to 1948. He stated that he
was in the Philippines from 1946 to 1948. He stated that he
was in the Philippines from 1946 to 1948.

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BY COLONEL WATSON

DIRECTOR INVESTIGATION OF HAWAIIAN INVESTIGATION BUREAU

The witness stated that he was a military
officer in the 1st Cavalry Division of the I.C.A. and that he
was in the Philippines from 1946 to 1948. He stated that he
was in the Philippines from 1946 to 1948. He stated that he
was in the Philippines from 1946 to 1948.

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The witness stated that he was a military
officer in the 1st Cavalry Division of the I.C.A. and that he
was in the Philippines from 1946 to 1948. He stated that he
was in the Philippines from 1946 to 1948. He stated that he
was in the Philippines from 1946 to 1948.

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(under 14, 1946)
(under 14, 1946)

INVESTIGATION BUREAU OF HAWAII

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interviewer, Junior Lieutenant Petrov. The witness said that he could not tell exactly the number of days that MAIBOV was interrogated until he had seen the documents to establish the number and date.

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In addition to answering questions, MAIBOV, at the request of an interrogator, wrote a page or several pages, and copies of these should be included in the minutes of the interrogation. They were in regard to the ideas of Greater East Asia, and had nothing to do with the question of identifying the document presented to him.

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Exhibit No. 732, item concerning the U.S.S.R. presented at the conference of Japanese Military Attaches in Europe, 1939, under the heading "Investigation of Situations", is a study of the sabotage measures to be taken by various European countries in case of war with Russia, also there would be a survey of conditions and future activity of white Russians in foreign countries, and the effect on Soviet-European relations if Japan should end friendly relations with the Soviet.

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Under the title "Intelligence Work", it showed that they took opinions on intelligence work against the Soviet conducted by military attaches stationed outside the Soviet. Attention of the Court was called to the fact that CHINA had discussed with other agents and terrorist measures which he was carrying out against the Soviet Union.

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Exhibit No. 735, supplemental acts of protest to the Soviet Embassy in Japan, stated that numerous facts of anti-Soviet activities of the Japanese military in Manchuria, contrary to Article 5 of the fishing convention of January 20, 1925, had been repeatedly brought to the attention of Japan. New facts showing activities being carried on on a large scale and intense sabotage work in the Soviet being out the fact that it has been organized in Manchuria. Japanese military often use white Russians living in Manchuria for anti-Soviet activities, using them directly or indirectly to commit terrorist and sabotage acts on Soviet territory, the Japanese smuggling them into the Soviet.

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Exhibit No. 736, a revision of the anti-Soviet sabotage activities and of guidance of white Russians, being part of the material of the conference of Japanese chiefs of military organs in Northern Manchuria, February 16 and 17, 1940, stated up to now the tactics for anti-

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Soviet espionage activities was to use full-time espionage units under the direct leadership of the Russian military. It was to be organized in the future. It is anticipated to establish a top secret and confidential espionage organization with the assistance of hospitals, to carry out espionage activities, and to all political groups to it. To carry this out, the plan is to organize staffs, sections to important posts in the present government and administrative agencies and have them undertake a special business. They would not be required to work with the United States as former Russian public officials or company employees. Special requirements must be agreed for them. The central government has recently listed the posts where the white Russian could be used. Such local administrative and military authority, railway and other special companies, is required to employ temporary personnel to all posts and to use them judiciously in military affairs, police activities, economy, industry, traffic, communication, propaganda, and intelligence.

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Article No. 77, supplementary pertaining to the espionage activities for America and relating to 1941, stated that the espionage activities for America and relating for 1941 are to be based on the following: The general rule of this activity is based on the existing army's organizational structure for 1941, with special corps to take their orders from previous agencies.

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Article No. 78, creation in relation to the guidance of white Russian agent from 1941, stated that whether they are men or women and whether they are in or out, white Russians shall be paid generously for the services for the war with the United States, especially the secret war.

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Article No. 79, the plan for organizing and the training of white Russian agents in special intelligence operations by the Russian special services agency, stated that the plan for organizing special activities and for training will be used to meet the demands of personnel, equipment, training, supplies and other materials. The personnel of the Russian special services organization will be responsible for organizing and supervising the agencies of the United States government, in addition to the United States, may be taken by production of the personnel, and increase.

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Exhibit No. 766, the principles of the Japanese propaganda campaign against Outer Mongolia, stated: The ultimate objective of propaganda in Outer Mongolia is to induce people there to become anti-Soviet, and to cooperate with Japan. To attain this objective the following steps shall be taken: First, destruction of public establishments in the present government; second, repudiation of the military and the people against the present government; third, withdrawal from and resistance against the Soviet in cooperation with Japan. In the third stated, there shall be numerous fights and revolts, the creation of an autonomous government under Japanese army leadership, and war against Russia.

DIRECT EXAMINATION OF YAMAZA, WITNESS,
by Colonel Jones.

7674

The witness stated that he was 56 years old, and in 1932 he was Military Attaché in Soviet Russia. From April to September, 1945, he was Assistant Chief of the Japanese General Staff, holding the rank of Lieutenant Colonel. He identified exhibit No. 761 as his affidavit, which he wrote and signed, and stated that everything written in it was true and correct. The affidavit stated that the witness had served as Military Attaché in Moscow from January 1932 to March 1934, that five sheets of documents shown to him were photographic copies of the original report written by him and sent to the General Staff Office on July 26, 1938. He had placed his signature on the back of each copy recognized, and stated that the date of dispatch coincided with the date on the photographic copy of the envelope. He further stated that the other four photographic copies shown to him were copies of the original report which Lieutenant-Colonel YAMAZA of the General Staff had Lieutenant-Colonel YAMAZA transmit to the witness on July 16, 1938. The first page is in his own handwriting, but the other three were probably copies written by YAMAZA, his assistant.

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The witness was shown exhibit No. 764, and stated that it contained opinions which he entertained at the time and which he reported to the central copy center in Tokyo. The witness stated that the original of this document was written in his own hand, and he made the insertions on the back of each page of the photo copy stating that they were in his own handwriting.

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The witness further stated that Exhibit No. 762 was a photographic copy of the notes transmitted to him by Lieutenant-Colonel KANDA, and it is true that the witness' assistant made the record. He identified Exhibit No. 762 as an affidavit written and sent by himself, and that the facts therein were true. The affidavit stated that the witness was Deputy Chief of General Staff from April 1945 to October of that year under General IZUMI, Chief of Staff.

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The decision concerning the surrender was made on August 13, 1945, communicated by radio to the Allied forces on the 14th, and the formal signature of surrender was made on September 2, 1945. All secret and top secret documents and records of the General Staff had been burned in Tokyo from the Allied forces prohibiting order was received from the Allied forces prohibiting the burning of documents. Among documents burned was documents of military planning, military operations plans, documents referring to the conduct of the war, and records of the Supreme War Council. This burning was done by persons lower in rank than chiefs of sections of the General Staff. General IZUMI was in Tokyo at the time, but the witness did not know whether there was any written order issued concerning the destruction of all documents of the Army General Staff. He did not know whether any documents of the General Staff had been concealed.

CROSS-EXAMINATION by Mr. KITCHEN,
Attorney for TOKO.

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The witness stated that Exhibit No. 762 was communicated to him from Lieutenant Colonel KAWAHI through Lieutenant-Colonel KANDA. He did not believe that these were individual personal opinions of KAWAHI. He had no recollection, however, whether KAWAHI clearly stated that the policy had been established in Tokyo.

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He believed that the plan was carried into effect step by step, although he could not recall the dates. The opinion which the witness sent to the central army authorities from Moscow was sent with the hope that the central authorities would act in accordance with the policy.

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The opinions which he sent from Moscow were largely a matter of principle, and he had no special idea of carrying it out immediately, but he could answer only if he was shown the document. On re-reading it, he finds that the document was his opinion on the line of policy to be adopted as a whole, and he could not definitely state

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7602

whether his opinion was concerned with the plan against the Soviet Union.

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• Considering the last part of the document, the purport of his opinion was that in many other the circumstances by the way should carry out such operations plans against the Soviet Union, as a matter of principle, he stated that Japan should do nothing to bring about war with the Soviet and that they should not pursue any policy with that end in view.

CROSS-EXAMINATION BY MR. KILGAL,
General for USSR.

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• The witness stated that with respect to the burning of documents, he himself as Vice Chief of the General Staff, received no direct orders from the Chief of the General Staff, WAGNER, and he himself did not order the burning of the documents to his subordinates. These were not carried out under orders of the Chief or Vice Chief of General Staff. According to formal Japanese business regulations of the Staff Office, the subordinates should have waited for an order from the Deputy Chief of Staff before ordering documents burned, and subordinates have orders to wait until his authorization. The reason the section chiefs ordered the burning of the documents was that they believed the day had come to carry the regulations of the Staff Office regarding orders to be taken on the field. The applicant was not understandable and a grave crime was apprehended. It was even felt that American and Red Army Jurisdiction Division might lead in the General Staff Office and destroy the General Staff Headquarters. In such a situation the documents were burned. Since the witness was extremely busy with other matters, the section chiefs did not think that he should be bothered, and because of their feeling of urgency they that important documents should not be handed to

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the enemy they carried out the burning. At the same time as to regulations in Japan, instructions were sent from the War Ministry to destroy all documents. Later, the order of the Supreme Allied Command prohibiting the burning and destruction of documents was sent to all commands.

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the burning began, but it was around the time the Supreme made his decision. At that time General WAGNER did not say that the witness was unable to see him for days. It was either attending conferences at the Palace or with the Supreme Council for the direction of the war.

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CROSS-EXAMINATION BY MR. FURBER

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The witness stated that an military officer to Japan in 1928 he was under direct control of the General Staff Office, the first year of which was in his handwriting and a later message from KAMEI, July 25. On August 25 there was a communication; the rest of the page is illegible. Looking at the original, this error he wrote only the error of the original. This was a message of the Colonel KAMEI, July 25. On August 26, KAMEI, was at momentary. After that the rest is illegible. The witness had no clear recollection but gathering from the general purport of the document he believes there was nothing else besides the contents was written. He was unable to gather anything from the document. August 26 refers to 1932. The document is a message from Lt. Colonel KAMEI, dated July 25, but after that it was difficult for him to understand the meaning of the other words and he cannot make any impression of this later date.

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Exhibit 739, the affidavit of E. V. Robinson, stated: the Japanese great faith in the white people living in Manchuria in preparing for an attack against the Soviet and tried to convince their anti-Soviet activities. It was planned to use them as an armed force against the Soviet and after the end of a successful war they were to carry out the Japanese policy in the areas named. The direction of this anti-Soviet activity of white guards was carried out by Japanese military missions which were directed by the Chief Military Mission in Harbin and were supported from Japan itself.

Generals KAMEI and IMAGO promised to render my help in organizing the anti-Soviet work of the Russian People's Union which was also supported by the Black Legion Society, headed by YOKAMI.

7695

In December 1943, General KAI, Chief of the Harbin Military Mission told the deponent that the project of Russian Redguard activities created by Japan was similar itself to be a future Russian government. In general talks with the deponent had in 1943 with Major General, Assistant Chief of the Military Mission, the deponent was told that Japan was preparing for war against the Soviet

(October 24, 1946)
(Secret Mission)

702

and recommended to him that he consolidate his contacts with gromms, whom the Japanese considered chief of the white guards and who was to be the leader of the future national government of Russia. In 1934 the Japanese military decided to unite all whiteguard organizations to establish central guidance of the activities against the soviet. In the same year the Bureau of Russian Emigrants Affairs in Manchuria was created as the united body subordinate to the Japanese Military Mission in Russia. Through this Bureau and its branches the Japanese military recruited whiteguards for sabotage activities in Russia. A special detachment was recruited in 1935 from the Russian fascist Union under a proposal of SUZUKI, a Japanese intelligence officer of the Harbin Mission. This detachment was placed under the command of MALINOV.

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In the Autumn of 1936 this detachment, armed and equipped by Japan, was smuggled into the Soviet Union territory for terrorist and sabotage activities and to establish fascist undergrounds. This was carried out by SUZUKI and HIRAKI, a member of the mission.

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In the same year and following years many other agents trained by Japan were smuggled into the soviet. In 1937 secret schools were organized at the Russian fascist Union and the monarchist Union in accordance with the orders of the Japanese Military Mission to train future organizers of sabotage activities at the soviet rear. The Japanese was director of the school at the fascist Union. SUZUKI was his assistant. Graduates were sent to the Japanese Military Missions. In 1938 the Harbin Military Mission established a special school for training agents for reconnaissance work against the Soviet. Agents were trained the organizers of anti-soviet propaganda who would work in Japanese missions in the frontier area. In 1938 the Harbin Military Mission established at Sungari station a secret 'Russian Detachment Zone' in which whiteguards were trained for war against the USSR and which was considered by Japan as a model of all anti-soviet formations. The Japanese personally visited the 'zone detachment' to give anti-soviet lectures and in 1938 several men of this detachment participated in Japan's provocation in the Heungan area. In 1943 this detachment was enlarged into the 'Russian detachments of the Manchurian Army.' three detachments were formed,

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cevalry, infantry and coastart.

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During the department's second visit to Tokyo in March 1939 to establish consultations with the representatives of the Japanese government on regards the Russian Fascist "line", he met ARAKI, who was Minister of Education, was received by him and informed about about the work of the Russian Fascist Union and its projects. ARAKI promised to help in before and work in the department's affairs that he was an eternal friend of Russia, but not of the Soviet, to show its intent to fight to the end to create a National Russia where Japan would have unlimited influence.

7702

General KOISO, Japanese Minister of Colonies, who had been Chief of the Kwantung Army from 1933 to 1935 told him of Japan's aggressive plans against USSR. In March 1939, KOISO promised support of the anti-soviet activities of the "Fascist" line. In October 1939, KOISO stated to the department that Japan strives to drive Soviet Russia from the Pacific Ocean.

7703

General YAMASHITA, the commander of 2nd General Division, former Chief of the South Military Administration in Manchuria, was interviewed. He stated that he had to train white Russians of Manchuria irregularly, units and activities. White Russians were designated as forces in the Manchurian Army and were worked in the Army Special Service Agency performing propaganda and scouting functions.

7704

By command of General Yamashita the Army Special Service Agency was responsible for preparing and training white Russians as future propagandists and scouts.

It is stated that the "Japan" unit was composed of white Russians for sabotage activities. It was organized by the Kwantung Army in 1934 in strength of 20. Colonel YAMASHITA and was still in existence when the department was transferred to the Army Special Service Agency. The Kwantung Army Headquarters knew of its existence and nothing was done without directions of the Commander of the Kwantung Army. By his command the unit was included in the Manchurian Army and were that Army's uniforms. The unit had five companies in 1941

7708

about 700 soldiers, most of them posted in the neighborhood of the second Sungari station. • Its duty was to train sabotage units in case of war against Russia and the commander was Colonel ASANO, a Japanese, of the Manchurian Army.

The Manchurian War Ministry paid money for this until 1941, but it had been paid by the Kwantung Army Headquarters ever since the special plan of the Kwantung Army maneuver was drawn up. The Special Service Agency had a number of complete sets of the uniform of the red army soldier for use by the 'Asano' unit in case of war so that the agents of this unit could deceive the red army.

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Exhibit 743, the affidavit of AMIKUSA, Chief of the Kwantung Army Information Department, stated • that the Japanese used white Russian emigrants as spies, propagandists and saboteurs and to create disturbances in Soviet territory. Japan organized three detachments of white Russian emigrants at the second Sungari station, Hailar and Hengtshetsou. • While Assistant of the Harbin Special Service Agency the deponent participated in establishing the Russian emigrants bureau, which was established to bring together white Russian emigrants around Japan for the purpose of widely enforcing anti-Soviet movement. While the deponent was assistant at the special mission in Harbin from 1931 to 1936, the emigrant bureau did not receive any financial aid from Japan because it had its own funds, but from 1937 on it began to receive financial aid from the Japanese budget. When the organization was transferred to Harbin in 1944, the monthly financial aid from Japan and Harbin altogether was more than ¥10,000.

Exhibit 744, excerpt from the record of a talk between Litvinov, USSR Commissioner of Foreign Affairs, and Japanese Foreign Minister YOSHIZAMA, December 21, 1931, stated that the Soviet had been conducting negotiations with Poland and is beginning negotiations with Finland, Estonia, Latvia and Rumania for pacts of non-aggression and neutrality. Such pacts had been concluded with Germany, Lithuania, Turkey, Persia and Afghanistan and France. When these are completed and signed Russia will be bound by non-aggression pacts with all neighbors except Japan. Russia feels that this gap should be filled

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since Japan will be her only neighbor • which has no pact of non-aggression. This pact expresses Russia's peaceful policy and intention and will be well timed when Japan-Soviet relations are being speculated about in Europe and America. This would put an end to the speculation. Litvinov, therefore, decided to take the opportunity to forward through YOSHIZAWA a proposal to Japan to open negotiations for a non-aggression pact. This proposal took YOSHIZAWA and KINOSHITA, who also attended, by surprise. YOSHIZAWA, after inquiring in detail about negotiations with other countries, repeated that he had been suddenly called to Tokyo and had no time to clarify the policy of the new cabinet, but he would not forget this proposal to his government.

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• Exhibit 745, verbal note of Foreign Minister UCHIDA to Ambassador Trayanovsky, December 13, 1932, stated some people have the opinion that in view of the different problems which may lead to differences between the two nations that it would be preferable to clear up the atmosphere and to provide for their settlement by preliminary conclusion of a non-aggression agreement. On the other hand, others believe that efforts should first be made to remove the causes • of these differences prior to considering the problem of a non-aggression agreement. The formal beginning of negotiations on the subject between Russia and Japan seems to be unlikely.

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Exhibit 746, note delivered by the Soviet government to the Japanese government on January 4, 1933, stated • the substance of non-aggression pacts, as well as the Kellogg-Briand pact lies in • the principle that states involved, taking into consideration present and future controversies, refuse to settle them by use of force. Soviet in no way feels that there are any controversies between it and Japan which cannot be settled or which the Soviet government refuses to settle by peaceful means. The opposite of this would be contradictory to the Kellogg-Briand pact to which both parties are signatories. In proposing this the Soviet has in no way ignored the Kellogg-Briand pact, but meant to consolidate it by means of bilateral agreement and to adapt it to the peculiarities of the relations between the two nations. The Soviet proposal was not called forth by temporary considerations, but results from its peaceful policy and continues in force through the future.

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MEMORANDUM FOR THE RECORD
(October 14, 1946)
(Soviet Relations)

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ZMR

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On February 14, 1947, the text of the 1947 agreement on February 14, 1947 by order of COMINT, signed, was following to the message in the Soviet news that the Japanese government officially believes that the conclusion of non-occupation agreements is permitted only between two states with no controversy. Japan can only insist that Soviet deliberate on the statement contained in the previous verbal news that they thought that the beginning of negotiations was entirely.

The Japanese government has stated that it is not prepared to discuss the question of the future of the Japanese islands. It has also stated that it is not prepared to discuss the question of the future of the Japanese islands. It has also stated that it is not prepared to discuss the question of the future of the Japanese islands.

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Official statements of the superintendent of the U.S.S.R. Consul General at Harbin and the North Manchurian Agent of the Japanese Foreign Office, October 23, 1934. In repeated talks stated the U.S.S.R. Consul-General had repeatedly called to the Japanese attention the condition of the guarding of the eastern line of the Chinese Eastern Railroad, and requested that measures be taken. As far back as October 15, 1933, he had stated that the functioning of the railway had been carried on under conditions of incessant violations of established rules, attacks on trains, track destruction, murder of railroad agents and violence against them, and sabotage and destruction of railroad property. Manchurian authorities have not only not taken sufficient measures to aid the railroad and guard it, but have directly participated in activities detrimental to the railroad and to the Soviet rights therein.

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Parallel with the growth of these attacks, the guarding of the line has not improved and it has grown worse. In the letter of August 29 the guard troop headquarters had been removed from freight trains on the Eastern Line. Protests were made, asking that urgent measures be taken by Manchurian authorities, but nothing these protests nor daily protests have brought about any results.

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Exhibit No. 747, letter sent by the vice-president of the Chinese Eastern Railroad to President Li-shao-gan December 15, 1934, stated that the director of the railroad, in his letter of November 22, 1934, had stated that the seizure of offices belonging to the railroad by various agents in Harbin as well as along the line had become widespread. During the period from 1930 to October 7, 1934, 101,000 square meters of railroad buildings were illegally occupied. Almost all measures taken since in the period from 1932 to 1934.

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Exhibit No. 750, table of Frontier Corps Department of the Home Affairs Commissioner of the U.S.S.R. dated February 20, 1944, of violations of the Soviet-Soviet frontier from 1932 to 1943, stated that up to 1937 there were 311 frontier violations, from 1938 to 1943 there were 1239, or a total of 1550. The territorial waters of the Soviet had been violated 1350 times by Japanese vessels, and the Soviet frontier had been violated 709 times by Japanese aircraft. The total number of spies smuggled in amounted to 3,666. Counter-revolutionary literature, 431

PMR

instances up to 1940 and 453 from 1941 to 1944, totalling 844. Transfer of bands, total of 551. Russian losses, 49 killed and 120 wounded.

7751

Exhibit No. 751, excerpt from the report of the Propaganda Section of the Japanese in the Lake Manitu Area, stated that on November 26, 1936, after dark, Japanese and Manchurian troops in front of the mound of Russian increased up to three companies, and nine trucks arrived at the positions of the enemy. At 23.15 that day a battalion strong attacked the mound. The frontier guards defending the mound retreated to the south. It was learned that among the troops attacking were units of a machine-gun battalion from the garrison of the Manchoum fortified district and of the 15th Manchurian Infantry Regiment.

On November 27, at 17.25, the frontier guards and Red Army support units again occupied the mound.

7752

Exhibit No. 752, report of General OKUCHI, Chief of the Japanese-Korean Army Headquarters to Vice-war Minister YAMAGATA, December 27, 1937, stated: "Taking advantage of the time from the middle of October to the end of November, the Japanese had the Manchoum detachment search for materials for tactics in the Manchoum and South Ussuri areas, especially along the quiet-Manchoum frontier, in consideration of the time when Japan opens hostilities against Russia. It goes on to give a description of the results of military topographic reconnaissance in the autumn of 1937. He stated that although roads leading to Russian territory are now in disrepair, units with vehicle formations could easily penetrate after some repairs are made.

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A motor road has been constructed along the river valley to the direction of the east coast road, and after crossing the border, action should therefore be easy. The vicinity of Chang-ling-Tsu is flat, and it would be easy for the various troops to pass over the Hunchun-Szechow, which crosses the area. The mountains are generally gentle slopes, giving freedom of visibility, firing, and off the road action. Large forces should be able to penetrate easily.

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Exhibit No. 753, report of the Frontier Corps Department of the Home Affairs Commissariat on Japanese Provocative Action in the Lake Khasan Area, March 21, 1946, stated: "That on October 21, 1936, a Japanese detachment of 25 men with machine guns crossed the border and penetrated into Russian territory a distance of 100 meters to capture weapons a certain land sector, but it was driven out. The frontier line between Russia and China in this sector was established in 1896 by the Manchou Agreement. In the report it was stated that since the State border line had not been clearly defined by the Peking Additional Agreement of 1861, it was carried out by a bilateral demarcation of territories in 1896. In the protocol doing this, the boundary was clearly marked and is shown on the map.

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Exhibit No. 754, record of the speech of Litvinov, Foreign Affairs Commissioner with SUKUMITSU, Japanese Ambassador, July 28, 1938, stated that SUKUMITSU had said to Litvinov that on July 11 Soviet troops occupied the Chang-shu-kuang district west of Lake Chang-chai and began to fortify it. As a result, the Japanese Charge d'Affaires made a protest to Russia and demanded immediate evacuation. Russia had declared the protest groundless and defined it on the basis of the Manchou agreement. SUKUMITSU had been instructed from his home government that according to the date of the agreement and to the date of the Communist regime in the hands of the Manchurian Government, the territory belongs to Manchuria. Even from the words of the Manchou agreement it is clear that the western coast of Lake Khasan forms the border. The fact that Manchurians hold religious rites on the mountain is another proof that the area is a Manchurian possession. There is no doubt whatever that the territory belongs to Manchuria, and the Japanese in view of its obligations to Manchuria might take measures arising therefrom.

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Litvinov stated that STOKHAYEV, in his conversation with SUKUMITSU, had presented the Manchou Agreement and maps attached. These maps are defined quite clearly and are signed by the Chinese, and on them the frontier runs west of the Lake. These documents should have put an end to all talks on the subject, and Litvinov was glad to learn that the Japanese and Manchurians had studied all documents and that he expected that they had come to the only possible conclusion, that the Lake and adjacent hills belong to the Soviet Union. Unfortunately, Japan insists upon its previous wrong view. The Ambassador had mentioned certain data, but had not told what it was.

2002

to had mentioned certain religious sites which could not be shared by anybody. Russia had always understood the bill to be on the border side of the frontier and the border always carried out their duties there. Russia never therefore looked the protest, since they were dealing with Russian territory. CHINGLING had mentioned certain data as to the disposal of both parties. The Soviet had promised the data to the Japanese Embassy. If the Japanese people had been asked to witness to study them, but as far as Russia had only heard unverified statements and promises made. so this agreement required that Japan would not be satisfied with the reply. Litvinov had spoken about a high as legal books for the agreement, but this may not have been published and to speak of the sign of this time is only unreasonable. since it will only complicate matters. Japan has the rights and obligation to use force and make the Soviet troops evacuate from the territory of Russian under fully satisfied.

Litvinov replied that agreement had not been signed and he hoped to improve the Soviet situation which he undoubtedly considered would eliminate Russia. While there are quite a number of countries that are susceptible to being frightened and threatened, LITVINOV said that this could not be successfully used in Moscow.

DIPLOMATIC EXAMINATION OF AFRICAN PROTECTION SYSTEM.

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The witness stated that he was a Russian officer of the rank of Lieutenant Colonel and before coming to Tokyo had worked in the Frontier Border Guard Department in Moscow. From 1925 until August 1928 he was Chief of the Frontier Border Guard section of the International-Govlet Frontier. He was Chief of the section in Peking, which opened the frontier in the vicinity of Lake Khasan and Soviet Manchuria. He commanded the operations of the Frontier Border Guard on the night of July 21, 1928. The Frontier Line in this part of the Frontier runs north to south along the Sumatra, then further on in the part along the coast of the peninsula through Great Manchuria, and then runs to the north.

He says the Frontier Line was in the way he described from the fact that front of all, from 1925 to 1928, he had served there as a private. As the officers noted he had learned the line of Frontier from the information given, and from 1926 to 1928 he was Chief of

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the outpost of the frontier guard detachment there and had to know these things. When he was chief he had to know and did know every little place in that portion of the frontier. In all he had spent five years in that particular place.

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Life in the Far East in guarding the frontier was a very treacherous matter, and was very difficult. There were daily provocations by Japanese-Manchurian troops. Often frontier guards were killed, and citizens who worked in the fields did not feel safe to work except under the defense of guards. Some big detachments of Japanese and Manchurian troops tried to cross at Mount Revlova, or in other various places, and in these clashes they used artillery and tried to capture Soviet territory.

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Until August 1938, the witness had never seen Japanese frontier guards on the Zaganungu Hill. The Soviet border guards fulfilled this duty. As far as this hill was concerned, the Manchurian people had never gathered there for religious rites. There was another hill three kilometers west called Bogomakaya. He saw many Manchurians there from time to time, but he did not know what they did there. They possibly performed their religious rites there.

7773

On July 3, 1938, a patrol on Zaganungu Hill consisting of two guards, reported that they saw two companies of Japanese field troops approaching the hill. The witness went to the hill and saw about 500 field troops around Khosain, about 200 meters from the frontier. Employed. The witness kept watching the place and established that on July 4, 1938, the Manchurian people living around the place were transferred deep into Manchurian territory. This confirmed his suspicion, that the transfer was preparatory to military operations in the area, and this was confirmed by the fact that beginning from July 6 until the end of the month in the area of the villages of Khosain and Diangashai, Japanese field troops with artillery were brought in. They dug trenches and prepared artillery positions. By the end of July on the Manchurian territory there were already one regiment of Japanese troops with mortar and artillery, and six batteries of artillery and machine guns. On July 29, 1938, Japanese field troops of about two companies crossed the border and attacked 11 border guards about three hundred meters deep into Soviet territory. These 11 guards were on Mount Bogomakaya.

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Faint, illegible text at the top of the page, possibly bleed-through from the reverse side.

The witness testified that on the night of July 29, 1946, he was in the area of the...
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MARKET STREET OF THE RECORD
(October 15, 1946)
(Address - Franklin-Direct)

NAVIGATIVE SUMMARY OF THE RECORD
(October 15, 1944)
(Soviet relations, Terebabin--Cross)

Page 1136

7762

CROSS-EXAMINATION BY MR. XIYOSHI
concerned for TOJO

7767

The witness stated that he knew the provisions of the protocol between Imperial Russia and China of June 18, 1906, having learned about them at school and also studied them at military college. He had seen a photo copy of the original map attached to the protocol, but he had never seen the original. According to the maps he studied at military college the following is said with respect to the border: The frontier line runs across the river Tsung Ula to the frontier spur and then from north to south along the course of the river to the frontier spur latter 7 and further along the crest of Mount Sanchangaya and further down (Sanchangaya).

7768

This is the frontier line as he learned it and while he was there for five years he searched it and there were no other claims on Manchuria, Japan or Korea. He knew that the frontier line ran along the crest of the hills west of Lake Khoson. There are two crests of hills, the first west of the lake and the other to the east and the frontier line runs along the crest of hills west of the lake. Also operations were conducted east of the crest of hills between the western end of the lake and Sanchangaya.

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The witness's friend's attachment was east of the frontier line about 150 meters from the outpost.

The movement troops from Vladivostok to the frontier outposts would take twenty-four hours or more, but it is possible to speed the movement by means of motor cars. His duty as commander was to prevent the seizure of Soviet territory in any way regardless of whose troops attacked. In the line of his duty, he conducted only observation of the immediate vicinity of the frontier and that was his mission. This was done exclusively by way of personal observation. He could recall one case that provides to the battle in the late area two Manchukuoans were caught and a letter written by a Japanese officer was discovered on them. In this letter the Japanese demanded that the Soviet troops be withdrawn from Manchukuo, which, in case of emergency, Japan would use armed force to realize her demands. He did not remember any similar cases concerning Koreans. Some

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The following are the names of the persons who were present at the meeting held on July 1, 1956.

6611

The witness stated that when he was at school in 1956, he saw a man who was wearing a hat and a coat. The man was walking towards the school building. The witness did not know the name of the man.

6611

The witness began his military service in 1952. He was assigned to the 1st Infantry Division. He served in Germany from 1952 to 1954.

6611

The witness stated that he was in the 1st Infantry Division in 1952. He was assigned to the 1st Infantry Division. He served in Germany from 1952 to 1954.

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The witness stated that he was in the 1st Infantry Division in 1952. He was assigned to the 1st Infantry Division. He served in Germany from 1952 to 1954.

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STATEMENT OF WITNESS

The witness stated that he was in the 1st Infantry Division in 1952. He was assigned to the 1st Infantry Division. He served in Germany from 1952 to 1954.

6611

REPORT OF THE BUREAU OF THE RECORD (Form 15, 1946)

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TABLE 75. Artillery of Chongqing, I.D.,
 noted that in 1938 knew Japanese personnel of the
 5th Cavalry Regiment and that from July 29 to the 1st
 that he took part in the battle against Japanese troops
 who attacked the Frontier posts. For two weeks prior
 to the 5th Cavalry troops were sent from Hill District
 to be concentrated in the area occupying connecting
 hills where artillery was mounted and they were built.
 By the 29th the Japanese had driven up an advance position to
 be defended by artillery and infantry. There were two
 artillery divisions.

The 4th Cavalry troops consisted of 30 men.
 On July 29 at 11:30 hours, 100 to 120 Japanese made a
 surprise attack on the adjacent border from the point
 of 11 men, 2172 and subsequently there was heard a machine
 gun fire and Japanese into Soviet territory became
 noticeable. The guards retreated. On the night of July
 29 the Japanese set out on a reconnaissance party into
 the depth of border territory to guard the flank and rear.
 At 11:30 o'clock he heard noise in the grass and Japanese

CHARACTER SUMMARY OF THE RECORD
(October 15, 1945)
(Revised 10/15/45)

Page 1139

7007

What he knows regarding about incidents. He went to
South Korea for his health and never working about
border line incidents.

7007

From February 753 to May 1945 - then beginning
with July 1945 Japan's own government had been in
the area of Asia. Up to July 1945 they systematically
organized the border border, but soon they were driven out.
On July 15, 1945 on the north side of Manchuria 2000
Japanese soldiers crossed the border and proceeded through
border crossing areas opened fire and one soldier was
killed. On July 25 the Japanese captured border hill
1000 ft. high. On July 25, 1945 near border sign
the Japanese was fired at with rifles and machine-
guns by Chinese from border. Border guards did not
open fire. On July 26, 1945 the border was heading
over the engagement to Japan, a Japanese detachment
immediately captured it. On July 27, 1945
when the area of July 27 Japanese company attacked the
border post on a hill. From July 27 to August 5 the
Japanese held several intense attacks on border guards
and occupied a number of hills. As a result of the
attacks July 28 on July 28, 1945 the Japanese
troops going back on July 28, 1945 the Japanese

7008

August 3 the movement of 40 tanks was observed.
The arrival of 5,000 Japanese troops was observed. On
the morning of August 3 the Japanese forces held up the
the hills and covered the position of the Japanese
the Japanese forces were in a state of confusion and
the Japanese forces were in a state of confusion and
the Japanese forces were in a state of confusion and

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On July 28 shooting began.
The Japanese forces were in a state of confusion and
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On July 29, 1950, at 1600 hours the Japanese forces
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On July 29, 1950, at 1600 hours the Japanese forces
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(CLASSIFIED)
(DATE 25, 1976)
HISTORICAL RECORDS OF THE ARMY

PAGE 1160

Page

Continuing with Exhibit 749, the affidavit of General MIKHEV, the document said that he knew hostilities had occurred near Changtung in 1938 and its aim was to recognize in force the real strength of red army by fighting. A Japanese division of the Korean army participated and ended in the defeat of the Japanese. Two more divisions from the "Manchurian Army" were sent to the place, but as the battles ended before their arrival these two divisions did not participate.

7018

Exhibit 750, talk between SHIGEMITSU and Litvinov August 7, 1938, showed that Litvinov stated to SHIGEMITSU that he wished to express his surprise that Japanese troops had continued their attack and artillery fire after SHIGEMITSU had proposed the cessation of hostilities and Litvinov had replied that hostilities would cease if Japan ceased its attacks from the Manchurian side. He told SHIGEMITSU that Russia was forced to counter-attack and bring aircraft into operation and the Japanese government was responsible for the casualties.

EXHIBITIVE SUMMARY OF THE RECORD
(October 16, 1946)
(Soviet Relations)

Page 1142

1982

7805

Exhibit No. 759, record of Litvinov's talk with SHIMAZU, August 31, 1938, showed that SHIMAZU had stated that Japan had no objection to setting the treaties concluded between China and Russia as the principle, but Japan understands that it may submit additional documents to the committee and that they will be considered.

7806

Litvinov pointed out that the Nomonhan agreement should be necessarily considered by the committee. Neither Japan nor Manchuria can say we cannot accept this or that treaty. As to other documents submitted by one of the parties, the other may say that he does not accept the document. This is the difference between the Nomonhan agreement and other documents. SHIMAZU probably understood him.

SHIMAZU replied that his understanding was that the treaties and agreements concluded between Russia and China were set up as the principle, and other additional documents are to be taken into consideration as the committee may decide; there was really no difference of opinion.

7007

Continuing with Exhibit No. 573, it was shown that the State border in this sector had been guarded by border troops in accordance with the protocol of 1886.

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Exhibit No. 760-A, an article entitled, "Japan's Mission in the Shona War", by ARAKI in 1933, stated that Japan did not want an ambiguous area as Mongolia to exist near her sphere of influence. Mongolia should be the Mongolia of the East, and be given independence and peace. The ambiguity of her position would be a source of trouble for the whole East, and her problem may become a greater obstacle to the problematics of the Imperial way than the Manchurian problem. It must be made clear now that Japan is determined to crush any country that turns against the Imperial way.

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Exhibit No. 761-A, the record of the talk of ITAGAKI, March 28, 1936, as Chief of the Kwantung Army Headquarters with Ambassador HITA. ARAKI stated that Outer Mongolia is a secret zone and the Communist Regime had made it a protectorate. Since the revolution the Soviet had adopted the same policy and succeeded in winning over the country. Outer Mongolia is of importance from the point of view of Japanese-Manchurian influence because it is the flank defense of the Siberian Railroad, the connecting line between Soviet territory in the Far

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East and Europe.

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If Outer Mongolia is combined with Japan, Soviet territory in the Far East will fall into a hopeless condition, and Soviet influence there may be restored almost without fighting. The only aim is to bring Japanese-Manchurian power into Outer Mongolia and as the first step to establish normal and diplomatic relations between Manchuria and Outer Mongolia, the latter being independent without considering Soviet will. If Outer Mongolia shall ignore this and will ignore Manchuria with the Soviet, the Japanese Army will have cause to seek his of territory in the spirit of the pact between Japan and Manchuria.

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Western Inner Mongolia and the same west of it is of great value to carry out Japan's Manchurian policy. If this zone comes under Japanese influence, it will be a base for pacifying Outer Mongolia, and the influence of Soviet which comes from being there, as well as the land link between China and Russia will be blocked, obstructing the Third International movement against China. Finally, this zone will be a shield against Communism in Manchuria. If the zone is not placed under Japanese influence, it is obvious that Communism will close in on the western boundary of Manchuria. From this standpoint the Japanese Army has been furthering its work with respect to Inner Mongolia for several years, and is prepared to further its work, overcoming all sorts of obstacles.

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Reference was made to Exhibits 222, 273, and 274, to show that Japan extended in Inner Mongolia the sphere of its aggression every year.

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Attention was called to the territory of TUNGHA.

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Exhibit No. 712, report of ICHA, Commander of the "Manting Army, in the representation of getting on the establishment of the New China, January 14, 1934, stated that although the establishment of the New China is organizing a central government in North China, Japan will respect the wishes of the native people and will then cooperate to preparation with the full approaching war with Russia, and at the same time have them concentrate on post-war adjustment necessitated by the incident. It is Japan's main purpose to build an ideal self-governing body which will be suited to the present state of affairs and demands of defensive peace and order.

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Exhibit No. 743, a map published in the China Postal Album, 1939, showed that the frontier line from Upper Mongolia is shown running through the middle of Lake Baikal and east of the Shalhin-gai River, crossing it at its affluence and turning southeast.

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Exhibit No. 744, a map of the area published in 1939 by the Manchung Government-General, shows that the frontier line runs in the same place as in the previous Chinese map. The second map of 1935 published by the Bureau of the Manchung Province, to which the Manchung Government-General was subordinate, shows the frontier line as running along the Shalhin-gai River and in some places even west of the river, the whole of Lake Baikal being included as part of Manchuria.

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Exhibit No. 745-a, map of Manchuria published in the Geographical Gazetteer of July, 1939, shows that the frontier line ran all along the western bank of the Shalhin-gai River.

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Exhibit No. 745-b, memorandum of the 2nd Army General Staff Military Department, March 12, 1944, entitled "On the Movements of the Japanese in the Manchung Area in 1939", stated that the Japanese carried out an all-round thorough preparation for the attack, using their customary method of preparation. From January, 1939, Japanese armed detachments began to systematically violate the frontier of Mongolia People's Republic. There were thirty violations like this. At the same time a large group of regular troops of infantry and cavalry were concentrated on the eastern bank, which was guarded on the Mongolian side by a small frontier outpost west of the river. On May 24 at 6:00, these Japanese started Japanese crossed the frontier in the 7th outpost district, crossed Sargan-Chu and came to the eastern bank of the river. Japanese constantly approached that day on NKV territory. On May 25, at 12:45, Japanese light machine guns fired the 7th outpost, dropping bombs and firing machine guns in low flight. Two were killed and 24 wounded. Prior to the attack, three planes conducted reconnaissance. 700 cavalry men and three trains of infantry were on the eastern bank of the river.

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From May 11, 1939, the Japanese started hostilities, using regular Japanese and Mongol units. This showed that Japan was preparing large-scale operations and striving to seize NKV territory.

7840 During these six battles Japan did not obtain her aim, and having suffered great losses, strengthened preparation for a still larger operation to seize territory and wipe out Soviet and American forces. By the end of June 1939, Japan concentrated the 1st, 2nd and 3rd Infantry Divisions, part of the 7th Infantry Division, two tank regiments and the cavalry regiments in the battle area. All were reinforced by artillery from the 1st Army. There were no fewer than 150 Japanese airplanes. Japan planned to smash Russian defenses suddenly and quickly and to break through to the rear.

7849 In August 1939, the Soviet launched an offensive, routed the Japanese and took up the initiative.

7851 Exhibit No. 787, list of negotiations between 1930-1939, Committee for Foreign Affairs, and Japanese Ambassador TOGO, June 9, 1940, showed that Japan had the frontier line between KMT and Manchuria in the Kowloon area as an axiom on the map published by the Red Army Staff in 1935, attached to the agreement.

7858 Examining with Exhibit No. 640, the affidavit of Semenov, it was shown that in 1939 the Japanese General Staff decided to reconstitute and arm Japanese the Red Kowloon border, and spread hostilities in the Kowloon district. General YAMAZAKI came to see Semenov to inform him and have him prepare for the events taking place. He was warned that he and the Kowloon garrisons had to be ready to participate in operations in the event the operations were successful, since large forces of Japanese would be going into the Kowloon and the Kowloon garrisons would be used to consolidate occupied territory.

7859 When the attack against the Japanese border was made and Japanese negotiations started, Japan indicated preparation for a new attack in the direction of KMT and Soviet Manchuria. Semenov was to take part in this, and in case of emergency he and the Kowloon garrisons were to begin an advance in Inner Mongolia through the KMT into the Soviet. The main strategic direction of Japan was Manchuria, which they thought was the narrow outlet through which most the supplies for the Kowloon.

7859 General TOGO in his talk told Semenov that in case they succeeded in breaking the Kowloon communications at Lohs Kowloon, the Soviet Red Army would be attacked.

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Exhibit No. 702-a. Summary from the interrogation of KIRAMURA, showed that the attack on the Homenaga Area did not take place during his premiership and he knew nothing about it. When it was pointed out to him that he had been prime minister from January to August 1939 when in that the Homenaga Incident took place in May 1939 when he was prime minister, he stated that this may have been so but as he already said, the military acted independently without reporting their actions to the government, and he therefore knew nothing. He learned about the attack after the opening of hostilities. He received his information of the outbreak from HATAKI, the War Minister. He spoke about cessation of hostilities many times, but the military circles held a different opinion. As the Supreme Command was not controlled by the government, he could not give orders to stop hostilities, but he did express his view on the necessity of stopping them to HATAKI orally.

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His opinion was that all disputes had to be settled by means of negotiations and not by way of military operations. He considered the actions wrong, but he did not submit any suggestion that hostilities be ceased to the Emperor. HATAKI's views were of opinion with KIRAMURA's, and HATAKI considered that hostilities should continue.

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Continuing with Exhibit No. 704, the proclamation of the Commanding General of the 6th Army of September 5, 1939, stated that although the order to reform the 6th Army had been issued, the realization of the task of defending the northwest area failed because the order was not carried out. The Army was thrown into an irregular war on the frontier between Manchuria and Mongolia, and they controlled the action for more than ten days. Due to the brave action of General Hatakeyama, since during battle was diminished. The Army is now preparing in the Manchuria Area for a new offensive.

The Commanding General of the 6th Army had decided to help by sending well trained troops and place them under the general's command, and is planning urgent measures to be taken to settle the conflict. The matter is now beyond the limits of a mere frontier conflict. Japan is now waging a sacred war in China, and any change in the conflict requires great importance. The Army can only carry out its action by consolidating itself and immediately strike a crushing blow at the enemy to annihilate its existence.

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Continuing with Exhibit No. 509, a statement of the defendant KAWAKAMI, then Prime Minister. It was shown that KAWAKAMI had stated that in connection with negotiations on the conclusion of the Tripartite Pact, that it is a joy to see how effective the anti-Communism Pact had proved itself in securing the peace placed before the nation.

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Exhibit No. 770, telegram from Otake of staff of the Japanese Army to the Vice Minister of War, January 27, 1938, re: Also connection between Japan and Germany and general prohibition of arms could not be expected because prohibition is prohibited only regarding the negotiation itself. Despite the agreement that it should be an exclusive secret from other countries.

Exhibit No. 460, the secret postcard addressed to the Anti-Communism Pact, provided that the parties would not carry out any measures which would in effect follow the position of the Soviet, and in case of an unprovoked attack or threat by the Soviet, the parties would immediately consult as to the measures they would use to preserve the common interests.

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(October 16, 1946)
(Special Submissions)

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The preparation is now being successfully carried on and in time will furnish with our blow and show to the world - the rights of the Imperial Japanese - the men in the army and navy of 'Victory', and the way is ready to crush and destroy the enemy equipment.

Attention of the court was called to Exhibit 110, in which it was shown that the Commanding General of the Kampong Army resigned due to the failure of the Kampong operations.

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The Court's attention was attracted to Exhibit 111, in which the Anti-Communist Fund and its success proposed was outlined in Exhibit 111.

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Exhibit No. 112, record of the talk between GENERAL and HONORABLE, February 23, 1941, stated that a program of friendly neutral Germany to run after the anti-Communist fund was established, showing on the other hand Japan has been able to penetrate deeply into the Russian sphere in Uman. Germany's victory on the continent brings great advantage to Japan.

**NAVRATIVE SUMMARY OF THE RECORD
(October 16, 1946)
(Soviet Relations)**

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Exhibit No. 771, telegram from Ribbentrop to GSO dated July 10, 1941, stated: "that Ribbentrop did not doubt that in case hostilities broke out between the U. S. and Germany, Japan will stand by her obligations under the Tripartite Pact. America is today the sole aggressor."

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Exhibit No. 773-A, radio statement made by SUKHININOV, December 11, 1943, on the second anniversary of the Molotov-Ribbentrop Agreement of the Tripartite Pact, stated that America and Britain in their resolve not to permit Japan to exist as a great power, resorted politically to the policy of divide and rule and to economic war. They had started the war long before Pearl Harbor.

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During the first two years of the war, the forces of aggression have been driven from the regions of East Asia, although they are not yet wiped clean from entire Asia.

The preceding two items of evidence were introduced to show the protocol meaning of the word "aggressor" as used in the Anti-Comintern Pact.

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• He keenly feels the necessity of a definite decision regarding the great object of the Empire's diplomacy, which is the drastic liquidation of relations with Soviet Russia and all diplomatic activities should be concentrated on this. He believed that the Union and disunion problems are secondary to this and that the reformation of internal affairs should be limited within this. With this problem in mind, internal and foreign relations should be adjusted for the time being. It is necessary that this liquidation be thorough to get rid of uncertainty, not only for the present, but forever. It is natural that war may be unavoidable. While a diplomat should not talk readily about such matters, he believed that if Japan missed this opportunity, she would never have another opportunity to cast the evil yoke forever. At present it can be accomplished with minimum sacrifice and with least fear of interference by third parties. If Soviet continues her advance, in ten years she will become a very powerful country which Japan will not be able to touch, while her weakness is said to lie in manpower requisites, the old Russians have been replaced by blind men who have been inspired by Communism from childhood and do not know any other civilization and as they grow up they will become so powerful in number that Japan will not be able to compete for. It is necessary to make Russia a powerless, constitutional republic and rightly control her natural resources. However, if the fermentations of Communism become firm, the anti-revolutionary movement will not succeed easily even in case of defeat in war.

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Attention of the Court was called to Exhibit 434-2, which was a protest filed by HIRANUMA with Germany for the latter having concluded a non-aggression pact with the Soviet and breaking off negotiations for military alliance. It is noted as a reason that the non-aggression pact violated the secret agreement to the anti-Communist pact.

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EXHIBIT 775, the KIDO diary for August 22, 1939. It showed that when the report that a non-aggression pact had been concluded between Russia and Germany became known, KIDO was astonished at this extremely treacherous act, considering the existence of the anti-Communist and secret pacts.

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• Exhibit 776-A, interrogation of OCHINA was introduced into evidence. OCHINA stated that the basic aim of the anti-Communist pact was to arrest the growth of Communism. Russia was named in the first place and the pact provided, however, to prevent the spread of Communist influence in other countries. The anti-Communist pact, as a whole, was not directed specifically against Russia. It was directed against Communism in general. However it followed • that in case of a Russo-German war, Japan should not aid Russia and that Germany would not aid Russia in case of a Russo-Japanese war.

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Exhibit 777-A, speech made by War Minister KANENAGA, September 27, 1940, stated • that with the conclusion of the tri-partite pact, Japan's responsibility of leader of the New Order in Greater East Asia becomes even greater than before. Although it is Japan's intention to fulfill responsibilities by peaceful means, there is no telling when the occasion might arise for a momentous decision. The future is beset with countless obstacles and difficulties which no ordinary effort will be sufficient to surmount.

From Exhibit 771, Ribbentrop's telegram to Ott, July 10, 1941, it was shown that Ribbentrop had stated that with the collapse of Russia the position of the tri-partite powers will be so gigantic the question of England's collapse, that is, the absolute annihilation of the British Isles, will be only a matter of time. The occupation of the remaining portions of the British Empire important to the tri-partite pact will then be faced by America, completely cut off from the rest of the world.

Exhibit 778, a record of Ribbentrop's talk with OCHINA on June 24, 1941, shows that Ribbentrop had stated that the strength of the tri-partite powers lay in the fact that they had proceeded on the offensive, never taking a defensive war. OCHINA stated he agreed with what Ribbentrop had said and asked him to believe that Japan would not believe in conducting a war defensively but that victory could only be secured through further attacks.

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Exhibit 779, minutes of the Imperial Conference of July 8, 1941, stated • that through the spirit of the

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there was nothing but a temporary expedient to both.

7916 EXHIBIT 773, the talk between Ribbentrop and MATSUOKA, March 27, 1941, shows that Ribbentrop had stated Germany had concluded her anti-bank treaties under conditions which CHINESE knew. Germany desired at that time to conclude a pact with Japan but due to the Japanese situation it was impossible to carry this out. However, since clouds of war were now and were threatening in Europe and since an Italy-Germany-Japan treaty was as possible at that time, although Germany had been ready to sign for more than six months, Germany had to decide upon the pact with Japan in view of the approaching war.

7917 FROM EXHIBIT 776-As the investigation of CHINESE, was shown that CHINESE had stated that in June 1938 he received from the Japanese General Staff documents which gave him the task of judging the possibility of concluding a military alliance whereby Germany would be under obligation to enter into war with the Soviet Union in case the latter attacked Japan and vice versa.

At that time CHINESE was military attaché and at the beginning of July 1938 he visited Ribbentrop to give privately about Germany's intentions. He told Ribbentrop he had in mind concluding a consultative pact by which in case of war with Russia the party attacked would consult with the other concerning the form of aid the latter should give. Ribbentrop told him that if a military alliance was to be concluded, it would be complete and not half-way. Conditions were only half-way and either did not like such pacts. Germany would only talk about a complete defensive alliance whereby the contracting parties would agree to enter into the war when one or the other was attacked.

7918 Secondly, Ribbentrop stated that Germany wanted a military alliance not only against Russia, but against other countries which might attack Germany and Japan such as America, France and England. CHINESE told him that the extension to other countries would depend upon the readiness of Japan's army and navy and such an extension would be very difficult for Japan. Ribbentrop replied that Germany would not ask the in-

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Tri-partite pact will form the keynote of Japan's attitude toward the German-Soviet war, Japan will not intervene for either. It will take voluntary measures by secretly preparing arms against the Soviet.

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Exhibit 780, telegram from 044 to the German Foreign Minister, March 23, 1939, stated that 044 had heard that the Japanese conference of the Army Ministers had decided to take up diplomatic negotiations with Germany to conclude a military treaty directed against Russia, part of the army would enforce military treaty against third powers. The Navy had recommended limitation to Russia.

Exhibit 499, the diary of March 8, 1939, showed Gino had seen the Japanese Ambassador who had confirmed the Japanese reply on the tri-partite alliance. They have many reservations and the intent of regarding the pact as exclusively anti-Russian.

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Exhibit 781, KIDO's diary for June 21, 1941, stated that HIRANUMA, who had emphasized to the Emperor the necessity of a Japanese policy to regard Russia as Japan's hypothetical enemy could not help feel responsible when the hypothetical enemy had concluded a treaty with Germany.

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Exhibit 782, letter from the Japanese Ambassador to Ribbentrop, August 26, 1939, stated that Japan expressed its views and regrets to the recent pact of non-aggression between Germany and the Soviet. It regards the pact as counter to the secret appended agreement to the anti-comintern agreement.

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Even Exhibit 637, minutes of the Army Council of July 3, 1941, the statement of HATSUEKI showed that two years ago Germany, facing a crisis with Britain, concluded a treaty with the Soviet as a temporary expedient lest Russia go to Britain's aid. Germany, at that time, explained to Japan that this was unavoidable and that her real intention was to suppress, when opportunity presented, not only the Soviet Union's aggressive plan, but so its ideology. It also seemed that the Soviet knew this very well and planned to strike Germany at a favorable time. While the reasons for the war have been published by both nations, the non-aggression between

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there was nothing but a temporary expedient to both.

7916 Exhibit 783, the talk between Ribbentrop and MATSUOKA, March 27, 1941, showed that Ribbentrop had stated Germany had concluded her well-known treaties under conditions which CHINA knew. Germany desired at that time to conclude a pact with Japan but due to the Japanese situation it was impossible to carry this out. However, when clouds of war were more and more threatening in Europe and since an Italy-Germany-Japan treaty was not possible at that time, although Germany had been ready to sign for more than six months, Germany had to decide upon the pact with Russia in view of the approaching war.

7917 From Exhibit 776-42 the interrogation of CHINA, was shown that CHINA had stated that in June 1938 he received from the Japanese General Staff documents which gave him the task of probing the possibility of concluding a military alliance whereby Germany would be under obligation to enter into war with the Soviet Union in case the latter attacked Japan and vice versa.

At that time CHINA was Military Attaché and at the beginning of July 1938 he visited Ribbentrop to probe privately about Germany's intentions. He told Ribbentrop he had in mind concluding a consultative pact by which in case of war with Russia the party attacked would consult with the other concerning the form of aid the latter should give. Ribbentrop told him that if a military alliance was to be concluded, it would be complete and not half-way. Consultations were only half-way and either did not like such pacts. Germany would only talk about a complete defense alliance whereby the contracting parties would not enter into the war when one or the other was attacked.

7918 Secondly, Ribbentrop stated that Germany wanted a military alliance not only against Russia, but against other countries which might attack Germany and Japan such as Greece, France and England. CHINA told him that the extension to other countries would depend upon the weakness of Japan's army and navy and such an extension would be very difficult for Japan. Ribbentrop replied that Germany would not ask the in-

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possible and that the performance of the latter would be dependent of the resolution of the party. CENTRAL President K. H. HARRINGTON and General HARRINGTON had discussed the matter in London military officials and all members in speaking to concluding the party and reported to HARRINGTON, HARRINGTON, HARRINGTON and HARRINGTON the five members. The five members also reported the labor and central was instructed from the General Staff to continue the negotiations, but to have in mind that the military alliance should be solely directed against Russia and all other countries should be included as enemy objects. A paragraph 1570 be recorded in London-idea that Russia should be the main objective mentioned in the meeting. All other countries also and Japan should enter into war with their respective only if they are forced into the situation. This divergence of ideas had to American capabilities and the party was not mentioned in 1940. The negotiations mentioned would be along of the anti-Communist party by Germany when the matter on August 29, 1940, at which time negotiations were discussed.

HARRINGTON'S SAID, stated that in the conclusion of the four members General and the London conference on September 1, and 29, 1940. It was agreed that Russia's future and party would cooperate in maintaining peace with the British and including how to bring her policy into line with the governing parties. An understanding, however, will be reached with respect to coordination as to the conduct to be taken in the event that any of the above countries enters into war with the British or in the event of negotiations, Germany and Italy should be.

HARRINGTON'S 7th, the Glass Blowing factory of December 19, 1940, stated that HARRINGTON spent a working in Italy that he had the Japanese military alliance which was to be signed in a few days and that it will be operative against both Russia and the United States. The Russian Government had violated Germany after the German was to invade were made. The threat of the Japanese attack will keep American from making any more. Glass agreed that the anti-Communist negotiations were all right and that the anti-American party will induce members to increase her contributions to Britain.

Exhibit 77, Proceedings of the Party Council held December 16, 1946, was introduced into evidence according to that document, MATROKA stated that he deemed it good policy to make use of the German names to make it possible to register Japan's relations with Russia. In, therefore, intended to refer to adjustment of relations.

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Exhibit 78-A, Memorandum from MATROKA, September 26, 1946, stated that MATROKA was in contact with the Soviet Government to enter an agreement with the Soviet Government in the event a semi-Soviet-Japan treaty is concluded. MATROKA stated that the German name for the party is not to be used in the event a semi-Soviet-Japan treaty is concluded. MATROKA stated that the German name for the party is not to be used in the event a semi-Soviet-Japan treaty is concluded. MATROKA stated that the German name for the party is not to be used in the event a semi-Soviet-Japan treaty is concluded.

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Exhibit 79, Proceedings of the Party Council held December 16, 1946, was introduced into evidence according to that document, MATROKA stated that he deemed it good policy to make use of the German names to make it possible to register Japan's relations with Russia. In, therefore, intended to refer to adjustment of relations. MATROKA stated that the German name for the party is not to be used in the event a semi-Soviet-Japan treaty is concluded. MATROKA stated that the German name for the party is not to be used in the event a semi-Soviet-Japan treaty is concluded. MATROKA stated that the German name for the party is not to be used in the event a semi-Soviet-Japan treaty is concluded.

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Exhibit 80, Proceedings of the Party Council held December 16, 1946, was introduced into evidence according to that document, MATROKA stated that he deemed it good policy to make use of the German names to make it possible to register Japan's relations with Russia. In, therefore, intended to refer to adjustment of relations. MATROKA stated that the German name for the party is not to be used in the event a semi-Soviet-Japan treaty is concluded. MATROKA stated that the German name for the party is not to be used in the event a semi-Soviet-Japan treaty is concluded. MATROKA stated that the German name for the party is not to be used in the event a semi-Soviet-Japan treaty is concluded.

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(MATROKA'S NAME)
(MATROKA'S NAME)

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MEMORANDUM FOR THE RECORD
(October 16, 1941)
(British Embassy)

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The government has, therefore, agreed to the proposal from a conviction that it will be favorable to Japan's alignment.

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Exhibit 700-4, telegram from GSV to the German Foreign Minister, October 4, 1941, stated that as a result of the general meeting of the Ministers of War, Chief of the General Staff and heads of the Political Section and Section for Foreign Affairs, it is clear that they feel that the inherent aim of the Tri-partite pact is to bring about a new distribution of power in Europe and the Far East by compensating the British Empire, keeping America at bay and eliminating the Soviet Union as a major power in the world.

EXHIBIT SUMMARY OF THE RECORD
(October 27, 1944)
(Source: MATSUOKA)

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Exhibit 799, the conversation between Matsuo-oka and Ribbentrop, March 27, 1941, showed that Ribbentrop had advised the German officials in the East were available to say that and stated that Matsuo-oka was taken up on matters that could be interpreted as a threat. The Japanese would doubt it to Japan. Germany is confident that a complete in Matsuo-oka would not be complete victory for Germany and checks heretofore of the Japanese army and others. It is considered that in case of an advance against the Soviet in a few months Matsuo-oka would no longer exist as a power.

Exhibit 799, an account from the report of Matsuo-oka's talks with Ribbentrop, with Oshima and Ribbentrop previously showed that Ribbentrop stated that the Japanese part of the German army was on the eastern front. It was proposed to open attacks. It believed Matsuo-oka would be to speak a sign. Matsuo-oka would enter into a war with Matsuo-oka, that would be one which a Government and Japan would have less reason to be afraid than ever if the attack is advanced to Singapore and the East and four weeks before this because of war of Japan. It believed that Matsuo-oka would be satisfied with terms in the East of possibility and he would not return to the Japanese war. Matsuo-oka stated that a war would have to be conducted in an independent. The situation was such that even if it were not possible, a war would have to be conducted possible and this case. If Germany felt towards Japan, she would immediately strike and finish Matsuo-oka off. Matsuo-oka agreed to this point and assumed that Japan would be a loyal ally, devoting herself entirely to the joint effort.

Exhibit 799, record of talks between Matsuo-oka, Ribbentrop, Ota and Oshima, showed that Matsuo-oka said that Germany was more anxious with Russia but it is more important that Germany has 100 to 120 divisions in case of emergency for justice than against Russia. In case of any emergency, Germany hasn't the slightest fear. However, Hitler did not believe the danger with occur. Japan in the strongest power in the East and Russia and Matsuo-oka could not and others there were 150 divisions of her western border.

Exhibit 791, record of talks between Matsuo-oka, Ribbentrop, April 4, 1941, showed that

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MIYABUCHI had reported on his conversation with the Japs and the Japs. With the Japs he had a general conversation on the European war and the relations between Italy and Germany. MIYABUCHI they talked about Soviet Russia and America. America was every number one, Russia number two. MIYABUCHI agreed to that.

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From MIYABUCHI, the talk between MIYABUCHI and OKADA, was shown that MIYABUCHI stated that the Japs had created a number of new formations during the winter. In the spring there would be 100 divisions, including 100 Soviet class units was available. If Germany lost, the Soviet would be the most powerful in Europe. A German-Russian conflict, however, would result in a German-German victory and with the aid of a Soviet regime. Japan, in its own interest, should aim for an action as possible. By this is undoubtedly MIYABUCHI lay position in the war and cause Japan's position there, which is our only engine through war. OKADA agreed with MIYABUCHI entirely and stated he would do everything to carry out this policy.

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MIYABUCHI 794, telegram from MIYABUCHI to OKADA July 5, 1941, stated that a subject of a Japanese-German treaty of non-aggression or neutrality had been considered by MIYABUCHI and MIYABUCHI on March 21, 1941. There may be an occasion in the future to reach MIYABUCHI that when they discussed such a treaty he was the statement that should Germany aim to make with the Soviet Union, as Japanese leader or Japanese Minister would be able to keep Japan neutral. Japan would be driven by force of necessity to attack Russia with Germany. MIYABUCHI said that could also take.

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MIYABUCHI 793, the diary of MIYABUCHI to Japan, June 25, 1941, stated that MIYABUCHI had asked MIYABUCHI the question concerning Japan's attitude toward the war. MIYABUCHI Japan would remain neutral in accordance with the neutrality pact of April 13, 1941. MIYABUCHI stated a direct answer and said his attitude had already been expressed on April 21, 1941, upon his return from Europe. He explained, however, that the Tripartite Pact was the basis of Japan's foreign policy and if the present war and neutrality pact were at variance with the Tripartite Pact, the neutrality pact would not continue in force.

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Exhibit 794, telegram from Ott to July 15, 1941, to the German Foreign Office, stated that the Director of the Japanese Foreign Office had informed Ott that the Soviet Ambassador had requested from MATSUOKA whether the neutrality pact would be applied by Japan to the present German-Russian war. MATSUOKA replied that the neutrality pact would not be applied to the German-Russian war since it was concluded about when the German-Russian relations were essentially different. The Russian Ambassador was most taken back by this declaration.

Exhibit 795, telegram from Ott to the German Foreign Office, June 22, 1941, stated that MATSUOKA personally was of the opinion that in the long run Japan could not remain neutral in the present war. Toward the end of the interview, MATSUOKA received a telegram from Okuma wherein the German Foreign Minister called attention to an alleged withdrawal by Russia of troops from the Far East and MATSUOKA stated he would immediately propose counter-measures.

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From Exhibit 799, the Imperial Conference of July 2, 1941, it was shown that from 0 provided that though the apt. It of the Tripartite Pact would be the nucleus of Japan's attitude toward the German-Soviet war, Japan will not intervene for either. It will take voluntary measures by secretly preparing for war against the Soviets. Diplomatic negotiations will be continued with detailed precautions and should the German-Soviet war progress favorably to Japan, Japan will use arms to solve the northern problems, thus averting disability in the northern region.

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Exhibit 796, telegram from Ott to the German Foreign Office, July 3, 1941, showed that MATSUOKA had stated that the reason for formulating a Japanese statement to the Soviet Ambassador was the necessity of deciding Russia or to keep them in a state of uncertainty along with the Allies. At present the Russian Ambassador is not aware of the speedy preparations being made against the Soviet Forces which he hinted in the government resolution sent to Germany.

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Exhibit 697, telegram from Pechmann, German Ambassador to Ott to the German Foreign Office, July 1, 1941, showed that Pechmann had visited with the Japanese

**NARRATIVE SUMMARY OF THE RECORD
(October 27, 1944)
(inserted photographs)**

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ambassador and the latter had intimated that Japan intended to actively advance against the Soviet, but needs a few more weeks. It requires the resignation of MIYAGAWA since he had only recently concluded the arrangements made with the friends and he would have to leave a the political arena for a certain period of time.

796

From Exhibit 636, a telegram from Ott to the German Foreign Office, July 3, 1941, it was shown that Japan is preparing for all possible eventualities regarding the USSR to join forces with Germany in defeating the Communist menace. She is watching developments in eastern Siberia in particular, determined to destroy the Communist system there. It is hardly necessary to add that the prospects of military preparations with an eye to realizing this together with the aim of restricting the Soviet in the Far East & in her struggle with Germany is constantly kept in mind by Japan.

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from Exhibit 60, a telegram from 006 to the German Foreign Office, July 4, 1941. It was shown that following a conversation with the Japanese General Staff, the Military Attaché had reported that the Japanese army is presently preparing under explicit authority a cur-
rency maintenance of hostilities with orders of the general provisions of the first group.

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Exhibit 796, memorandum of Brewster, German Foreign Ministry official, July 6, 1941, stated that on July 4, Colonel KAMETSU, Assistant to the Military Attaché, called on the Chief of the Counter-Intelligence Section and stated that he had been commissioned by the Japanese General Staff to tell that it is ready to carry out sabotage attacks against the Soviet and the Far East from Manchuria and Mongolia, primarily against the area adjoining Lake Baikal.

796
Exhibit 797, telegram from 006 to the German Foreign Office, stated that Japan, in preparation for war, had provided Manchurian officers to our jobs, called up reserves from 25 to 27 years of age, substituted our drivers, had reported teachers in Manchuria, had forbidden students to travel for and had called up Manchurian sporting persons. Only three divisions are kept in readiness for emergency duties, which is expected July 17. They are 21st

7968

preparing for recruitment of the Kwantung Army for a war against Russia, which is not yet imminent, evidently from Shanghai and elsewhere where reservists and two Japanese divisions are being sent. No major Japanese operations are likely in China.

Exhibit 800, telegram from Ott to the German Foreign Office, stated that YAMAGUCHI, Secretary of the Foreign Affairs Ministry - had told him that Japan had made the Anglo-American powers very uneasy by her steady war position of power and had strengthened her power greatly in favor of the Axis. Mobilization is being carried through with the intention of destroying Russian military forces in the Far East. The Soviet is officially reserved, but is watching the mobilization with anxiety and will hardly decide to move more troops to the West.

Ott stated that because of questions pointed out to him by SHIMAZU, Ott asked the Vice Minister whether Japan intended to start her advance with incidents on the Soviet. The Vice Minister stated that this was the best method for finding a defensive excuse for an attack in face of the neutrality agreement. He is thinking British army demands that the Soviet could not possibly accept them. He seems to have territorial questions in mind.

From Exhibit 798-A, telegram from Ott to the German Foreign Office, October 4, 1941, it was shown that Japan's waging war against the Far Eastern Army is not favorable to the Soviet unless there is a moral collapse of the Soviet. The tenacity of the Soviet Union against Germany shows that not even a Japanese attack in August and September could open the route through Siberia this year.

7972

Exhibit 801-A, telegram from Ott to the German Foreign Office, September 4, 1941, showed that even after MATSUOKA's dismissal, the KONOHE Cabinet was set to undertake a far-reaching mobilization as a result of the decision of July 2; by its nature this mobilization was directed against the Soviet. KONOHE considerably strengthened impending elements of the new Cabinet and placed responsibility on the Navy. This a cover of the war to the North was greatly impeded. The Army Command recently has become more reserved as to a clash with the Soviet.

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It is argued that the weakened Japanese army is not in a position to start a winter campaign against the Soviet. In view of the Russian resistance against the German army, the Japanese General Staff does not believe itself capable of gaining a decisive victory against Russia before winter sets in. • It is probably influenced by the thought of HUXHORN, notably in the mind of the Kwantung Army. This exaggerated conception of Russian strength is partly based on the misleading point that even in view of the collapse of the Soviet Union on the Ukraine the Soviet still had sufficient fighting force to take the offensive against Persia in the nearby Caucasus.

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On this appraisal the Kwantung Army pressed for a decision of Imperial Headquarters and had learned that the Imperial Headquarters had decided to postpone action against the Soviet. A new decision is contemplated as soon as there are clear signs of the decomposition of the Far Eastern army or when the Japanese are numerically superior.

7973

From Exhibit 774, the interrogation of OSHIMA, it was shown that • OSHIMA stated that at the end of July or beginning of August, 1941 he had learned of the slowing of the advance of the German army which was not according to plan. Moscow and Leningrad had not been taken. OSHIMA inquired of this from Ribbentrop and Ribbentrop invited Hitler to explain. Hitler stated that the slowing of the German army was caused by excessive length of communications and lagging of rear units and that is why the German army was three weeks behind plan.

7975

Exhibit 502, telegram from Tokyo to Berlin, November 30, 1941, stated • if the Germans and Italians questioned about Japan's attitude toward the Soviet, the receiver was instructed to say that they had already clarified their attitude toward Russia in the July statement. By the present southward move Japan does not intend to relax her pressure against the Soviet and if Russia joins hands tighter with England and the United States and fights, Japan is ready to turn upon her with all her might. At the moment it is to Japan's advantage to stress the south and she would, therefore, prefer to refrain from any direct moves to the north.

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Exhibit 803, telegram from Tokyo to Berlin, August 15, 1941, stated "when the writer spoke with Matsuoka, the writer mentioned Japan's desires for a full recognition of Japan's rights and interests in north Manchuria and removal of danger zones in Far Eastern waters. Matsuoka then mentioned his attitude of Japan toward the German-Russian war and Japan has replied there is no change in her intentions to continue friendly relations, thus far Japan has maintained an attitude of observing the neutrality pact and desires to continue this in the future. Whether or not it can continue depends on the way in which the Soviet Union responds. If any of the Soviet's territory in East Asia is ceded, sold or leased to a third power or offered as military base or if the Soviet Union should take any steps to allow the entry of a third power's military movements to be extended into East Asia or conclude with a third power an alliance with Japan as its object, Japan could not overlook the threat.

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The Soviet Ambassador replied that the Soviet is rigidly observing the neutrality pact and as far as the mentioned points are concerned he could assure them that there had been nothing of this kind and there would be none in the future.

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Exhibit 804, telegram from the Japanese Government in Tokyo to Berlin, August 15, 1941, in response to a question by OTS about the talk between the Japanese Foreign Office and the Soviet Ambassador, the telegram stated that the Soviet does not have the impression that Japan will not take part in the German-Soviet war unless he told OTS that in view of the military expansion by Japan under present conditions the arrangement with the Soviet is the best means of taking first steps toward carrying out future plans concerning the Soviet, together with the German government and that it is entirely in harmony with the spirit and objectives of the partnership treaty and also that the German government would fully understand.

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Exhibit 805, telegram from Tokyo to Berlin, September 6, 1941, stated that Japan would like to avoid bringing about any situation likely to result in a war with Russia until strategic circumstances allow and the reporter is asked to get the German government to understand this position and for the present will not insist upon exchanging diplomatic notes on this question.

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7902

From Exhibit 65, a telegram from headquarters at Moscow to the German Foreign Minister stated that GERMANY is of the opinion that in view of the time of year military operations against the Soviet Union may be limited. It would not be too difficult to occupy northern Sakhalin. In view of severe Soviet losses they could probably be driven away from the border, but any attack on Vladivostok or toward the gulf in this time was scarcely possible and would have to be postponed until spring.

7903

Exhibit 66, telegram from Göt to the German Foreign Office, January 27, 1944, stated that military preparations against Russia are underway in Manchuria. Intellectual circles believe that after the conquest of Port Arthur operations will be directed against Vladivostok, the coastal provinces and north Sakhalin to secure Russia in the north.

7904

Exhibit 67, telegram from Ribbentrop to Göt, May 15, 1942, stated that with respect to the Japanese-Russian relation question without doubt the opportunity to secure the Siberian coastal provinces and Vladivostok will never be as favorable as it is at present. When Russia's strength is strained on the European front. If Japan's estimates of Russian forces in Siberia are accurate and she can overcome the resistance in Vladivostok, and penetrate in the direction of Lake Khabarovsk, this would be very significant to the subsequent development of the war. Japan cannot evade the threat to her rear and it would be best if she drives at a decision to attack Vladivostok early. There is no doubt that the intervening time is being used by Russia in cooperation with America to fortify the coastal areas to provide a threat as a threat to Japan. The earlier Japan attacks, the less progress in preparations will have been made by the others. This is based, however, on the premise that Japan is strong enough for such an operation and will not have to free other forces and weaken her position against England and America. If Japan lacks the necessary strength, it is better that she maintains neutral relations with the Soviet. By maintaining neutrality, the risk of a long drawn out war with insufficient forces and the danger of air attacks on Japan will be avoided. Japan must, in that event, undertake an offensive elsewhere such as India or Australia to contribute effectively to the joint conduct of the war.

7905

7906

RECENTS HISTORY OF THE RECORD
(October 27, 1946)
(Soviet Malicious)

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7987

In 1941 a certain and successful attack against Soviet Russia might prove a great boon for the conduct of the war in the Asia, but it should be undertaken only if success is assured.

7988

On July 31, 1941, a telegram from Tokyo to Washington, stated that the Russian-German war had given Japan an excellent opportunity to settle the northern problem and she is proceeding for preparation to take advantage of this. Japan will not only prepare but will attack her Chinese ally. If the Russian-German war proceeds too quickly, Japan would immediately take advantage to take effective counter-attacks.

7989

On October 1, 1941, Japan's decision to fight a report of the Japanese Embassy for Allied Forces, December 1, 1941, that was according to a plan of secret operations. On October 1, 1941, the Japanese Army was ordered to be as follows:

The strength of the Soviet forces in the Soviet-
Mongolian border is formidable. Intelligence taken in
maintaining vigilance about existing developments, but
if Japan does not attack the Soviet, it is believed the
Soviet will not commence hostilities.

From Exhibit 007, telegram from Ambassador to
On May 15, 1942, it was stated that Ambassador had
stated that if Japan knew the necessary strength to
successfully undertake the operation, it will be better
that the United States maintain relations with Russia. This
will give Germany's various allies, in any event, Russia
must have troops in East Siberia in anticipation of a
war.

Exhibit 010, the program of total war in the
first period, February 1942, showed that it was planned
that if there should arise a good prospect, that peace
between Germany and the Soviet would eliminate the Soviet
from America and Britain and lessen the threat to Japan
and maintain the peace between Germany and the Soviet by
bringing Germany to help stop the war situation in Ger-
many to Germany, she will have peace on the Soviet by
ending the war if the Soviet refuse. Thus the war is in-
ferable to Germany the general rule will be that in
efforts will be made to bring about peace between Germany

7990

7998

and the Soviet, but Japan was prepared to exert pressure on the Soviet in case of necessity and to expect a price not necessarily satisfactory.

From October 27, messages from Ambassador to Tokyo, dated 10, 1941, stated that it should be possible for the Japanese Minister for Foreign Affairs to receive messages from the Japanese Embassy in Moscow and that further news from Russia.

It should be noted that the efforts of Tokyo were directed toward the present document in which it is stated that on his return to the Japanese Embassy in London there is a considerable collection of Japanese documents and papers which are being held by the British and that it was then in the hands of the British that these documents were to a certain extent, were being examined. It is not known whether any attempt to take or destroy them. On April 10, 1941 in London, there was a British official in possession of the greater part of these documents were kept secret.

7995

While it was not his duty as given agent to deal with documents of this kind, he was ready to be concerned with secret work in the Embassy. His duty was to work with documents of military and other secret information. This was considered to be of great importance and the Ambassador (GILCHRIST), the commander of the Embassy and the witness that about it. The greater part of these documents are copies of messages containing secret information about the number and disposition of jet air craft, the equipment and supplies, Soviet war industries and production, Soviet planes, tanks and weapons. The Japanese Embassy in Berlin received similar information about the Soviet from Japanese Ambassador in Moscow in form of ciphered telegrams, of which the documents and the messages translated. Later the Embassy in Berlin passed this information to the German Foreign Affairs Ministry.

7996

On being shown a document called 'The Journal of the Great Russia', the witness stated that this document was given up by the Ambassador and himself in January 1945 on information received from Ambassador RUDOLPH IN BERLIN. The edition of figures was made by the Ambassador in Moscow then by hand on the first copy and handed the copy to the German. Then about about a dozen

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The documents referred to by MEMO A in the
subject's report are on the strength of the High
Command of the German Army during the war.

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Command of the German Army during the war.

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(British Intelligence)

Page 269

0015

The United States and England have declared the necessity that the Allies should first turn all strength against Germany and Italy, and had expressed this openly at Casablanca. Actually the conference was apparently delivered to the Japanese Ambassador in London as Japan's absolute neutrality. However, Germany had the expectations on the Eastern front of being to fight a French Siberian Division. The situation, however, on the Eastern front has stabilized itself, and there is a stable German front except for a small gap just Germany of the same time had to fight against England and America alone in Africa, on the air, land, and sea.

0016

Compared with this, reports show the small size of the battle area was small in comparison. They most therefore interpreted Germany was the position whether it is the correct strategy for Japan not to risk full use of her air strength while Germany is stretched to the limit. It is stated in evidence that if Germany becomes weak, Japan would find herself facing a world coalition which would consist not only of England and Russia but of the popular strength of all countries, as well as bolshevist Europe, and the position was thereby retained whether at this or any other time. The strength of the Allies was being properly distributed and was really being used in the spirit of a joint world coalition of the war.

0017

It is stated that the Japanese forces in Africa were unable to do anything because of the difficulties connected with the transport of supplies to the front. In addition to her general condition, which was being improved by her general condition, Japan was afraid of invading her forces. Japan's attitude was not merely cautious and waiting, but a new strategy against the U. S. and Britain will be planned. It is stated in the detailed reports that she believed that this attack will come in the Italian Campaign. In my view, he believed in an indecisive tactical victory as a foregone conclusion for Japan.

0018

It is stated that a broad objective view was completely out of the question in the opinion of the present Japanese. It was only a question of the joint effort of the U. S. and Britain to be carried out. Germany was planning that Japan would force itself into a position of her own hands and positions and that

consolidate her forces, but Japan has done this for a year and now when Germany is leaving the beach, Japan should be able to make a new decision how against the common enemy. It has not a question of mutual trust, but the fact that Japan intended to consolidate her forces for another year and then start another attack.

CHINA replied he did not believe so. He did not know the intention of Japan's military leaders, but he did know that for a long time Japan intended to turn against Russia. At present she did not feel strong enough. It would be possible for her to withdraw the forces in the north and check several islands in the south and shift all forces to the north. This would mean a heavy defeat in the south. An advance in both the north and the south was impossible.

8019

Albenberg then brought up again the question of a Japanese attack on Hawaii by stating that the average in Hawaii on a whole is in the north. Was a possibility of having only a few land troops on all islands except Oahu. The attack on Hawaii was an easy problem and the consideration was whether the necessary forces were ready for this.

CHINA replied that the bulk of the Japanese army was in China and in Korea, and they were not largely equipped. If Japan desired to attack Hawaii, she would have to bring about all her troops from the south into Manchuria. She had in no case enough troops to be able to attack Hawaii with the help of an early victory. The Russian army consists of 600,000 men, and it was quite natural that she had no way troops on the frontier, since they have always had extremely unpleasant experience with surprise attacks by Japan.

8020

With respect to reports on Russia's reports from the U.S.A. through Washington, CHINA thought that Japan allowed the Russians only one chance, and in that one all ships were sunk for one and a half days.

8021

CHINA replied to the Japanese report. It was shown that articles provided that Japan and Russia agreed not to construct in their possessions or territories or adjacent islands any fortifications or other military works and they agreed not to do any military exercises which would impede the free navigation of the straits of Japan and Turkey.

8002

subject no. 113, being a report of the Chief of the Soviet Naval General Staff dated February 28, 1944, stated that the numerous ships by Japan to the up Soviet shipping during World War II can be divided into three groups. The closing of the Straits connecting the open seas, being in violation of the Convention of the open seas and Article 9 of the Portsmouth Treaty; 2. shipping and landing by which ships by Japanese in violation of general principles of international law; 3. attacking and sinking Soviet ships.

8006

8007

At the beginning of World War II Japan proclaimed the Straits of Loocha, Donghai and Korea as neutral defensive zones, which enabled Japan to control the Japanese Sea and its outlets, and was directed against the Soviet. Japan had attempted to establish this control before she entered the war.

8008

Under date of March 15, 1941, the Soviet Ambassador in Moscow stated to the Minister of Foreign Affairs that shipments from the U.S.A. to Vladivostok of materials purchased by the Soviet created an embarrassing and delicate situation for Japan, since these shipments are shipped close to Japanese territory, and pointed out that the Soviet pay persons attending to these shipments, especially to the question of routes and routes. It could not but consider the attempt to hinder the trade between the Soviet and the U.S.A. unbecomingly set towards the Soviet.

8009

The legal status of Soviet trade shipping was determined by their belonging to a neutral country. Since the Straits were proclaimed by Japan as neutral defensive zones, neutral Soviet ships had the right to pass not only through the Straits but through the other Japanese zones. Soviet was particularly interested in using the Korean Straits, which directly connect the Pacific Sea with the Pacific. The use of the Loocha Straits is also important, though they connect the Japan Sea with the Sea of Okhotsk, and the latter with the Pacific through the Kuril Straits, which is a longer route and hampers shipping. Furthermore, Soviet ships can pass the Loocha Straits from January to April only with powerful instructions.

8010

The Soviet repeatedly requested Japan to open the Korean Straits from June to the winter, but these requests were declined under pretext that the zone was defensive. Japan suggested as a compromise that Soviet ships navigate through the Korean Straits, east of Kyushu and Korea.

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finding out the nationality of the ship, the nature of her cargo and her route, and requesting of protest proposed that the ship follow into Tokyo Bay. Despite inter-cession made in carrying out the orders, the crew was repeatedly threatened by violence, and they fired two volleys and twice machine-gunned the ship.

8037

Subplot No. 816, report of March 28, 1946 of the Military Prosecutor of the Pacific Ocean Area of the West on the investigation of the detention of the civilian steamer ship on July 26, 1943, this ship carrying 6000 crew and 30 passengers, left Vladivostok for Portland, Oregon. On July 29 the ship was stopped just the week of August by a Japanese patrol boat and directed to go to Port Stewart. The captain gave a written protest to the prosecutor, but which in receipt was given. On July 29 the prosecutor interrogated the captain, kept in custody to him and accused him of violating the captain kept in custody to him and accused him of violating the Japanese territorial waters. On August 30, the captain kept in custody received notice that he had been sentenced by a Japanese court to one hundred days in prison or a fine of 2,000 yen for unlawful violation of Japanese territorial waters. The captain refused to pay the fine and remained in custody. The prosecutor interrogated the captain shortly after every day and subjected him to ill-treatment and indignities, and insisted that in order to pay the fine the captain shall part of his camp food and ship's equipment. The captain refused. On August 25 the prosecutor released the captain, returned to him his documents and permitted him to go after having been detained without ground for 25 days.

8039

Subplot No. 817, report of April 2, 1946 of the Military Prosecutor of the Pacific Ocean Area on the investigation of the detention of the vessel "Suzuki" in Japanese waters in April, 1943, stated: that the ship was stopped by a Japanese warship on April 29, 1943, and was kept under arrest in the port of Otsu until June 23, 1943, or sixty days.

8041

Subplot No. 818, the reports of March 20, 1946, of the Military Prosecutor of the Pacific Ocean Area on investigation of the stopping and capturing of the ship "Suzuki" in King Kong in January 1943, stated: that at the end of August the "Suzuki" arrived at King Kong for provisioning. On December 6, the provisioning was interrupted because of the opening of the war between Japan, U. S. and Great Britain. To avoid damage from artillery bombardment, the ship was taken off the road.

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* As a result of the damage, the ship sank on December 26, 1941. Near Sakur.

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Exhibit No. 824, report of Chief Military Prosecutor of the Navy and River Fleet of the USSR, February 19, 1946, on investigation of the shipwreck of the tanker "Mariupol", stated that this ship was sailing in November 1943 from the U.S. * to the Soviet with a cargo of 120-ectane. While passing through First Kurilsky Strait on November 14 in Japanese territorial waters, the tanker ran on the rocks, and the tanker remained there till June 23, 1944, and did not receive any help, with the result that the ship and cargo were lost. The tanker "Tampa" with great cargo capacity arrived at the shipwreck area two hours after the incident and it was possible for it to render help to the tanker by completely unloading and towing it. To approach the tanker, however, the Soviet ship had to get permission from the Japanese. This was given only after 15 days, when the ship was already in a helpless condition.

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Exhibit No. 825, an announcement of the Japanese Board of Information, January 21, 1943, concerning conclusion of economic agreement between Germany, Italy, and Japan, * stated that these agreements have the same period of validity as the Tri-Partite Pact and are designed to substantiate in the financial field, and it may be considered as an extension * and reinforcement of the Pact. Japan, Germany, and Italy have been strengthening the political cooperation, and now by concluding these agreements intend to prosecute the war against their common enemy through a grand economic plan, and by employing the total combined strength of the two economic spheres to lay the foundation for permanent economic cooperation after the war.

These agreements give concrete expression to the spirit of the Tri-Partite Pact, and their conclusion is in itself a demonstration that the New Order is being further substantiated and that economic collaboration will be henceforth increasingly closer.

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1942

8047

Exhibit No. 821, report on the ship "Simperepel" showed that when the crew returned after the Japanese had taken her over, they found a hole in the hull made by artillery shell, the cabin doors were torn away, writing tables broken and theodolites out of use. Other equipment was plundered and there was some deliberate damage to the engine room.

8049

Exhibit No. 822, the affidavit of Batorin, B. A., First mate of the "Perokip" stated that the ship was unarmed, with only a few rifles for guard duty. It was a timber carrying commercial ship. About 9 o'clock on December 17, aircraft made for the ship, and by the emblem on its wings it could be seen that this aircraft was Japanese. It made for the ship and dropped two bombs, which fell on the starboard, but inflicted no damage. On December 18, there were two groups of twin-engine planes which made for the ship, one for the bow and the other for the stern. The identification signs of the ship were clearly visible, the flags had been hung out, and the ensign was new and its color bright. The planes attacked and started bombing and machine-gunning at low flight. The bombs hit the bow and four men were killed and a great deal of damage done. The ship was sinking fast, machine-gunned men in the water. Three men were killed in the water.

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During the course of a year and a half, the sailors taken from the steamer ship were placed on the island of Great Natuna, then on Borneo, then to Singapore, then back to Borneo, then to Natuna, then finally in Singapore, always on orders of Japanese authority. On June 1, 1943, they were allowed to return to Russia.

8052

Exhibit No. 823, Captain Levehenko of the "Maikop", July 1, 1942, stated on December 14, 1941, the "Maikop", owned by the Soviets, was sailing under his command with a crew of 15, from Java for Vladivostok carrying liquid cocconut oil, in accordance with the instructions of the USSR Merchant Marine. On December 20 the vessel was passing south to Surangan Islands when two planes were sighted, upon which could be seen red circles on the wings and fuselages, proving them to be Japanese. The weather was bright and clear, and the Russian flag was flying from the stern of the ship. There was no doubt that it could be clearly seen, as well as the name. One of the airplanes dropped two bombs aimed at the ship, and they fell not far from the vessel. There were further bombings.

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* As a result of the damage, the ship sank on December 26, 1941. Rear Mar. 26.

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Exhibit No. 825, an announcement of the Japanese Board of Information, January 21, 1943, concerning conclusion of economic agreement between Germany, Italy, and Japan, * stated that these agreements have the same period of validity as the Tri-Partite Pact and are designed to substantiate in the financial field, and it may be considered as an extension * and reinforcement of the Pact. Japan, Germany, and Italy have been strengthening the political cooperation, and now by concluding these agreements intend to prosecute the war against their common enemy through a grand economic plan, and by employing the total combined strength of the two economic spheres to lay the foundation for permanent economic cooperation after the war.

These agreements give concrete expression to the spirit of the Tri-Partite Pact, and their conclusion is in itself a demonstration that the New Order is being further substantiated and that economic collaboration will be henceforth increasingly closer.

8061

Exhibit No. 826-A, statement of TOJO as published in the Asahi, December 12, 1942, showed that TOJO had stated on the occasion of the declaration of war by Germany and Italy on the U. S. and the conclusion of the military agreement between Japan and Germany, that the world is divided into two groups, one struggling to maintain the status quo and the other to establish the rightful order. With just cause and substantial power, he believed that victory is doubtlessly Japan's.

8062

Exhibit No. 773-A, a speech made by SHIGEMITSU on September 27, 1943, on the third anniversary of the Tri-Partite Pact, showed that SHIGEMITSU had stated that Japan is marching forward to the fulfillment of her great mission regardless of what happens. Regardless of the machinations of Great Britain and the U. S. which they are using to induce England to fresh acts of betrayal and bad faith, the Axis alliance is unshaken.

It is because Japan's existence is endangered that she has taken up the sword. It is no more than a war of self-defense. That is why she is determined to fight until she gains ultimate victory.

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Exhibit No. 827, speech of TOJO, April 16, 1944, at a Mixed Specialists Commission from the "Asahi Shinbun" of April 16, 1944, showed that TOJO had stated that the Allied Powers had mobilized their full force and are now pressing the borders of the Axis in the east and west, but the Axis camp has not shown the slightest stir. The firm conviction of ultimate victory of Japan, Germany and Italy have only been more strengthened. Through complete cooperation in war effort by the countries within the Great East Asia Sphere and in the use of abundant important resources for armament, Japan's position of ultimate victory is strengthened day by day.

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Japan will maintain its position till the last and fight through the war to the end. Even though the battlefields are far apart, it is necessary for the Axis to cooperate and concert more closely and to increase the fight against the common enemies, America and Britain. To do this, Japan must carry out connections with Germany and Italy and the other Axis nations to crush Anglo-American plots to separate Japan from this. Japan will then be able to advance toward achieving the common objective with the collaboration of Europe, and so gain ultimate victory.

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Exhibit No. 828, telegram from SHIGEMITSU to Ribbentrop and Mussolini, December 11, 1941, from the "Nippon Times" of December 12, 1941, showed that SHIGEMITSU had stated that on December 11, 1941, the three nations concluded a new treaty pledged to fight out the war until final victory, and clarified to the world their common ideal of establishing a new world order. For three years the three nations have achieved brilliant war results in the various battlefields. Japan believes that Europe will be saved by Hitler and Mussolini. The war situation in Greater East Asia has entered the decisive stage. Japan is confident of victory and will fight the decisive war to the finish. Japan has unwavering faith that the struggle for justice will be victorious in the end. So long as the Axis is united there need be no doubt as to the successful outcome of the war.

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Exhibit No. 829-A, speech of SHIGEMITSU at the 86th session of the Diet, January 21, 1945, showed that he had stated that the combination between Japan and the other allies has become firmer and firmer, and Japan is convinced that it will carry out the war successfully with the other allies at any cost. It is Japan's sacred mission to exert herself to carry out, together with the other allies, the heavy battles destined to exploit the future of mankind to accomplish the common war aim, of making clear international justice in this war of self-existence and self-defense.

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Exhibit No. 830, telegram from Ott and Kretschmar, German Military Attache, to Ribbentrop, July 25, 1941, stated - The draft of reserves in Japan and Manchukuo on July 18 has suddenly reached a no longer concealable extent, and is continued until today. Until the middle of August about 900,000 reservists are to be drafted from 24 to 45 years. Among the oldest, only specialists like drivers, technicians, and people able to speak Russian are to be drafted. Another 500,000 are supposedly available. At the same time, there has been a draft of horses and motor vehicles, and instructions to firms to provide military consumption goods, such as foodstuffs, candles, etc. by the end of September at the latest.

On July 12, a limitation on the use of foreign languages in the teletype and telephone communications was put on, and beginning with July 20 there will be censorship of foreigners' mail.

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Since July 12 there is a prohibition on travel by foreigners all along distance limit within Japan and to Korea, China, and Formosa. The Japanese are prohibited from entering Sakhalin, and students must remain near their homes. Since July 10 the transporting of troops has been making plans, the troops and Reservists being sent to Sakhalin and Kamdin, and reservists being sent to Tientsin and Shanghai.

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Since the middle of July there has been preparation in Manchuria for halting troops. In addition, there has been increased transport of military goods, which may be interpreted as the establishing of military and supply bases. Besides increasing troops in Manchuria and probably North China, a new army group is being formed in Korea. According to conversations of the General Staff, the Japanese forces in Manchuria and Korea, and apparently part of the North China Army are to be used for action against the Soviet. There is no clarity about operations, but it is probable that it will be limited to the attack on Vladivostok, in a northerly direction, but will simultaneously start in the direction of Lake Baikal, along the Manchurian railroad, through Ulaan, and from Kalgan through Outer Mongolia.

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The time for beginning operations is unknown. This is borne out by the fact that deployment of troops will take until the middle of August, and General OKAMOTO has stated that Japan will study only when German units had reached the Volga.

The Court's attention was called to the testimony of KASAHARA, that secret documents had been destroyed by the Army General Staff.

Exhibit No. 831, the certificate of MIYAMA, Yozo, Chief of Correspondence Section, 2nd Mobilization Bureau, stated that the files of the 1st and 2nd Departments of the Japanese General Staff bearing upon the plan of war against the USSR, (Otan and Nan-Toku In Plans) are not in the Bureau's possession, and the correspondence between the General / Staff and War Ministry with the Headquarters of the Manchung and Korea Areas on this subject are like wise missing.

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8077 Exhibit No. 699, the affidavit of General NIYAKE, stated • that late in 1941 this was delivered from the Kwantung Army Headquarters to the Central Headquarters of the KYOWA-KAI a document on the cover of which was written "KAN-TOKU-EN". It was stated that 300,000 laborers for military construction were demanded by the Kwantung Army for Manchukuo.

8078 From Exhibit No. 743, the affidavit of General AKIKUSA, it was shown that AKIKUSA had stated • that from conversations with the Chief of the Russian Section of the General Staff and other officers, he had learned that the plan of KAN-TOKU-EN had been drawn up quickly after Germany's attack on Soviet in 1941, and this plan was to prepare for military operations for military aggression against the Soviet.

AKIKUSA, in connection with his duties, knew of some measures with respect to this plan. In 1943 he had seen documents concerning a financial account of the expenditures which were paid out of the KAN-TOKU-EN budget.

8079 From Exhibit No. 670, the affidavit of TAKABE, it was shown that TAKABE had stated • that the KAN-TOKU-EN or Kwantung Special Manpower was a name used to keep secret the actions of the Kwantung Army. By this plan the Kwantung Army was reinforced, and the plan concerned the delivery of food, supplying labor, and transportation of goods. TAKABE had first heard about the plan about July, 1941, from the Chief of the 4th Section of the Kwantung Army, and from General UMEZU, Commander. UMEZU told him of the increase of troops for the army and demanded delivery of food for them.

8080 • Under the plan, the Manchurian Government had to deliver the goods necessary for the reinforced troops and transport troops, mobilize laborers, and anything necessary for the army. These measures were to be realized within six months.

8081 Exhibit No. 832, directive of General UMEZU, September 16, 1941, stated • that students of foreign language schools in Japan and Harbin who had been employed as army interpreters in the Russian language since the beginning of the ~~the~~ KAN-TOKU-EN should be given supplemental education, in accordance with • the outline of supplemental education of the Kwantung Army interpreters.

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8082 Exhibit No. 705, the affidavit of General
TCHINAGA, Chief of the Operations Department of the
Army General Staff, stated • that the KAN-TOKU-KW was
elaborated in the middle of 1941, when war broke out
between Russia and Germany. Since the war situation was
not favorable to the Red Army, Japan expected that the
Soviet would transfer troops from the east to the west,
and Japan expected it could easily occupy the Far East.
8083 The plan was based • on the operation plan of the Army
General Staff, drawn by TCHINAGA in 1940. According to
the former plan, thrusts on all fronts were to be
brought about in turn with long intervals between, but
under the KAN-TOKU-KW all blows were to be dealt simul-
taneously.

In 1941, TOJO stated to TCHINAGA that the
time is suitable for an aggression against the Soviet
because a war can be carried on without strong resist-
ance. The Japanese Army would gain great prestige by
attacking the Soviet when it was ready to fall, like a
ripe persimmon. TOJO also said that it was necessary
to increase the number of present units in Manchuria in
prompt mobilization of the Kwantung Army. He stated
that TOJO had a strong intention of aggression against
the Soviet at that time.

8034 • It was called to the Tribunal's attention
that by January, 1942, the Kwantung Army had a total
manpower of 1,100,000 men, while its number of tanks
had doubled and its planes tripled, compared with 1937.

8087 Exhibit No. 839, affidavit of Major MATSUURA,
stated • about the beginning of the German-Soviet war,
about June 23-24, 1941. General OKAMURA, Commander of
the North China Army, summoned Lieutenant-General
AMAKIBU, Commander of the Mongolia Stationary Army, and
Colonel KANURAGI, senior staff officer to the North China
Army Headquarters in Peking. They left for Peking about
8088 June 24. On their return on July 5, 1941, • General
AMAKIBU called all commanders to an assembly, and
directives concerning preparations of war against the
Soviet were given at that meeting. Japanese troops in
Inner Mongolia were to act in concert with the Kwantung
Army in military operations against the Soviet. At the
same time, the commander of the 26th Division, who had
been in charge of suppressing Chinese Guerrilla Army,
received orders to prepare for military operations
against Outer Mongolia.

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Early in September, 1941, Colonel KOTANI arrived by plane from the Kwantung Army Headquarters. In June, 1941, discharge from the army upon expiration of term was suspended, and the troops were increased by new corps. Over 5,000 arrived between June and December, 1941.

8090 The Problem of an offensive against the Soviet Far East was openly discussed by Japanese officers, and during a conversation with Captain HANI, attached to the Army Intelligence Section, he stated that the offensive of Japan against Outer Mongolia was to be against Ulanbator or Zabaikalye, to make military transportation to the Far East difficult by cutting off the Trans-Siberian Railroad.

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Exhibit No. 86-A, the Military Games of the Institute of Total War, shows that the Japanese attack on the Soviet was postponed from the summer of 1941 to July-August 1942.

DIRECT EXAMINATION OF RUIZO HEYIMA, by
Colonel Rosenblit.

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The witness stated that he was 34 years of age, and at the time of the surrender of the Kwantung Army was a staff officer in the 1st Section of that Army, working in the Operations Department of the Army General Staff. The witness identified Exhibit No. 834 as a document written in his own hand, and one which he had signed. He stated that the facts in the affidavit were true.

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The affidavit stated that in January, 1940, the witness was attached to the Army General Staff, and in December, 1941, he was appointed a member of the Military Operations Department of the Staff, where he worked till August, 1944. The section where the witness worked took charge of duties regarding plans of the military operations. From January 1940 to December 1941, he attended to matters of general business, including the safe-keeping of secret documents and the burning of documents for which the custody period had expired. During the period he had charge of all matters regarding employing military forces, and in the later period he participated in operations, drawing up military plans.

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In the spring of 1941, he burned the documents concerning plans for the 1939 military operations, since the period of two years for keeping them was up. Before burning them he glanced through them and found the plans for the 1939 operations against the Soviet, and he can still remember their outline. According to the plan, Japan's chief strategical scheme in case of a Russo-Japanese war was to concentrate her main forces in Eastern Manchuria and take the offensive against the Soviets.

The plan was to concentrate the main forces in Eastern Manchuria and take the offensive against the Soviets. The plan was to concentrate the main forces in Eastern Manchuria and take the offensive against the Soviets. The plan was to concentrate the main forces in Eastern Manchuria and take the offensive against the Soviets.

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The Mantung Army was to occupy Vereshilov, Vladivostok, Izna and then Khabarovsk, Blagoveshchensk and Khabarovsk. After he had become a member of the 2nd Section of the 1st Department, he was able to learn in far more detail the contents of operational plans. Also he had to consider them in employing military forces. He then learned about the plans of military operations against Russia for the years 1941 and 1942.

According to the plan for the year 1941, the Mantung Army was to concentrate its main forces towards the Maritime provinces, first towards Blagoveshchensk and Khabarovsk, and the other part in the neighborhood of Miller, while the reserve was to be concentrated in Harbin. The offensive towards Blagoveshchensk and Khabarovsk were to be taken from Kit-Ben-Bu district and from the Hol-Mo district. Forces near Miller were to take defensive positions to protect the offensive operations in other areas. In the Maritime provinces the aim was to occupy the area, while in Blagoveshchensk and Khabarovsk the purpose was to cut the railway, to make reinforcement and supply impossible.

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In the first phase of the war they expected to occupy the six towns named before, and in the second phase so far as the situation permitted, to occupy Yurch Kuchalin, Port Petrovlovsk in Kamchatka, Nikolayevsk on the Amur River, Komsomolsk and Koryevan. There was, in addition, plans for joint operations to be carried out in close cooperation by the army and navy.

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One plan worked out by the Naval General Staff was forwarded to the Army General Staff for inclusion as part of the operational plan. The witness knew these plans, and naval operations for 1941 were designed to protect landings on Port Petrovlovsk and North Kuchalin, to attack the Kamchatka Pacific Fleet and blockade Vladivostok and to protect the communication line of Japan, Korea and Manchuria by guarding the Trans-Manchurian channel.

In 1942 a new plan against the Soviet was worked out, which continued until the spring of 1944. The witness had seen that plan. Like all previous ones, it was an offensive one and was to begin with a surprise attack. About 30 divisions were scheduled to be concentrated in Manchuria, with the main force in Eastern Manchuria. Forces of four armies were to advance in parallel so they could fight a decisive battle in the vicinity of Vereshilov.

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The second front consisted of two armies, and was to take the offensive in the Sverdlovsk and Khabarovsk districts to annihilate the Russian forces there, and cut the railway. One army was to take diversionary operations in the western areas. In the first phase, the Japanese were to occupy Russia in the maritime provinces, and Blagoveshensk, Sverdlovsk and Khabarovsk. The HOKKAIDO forces were to occupy Northern Sakhalin, and a Japanese division was to occupy Port Petropavlovsk.

8101 The Naval plan was in general the same as that of 1941. The operational plan for 1942 followed the above plans for 1942. It had never been explained to the deponent whether there was to be a war against Russia or not. All he knew were the military matters concerning operations plans, * and he had no knowledge of political relations.

In the summer of 1941, after the German attack on Russia, the witness learned that there was an Imperial Command to dispatch two new divisions to the Kwantung Army. In the same summer he saw at the Staff Office a military order for reorganization of fifteen divisions of the Kwantung Army on a semi-war-time basis. Through documents he saw at the General Staff Office, he knew that mobilization was under way in Japan in the summer of 1941 to reinforce the Kwantung Army. The number of mobilized men was about 300,000, which he learned through calculating the strength of the Kwantung Army in 1942.

8102 The mobilization was secretly carried out, * and the usually elaborate semi-offs for conscripts was prohibited.

CROSS-EXAMINATION by DOCTOR KIYOSE,
Counsel for TOJO.

8103 * The witness stated that he had no knowledge whatever of the relations between the strategic plans of the General Staff and the government's policy. However, at the General Staff it is customary to formulate a plan annually, anticipating that such a situation might arise
8104 * so that the General Staff can cope with the eventuality.

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With respect to the problems of the relationship between the government and the high command, he did not know a thing. In formulating the operations plans, he always acted according to orders from his superiors, and he had no direct orders from the Cabinet.

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• Operational plans were also made for the years 1944 and 1945. These plans consisted of defensive strategic plans.

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• The witness stated that whether a military operation is to be considered as a defense or offense is purely a strategic matter, and whether an offensive operation constitutes aggression or not is outside the operation plan. That is the war plan, about which he knows nothing.

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• According to the strategic plan, which he personally knew, there was no plan for a western front in the Outer Mongolia and Sakhalin region. The witness did not know whether, in 1944 and 1945, at the time of the Russo-Japanese war, Japan had a planned plan to fight Russia at the time.

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• Out of the troop reinforcement in the summer of 1941, a considerable number were deployed and sent to the Pacific front.

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GROSS-EXAMINATION BY MR. BLAKENEY
Counsel for UMIZU

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* The witness stated that his duties in the Second Division of the General Staff were, first of all, general matters and then later with respect to matters as to the employment of troops in the whole army. * That he had to participate in drawing up operation plans with respect to the employment of military forces and, thus, had occasion to see the operational plans and some plans he personally drew by order of his senior officer. Operational plans are made by the General Staff Office under the direction of the Chief of the General Staff and after it has been revised and received sanction from the throne it becomes the formulated operational plan of the army. * No assistance in drawing these plans is received outside the General Staff Office.

With respect to operational plans against the Soviet Union the Chief of the General Staff, after receiving and reporting the sanction of the throne, sends instructions of the order to the Commanding General of the Kwantung Army who adopts it as the basis of plans forwarded to him and then formulates his plans. He stated more literally that operational orders with respect to the operational plans of the Imperial Army of any year are sent to the Commanding General of the Kwantung Army and the Commander-in-Chief of the Kwantung Army acts in accordance with this order together with the Imperial Order which comes with it. He acts in accordance with the orders of the Emperor.

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With respect to other countries, Japan had already engaged in war with the United States and Britain and China and actual operational plans were being carried into effect. With respect to years with which his is familiar * that is, 1939 and just before the outbreak of war in 1941, plans were formulated against other countries in addition to the Soviet. There were plans for an American-Japanese war and a British-Japanese war. During his period of service the General Staff Office annually prepared operational plans of the type now being discussed. In 1939 operational plans against Russia were also such plans as were planned for 1941 and 1942.

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* The conflict with China began in 1937, but the witness is only personally familiar with plans since

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1930 when the conflict with China was already in progress and the plans were being carried out. The witness stated he had no knowledge of other countries before 1937. The witness stated he was familiar with operational plans for use in the event of hostilities against the Philippines, French Indo-China and others.

• These plans were periodically destroyed. Plans were usually made and when the next year approached plans for the former year were destroyed. Plans were constantly being revised in accordance with the international situation. • The operational plans for 1942 did not contain any provisions about an order from Grand Imperial Headquarters. The commencement of hostilities against a third power belongs to the Imperial authority and the Commanding General of the Kwantung Army cannot, on his own initiative, begin the operation. Plans for 1939 against the Soviet were never carried into effect and inasmuch as • all of the plans formulated were to be effected only in the event of a general outbreak of hostilities between Japan and the Soviet, the plans were not carried out until August 8, 1945.

In view with respect to Soviet national strength, military strength and operational ability were handled by military intelligence but the General Staff in preparing operation plans took into account these estimates.

• The witness could not recall the exact figures of Russian strength they used since they changed from year to year, but in 1942 the estimate was about 25 divisions ground forces for the Far Eastern Soviet Army. • In 1942 he recalled that the forces under the control of the Commander-in-Chief of the Kwantung Army in Manchuria was about 15 divisions. In comparing strength between forces they estimated air forces, ground forces, the supply capacity in the rear, as well as topographical features, then asked whether the Soviet strength did not far exceed the Japanese strength. • The witness stated that what he had said a month ago was only Division strength they had to consider air in determining overall strength they had to consider air strength as well as other units which constitute the army. The witness said he could not make an exact comparison of the relative strength of the Soviet and Japanese armies.

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CROSS-EXAMINATION BY MR. ROSSIGNOL,
General for General ARANT

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The witness stated early in September 1945 he went to interview with General YAMADA, Commander-in-Chief, and was with him for two months and then was taken to a camp together with military personnel in general. He is presently not charged with a crime and has been in Tokyo since September 17. Since he has been in Tokyo he has had conversations about the same with Colonel Rosenblitt and Mr. Keenan. The last conversation he had with a member of the prosecution staff was two nights ago when he met Mr. Keenan.

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He did not know Mr. Sawyer and Mr. Redmay-
cruby. He did not meet them in an internment camp and
he did not know they had been arrested.

RE-DIRECT EXAMINATION BY COLONEL ROSENBLITT

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The witness stated that there was no inter-
ference in the formulation of operational plans from
outside the General Staff Office.

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Exhibit 935, the affidavit of General Aisaka
KITA, after stating the offense held by him which gave
him the opportunity of becoming fully acquainted with
war plans against the Soviet of the Kwantung Army and
the preparatory measures carried out in connection with
the war against the Soviet, stated that in the
District in peace time there were two divisions and one
detachment of border guards. Before war opened against
Russia the Second Area Army and the Northern Army, later
the Eighth Army, were to be set up of Mitsuhiro and
Hohho.

Four divisions were to be diverted from China
and Japan. The Second Area Army was to have obtained a
strength of six divisions before the outbreak of the
war. In addition the Sixth Army was to be increased by
adding another division after the outbreak of the war
and two more divisions were to be added in the future.

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In the wartime procedure in peace time there
were eight divisions together with two tank divisions.
In 1941 the Twentieth Army Headquarters were established

Plan

at Tsing and that army was given one division each from the Third and Fifth Armies. Prior to the outbreak of war two army headquarters were to be set up. Eight divisions were to be transferred from Japan and China, making the First Area Army and fifteen divisions and two tank divisions. • In addition there was to be one air force army under direct control of the Kwantung Army Commander with 1,000 planes. This was to be the condition of the Kwantung Army on the east, north and west fronts just before the opening of war against the Soviet.

Under plan Ota Japan expected to seize the Far East as far as Hailan in four successive steps. In the first step the Fourth and Northern Armies were to carry out demonstrations on the Russian border near Heike, pretending preparation, but no actual offensive was to be made, but the Red Army was to be fattened within the area. If it started an offensive, it would be checked. The Sixth Army would maintain its position at Hailan and Arshan. If the Red Army attacked from China by way of Manchuria, it would be checked by covering these positions firm and the First Area Army would act decisively according to plan.

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• All forces were to press the Red Army at Vereshilov, and part, after seizing that place, were to cooperate with the Navy to capture Vladivostok. The chief object of the first stage was to secure Japan proper and the industrial areas of Manchuria from Red Army air raids from the Maritime Province through occupation of the district.

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In the second stage the main force of the First Area Army was to go north toward Habarovsk, leaving part of the army to maintain the occupied area. At the same time the second Area Army would cooperate and begin an offensive from Heike. It would cross the Amur, seize Blagoveshchensk, Khabarovsk and Svobodni and cut off the Siberian railway. • The First and Second Area Armies were to cooperate in attacking the Red Army from both sides and occupy Habarovsk.

In the third stage the Second Army would turn westward to make preparations for reinforcements for future offensives upon the Amur. In the Maritime Province the First Army was to secure the important

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districts and the rear of the Second Army. The main force of the Second Army would strike west and begin the advance to Chita along the railway. The Sixth Army was to cooperate and advance and after breaking through Susho it was to advance to Chita and the southern area. Upon seizure of Chita the Second Army was to secure important districts in the west.

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In the fourth stage it was planned to continue the offensive until the Zabaykalye as far as Lake Baikal was seized. During the third stage the Arbatan Detachment was to be brought under the direct control of the Second Army to combine with and take command of the Mongolian Forces in Manchuria and advance to Chita, covering the right wing of the Second Army. In coordination of all military operations the Imperial Roadquarters was to transfer one mechanized army group from North China and have it begin strategic operations from Kalgan toward Ulan-Bator. The witness did not know anything further about the plan. This plan was set up by the General Staff and the Kuangtung Army and was revised originally and existed until around the middle of 1944. The plan was not carried out because Japan faced difficult conditions on the battlefield of the Greater East Asia

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DIRECT EXAMINATION OF TOROYATSU MATSUOKA
by Colonel Tom Hill

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Q The witness stated that he was born in 1899 and had worked from October 1941 through August 1943 as Chief of the Fifth Section of the Second Department of the Army General Staff. From August 1943 until August 1945 he occupied the position of Chief of the First Section (Operations) of the Kwantung Army and is at present a prisoner of war of the Soviet.

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A The witness identified Exhibit 896 and stated it was written in his own hand and had been signed by him and that the facts stated therein were true. The affidavit stated that the witness served in the General Staff Office in various capacities from and after 1929. In October 1941 he became Chief of Soviet Russian Intelligence of the Intelligence Section of the General Staff. In August 1943 he was transferred to Chief of the Operations Section of the Kwantung Army. In March 1945 he became Vice

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Chief of Staff of the Kwantung Army in which post he remained until the surrender. When he arrived in 1943 with the Kwantung Army he was informed of the operations plans kept by the headquarters of the directives of the General Staff concerning the plans against Russia for 1942 and the plan of the Kwantung Army Headquarters based upon the directives. The directives of the General Staff instructed the Kwantung Army to form an operations plan against the Soviet with the occupation of the Maritime Province and the destruction of the air bases there as the general objective and to focus the principal attack upon Verkhilov. It was also directed that the Kwantung Army make preparations for further operations after occupying the Maritime Province. The operations plan made by the Kwantung Army, according to this directive,

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outlined the general tasks of the Kwantung Army, the distribution of military strength and the tasks of the different fronts and armies. The tasks set forth in the directive of the Army General Staff were the general tasks of the Kwantung Army. In the distribution of military strength it was planned that the first front, the second front and the Sixth Army should participate. The first front consisted of four armies consisting of 15 infantry divisions and two tank divisions. The second front comprised two armies of 11 divisions with an additional three divisions as general reserve and the Second Air Force Army of four divisions, all controlled by the Kwantung Army.

The task of the first front was to attack from the Chientao Area toward southern Ussuri from Tungging toward Verkhilov from the area west of Lake Khanka toward Verkhilov, from Hsiao toward Hsiao Area. While not expressly indicated in the plan it can be presumed that the occupation of Vladivostok was to follow that of Verkhilov.

The Second Front Army was to check the Soviet Army in the Amur River Area. The Sixth Army was to stand on the defensive in the Singan mountain range against the Soviet Army from Shchekelye and cover the offensive operations of the First Front. The plan against Russia for 1942 was signed by General UHARA, Commander of the Kwantung Army, General MATSUURA, Chief of Staff and Colonel MATSUDA, Chief of the Operations Section.

These intelligences were based on materials reported to the General Staff from Japanese Military Attaches in Moscow and various other intelligence sources. They were arranged by his subordinated and after his examination delivered to the German Relations Section. Sometimes important ones were delivered to the German Relations Section after both the witness and Chief of Intelligence had gone over them. * Intelligence was delivered to the German Affairs Section about one month.

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CROSS-EXAMINATION BY DR. KIYOSHI,
General for TOJO

Q The witness stated the question of having a plan for war and going to war were two entirely different questions. The witness said that in speaking he could speak only for himself and others in similar positions. The witness saw operations plans only in his capacity as Chief of the Operations Section of the Kwangtung Army Headquarters. When he was in other positions he didn't see

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such plans so he could not testify with respect to them. In 1944 and 1945 separate operations plans for the Kwantung Army for defensive purposes were formulated. The plan for 1944 provided for operations to be carried out in the border area. The plan for 1945 was an internal defensive one, having various plans for retreat along the southeastern border of Manchuria for the purpose of carrying on a holding operation.

He did not mention these in his affidavit because he was not asked about them. There were no questions ever asked him on this point. When he was interrogated as a prisoner he spoke of the entire matter.

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The witness stated that the strength of the Kwantung Army had been depleted and decreased during his term in the Kwantung Army. From the summer of 1943 to the end of the war the Kwantung Army was depleted greatly and re-organized. He did not remember exactly when and to what extent this took place and on the question of decrease, while the strength may have been decreased the number of military personnel was not necessarily decreased. At times the number decreased and then returned to the normal number. Little by little the quality of troops decreased. It was a routine matter to receive information, not only from the Japanese Embassy in the Soviet Union but from all Japanese abroad.

CROSS-EXAMINATION BY MR. SHIMANOUCHI

The witness stated that the German Attache Kretschmer was stationed in Tokyo. The witness thought that the Japanese General Staff looked to him directly for the intelligence concerning the Soviet Union, but he did not see it done himself.

CROSS-EXAMINATION BY MR. SHIMANOUCHI

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The military attaches in Moscow were under the General Staff and reported directly to it. The witness stated he was familiar with the duties military attaches of other countries and it is their routine duty to get military information and forward it to the General Staff of which they are a national.

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**CROSS-EXAMINATION BY MR. BLANKENY,
Counsel for USSR**

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The witness stated that the order from the General Staff was not a complete plan in the sense that it contained details laying out orders for each army and each division in the event of hostilities. The plan was drawn only in general detail and required that the Kwangtung Army Staff make plans for its implementation. The plan from Tokyo laid out not only the general policy but also the general strength of the Kwangtung Army. The basic policy in the case of hostilities was formulated by Tokyo and not by the Kwangtung Army. The operational plan of the Kwangtung Army, however, was formulated by the Kwangtung Army in accordance with the order received from the General Staff in Tokyo.

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Exhibit 57, affidavit of Major General OTSUKA, stated that in August 1943 he was present at a conference at the Headquarters of the Sixth Army in Khabarovsk to discuss the question of coming military operations of the Sixth Army in the war against the Soviet conducted by General IGITA.

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He stated that as the Kwangtung Army was to take the offensive in the Maritime Province during the first stage of the war against the Soviet the Sixth Army was to go on the offensive in that area, therefore, they talked for the first two days about the plan of defense. They were to fight to death against the Russians in the Subaimalye until new divisions arrived. On the third day the offensive operation was studied, which was to be executed by the Second Front and the Sixth Army. The Second Front was to attack from the direction of Chita. The commander's plan was, after concentrating the main border around Milny, to attack behind the right wing of the Subaimalye front and advance to the Soviet Area, destroying the enemy forces and cutting off their retreat.

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At least twenty divisions were needed to achieve the objective in the area of Chita. In order to attack there had to be a reinforcement of fifteen to twenty divisions from other areas. The regrouping of the Kwangtung Army could be done only after the occupation of the Soviet Maritime Province in the first stage of the war.

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Exhibit 839, affidavit of Major MATSUURA.

• showed that in 1943 he was transferred to the "Lighting Section of the Manchung Army. The document stated that in August 1943 he was warned that preparations must be made to change airplanes speedily when military operations against the Soviet were opened. • He was told that according to directives in Imperial Headquarters the Manchung Army would open surprise operations against the Red Army so as to overwhelm it by taking initiative against a superior force.

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Exhibit 839, record of talk of Albenberg with OSHIMA, April 16, 1943. • showed that Albenberg explained that if Japan felt strong enough and had sufficient anti-tank weapons, the current year was the best opportunity for attacking Russia which would never be as weak as she now is. He had reliable information according to which the Russians are constructing a large number of airfields in the east from which they and the Americans would certainly attack Japan with bombers. The Japanese estimate that there are 800,000 Russians in Siberia, which Germany believes is over-estimated. The estimate is only 250,000 men, second class soldiers, since all Siberian divisions had been battered by the Germans. If Japan was not ready to beat the Soviet quickly, it would be better for her not to attack, but she would have to launch a new attack

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were consulted in the Operations Department and their technical details were the responsibility of Department Number Three. Operations had no other personnel nor materials necessary to give such plans but proposed drafts to Number Two which in the previous plans and instructions were to the War Ministry as the opinion of the General Staff. After negotiation the War Ministry obtained the approval of the Cabinet and passed the plan to the Russian Army which made out a practical scheme on the spot and passed it to the South Manchurian Railway Company which executed it. The document stated that the network of railways in Manchuria was sufficient for the attack on the Soviet in 1941, especially the dense strategic network in the east. The railway could secure the force in the central part and it was possible to transfer it quickly when necessary to places in trouble in the Front Area and also they were able to transfer forces promptly in time of war. This was at the request of the Operations Department of the General Staff.

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8167

* From Exhibit 838, the affidavit of KUMABA, it was shown that KUMABA served in Manchuria since 1933 and for a number of years was closely connected with railway construction in Manchuria; from December 1942 to February 1944 he was Commanding General of the Fourth Army of the Eastern Front of the Kwantung Army.

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The deponent stated that he knew the plan of operations of the Fourth Army and it was an offensive one. * According to the plan of 1941 reported by the Chief of Staff of the Fourth Army the early concentrated attack against the Soviet was to be carried out by the First Group in the Maritime Province while the Second Group was to cover the flank and prepare a plan in the districts of Svityaya and Kuitysheva. In a preliminary stage the 2 Army and airforces were to be transferred to the Second Group. The Second Army was to hit the Fourth Army and 2 Army across the Heilungkian River and carry out the attack against the two named places, cut off the railway, destroy the Soviet Army, occupy Blagoveshchensk, Kuitysheva, Svityaya and Mianovskaya and then to advance toward Khabarovsk. In September 1942 * the Commander of the Second Army amended this plan which dealt with changing the plans of crossing the Amur river. This plan was in force from 1941 to the spring of 1944 while the deponent was Commander of the Fourth Army.

8169

With respect to the 'Hsu-Toku-In' the witness stated it provided for an increase of military strength in Manchuria in connection with the Russo-German war in 1941 and by this plan some 300,000 were transferred to Manchuria. The 'Hsu-Toku-In' plan was only a name to camouflage Japan's plan of operations against the Soviet.

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* With respect to railway construction in 1933 the Kirin-Haining line and in 1934 the Nushin to Fuzen lines were built. The first is convenient to carry Japanese forces from the interior of Japan to the continent to the direction of Harbin promptly and the latter can transport troops to the border of Soviet and Manchuria. Since military utilization of these railways received great attention from 1934 on, all attention was paid to constructing strategic railways.

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* All Manchurian railways were based on the plans drawn up by the Japanese General Staff. The plans

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were considered in the Operations Department and their technical details were the responsibility of Department Number Three. Operations had not their personnel nor materials adequately to carry such plans but presented drafts to Number Two which made practical plans and introduced them to the war Ministry as the opinion of the General Staff. After negotiation the war Ministry obtained the approval of the Cabinet and passed the plan to the Manchung Army which made out a general scheme on the spot and passed it to the South Manchurian Railway Company which executed it. The document stated that the network of railways in Manchuria was sufficient for the attack on the Soviet in 1941, especially the dense strategic network in the east. The railway could secure the force in the central part and it was possible to transfer it quickly when necessary to places in trouble in the Front Area and also they were able to transfer forces promptly in time of war. This was at the request of the Operations Department of the General Staff.

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Exhibit 839, affidavit of Major WATSON.

• showed that in 1943 he was transferred to the 'Liaoping Section of the Manchung Army. The document stated that in August 1943 he was warned that preparations must be made to change spheres of activity when military operations against the Soviet were opened. • He was told that according to directives in Imperial Headquarters the Manchung Army would open surprise operations against the Red Army so as to overwhelm it by taking initiative against a smaller force.

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Exhibit 839, record of talk of Albenberg with OSMIMA, April 18, 1945. • showed that Albenberg emphasized that if Japan felt strong enough and had sufficient anti-air weapons, the current year was the best opportunity for attacking Russia which would never be as weak as she now is. He had reliable information according to which the Russians are constructing a large number of airplanes in the east from which they and the Americans would certainly attack Japan with bombers. The Japanese estimated that there are 800,000 Russians in Siberia, while Germany believes in over-estimation. The estimate is only 250,000 men, second class soldiers, since all Siberian Divisions had been entered by the Germans. If Japan was not ready to beat the Soviet quickly, it would be better for her not to attack, but she would have to launch a new attack

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against the British or Americans. GSHIA explained that he did not know the views of his government * but for the last twenty years all General Staff plans worked out on attack against Russia and were directed toward this attack. If success could in any way be expected, they would attack.

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* Opening statement by Brigadier Quillion.

DIRECT EXAMINATION OF JOHN GRANVILLE
LIBERT, by Brigadier Quillion

8245

* The witness stated that he was a citizen of the United States and held the degrees of Bachelor of Philosophy and Master of Laws. He had been, for several years, a student of economic and finance, both public and private. He had been employed for a period by the United States Department of Agriculture as an attorney, his duties being primarily on the question of relationship between the Department and municipal corporations and private business. Prior to the war he carried on

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practice as a specialist in business matters which included formation and reconstruction of corporations and the investigation and reorganization of the affairs of business. While serving in the United States Navy in 1944 he was recalled to take special courses in military government in October and both at Friboston and Stanford he took special courses in the government and economic structure of Japan.

He left the United States in September 1945 and has been in Japan since, employed in the Economic Scientific Section of SCAP as a legal advisor and Chief of Controls and Cartels Section.

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* Since May 1946 he has been engaged in investigating production and financial preparations for war made by Japan for the purpose of giving evidence before the Tribunal. In his capacity as Chief of the Control Section and to prepare evidence to be given to this Tribunal he has had access to all parts of SCAP and all parts of the Japanese government. He has had access to all records of central institutions and organizations and their heads and officials and to all records which he thought might be of advantage to get the necessary information. He has held conferences and talks with Japanese ministers and officials and with budget officials and other financial authorities and has obtained reports, information and statistics from these sources and many others, even outside Japan. He has obtained information from SCAP branches investigating particularly industries in the Japanese government activities. There are many independent groups in the SCAP making special studies of

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specific industries and the Economic Research Section, which makes specific and general studies.

He has examined and analyzed all information obtained and checked and verified it to get the truth and accuracy of all reports before him.

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• He had translations of all laws made from the Japanese and has examined these translations since he does not read Japanese. He has prepared a statement embodying the results of his investigation and identified it.

CROSS-EXAMINATION BY MR. MURPHY,
Counsel for TOYO

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• The witness stated he was 31 and had obtained his PHB degree at Oregenton University. Technically his degree is a PHB which is an equivalent of a BA, some giving a PHB in addition to the BA. He had three major subjects and worked in Philosophy and would say Philosophy was his major. • He obtained his PHB in 1925 and his ILW in 1938. Since then he has taken many special courses such as problems in securities regulations before the Securities and Exchange Commission and methods of analyzing documents from an accountant's point of view. He had never received a degree in economics.

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From 1938 to April 15, 1942 when he entered the Navy he was employed by the Department of Agriculture • In the Solicitors Office. His work was legal in the very broad term. He is not a court lawyer and his work was in the legal end of economics and business. In developing an analysis of the business and their relation to the techniques of the AIA operation of that business one needs to understand the laws pertaining to that business. His work was to look up the law on a particular question and advise his chief.

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• His work here in Japan was not purely investigative. Investigation was only the first part. During the war all Japanese business were controlled by associations, special laws, special corporations and legal mechanisms of all types. It had been his job to find out what these things are and how best to divorce them from the economic structure of Japan so that it may be reorganized.

8261

From Exhibit IV, 844, Outline of a Five-Year plan for the production of War Materials, June 20, 1937, the witness showed that the plan, whose two primary objects lie in perfecting war preparations together with realizing the 5 Year plan for major industries, had been drafted to unify army policies with in the sphere of handling matters through military administration, in regard to expanding cultivation and control of munitions industries, to insure perfection in the war-time supply of finished war materials. Factors such as funds, raw materials, fuel, machinery, labor, technique, power and transportation, are to be merged in the 5 Year plan for major industries.

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In addition, the aircraft and automobile industries have been classified under the scope of the national policy, because there are so many requiring disposition by national measures. Those deemed especially necessary under these items have been inserted in the outline to regulate army policies. This applies to the machine industry. By munition industries is meant not only those engaged in manufacture of regaining finished goods or parts for war purposes, but also applies to vital raw material industries. Where necessary, policies toward industries to be converted in time of war have been made clear in the plan.

To control the pace of execution, the outline will depend first on the basis of the fixed war budget. In measures planned on the basis, special attention will be paid to avoid any confusion.

ing, electric power, and railway war industries.

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The will was read from Exhibit No. 840, his reported statement. He stated that preparation for war is largely disclosed by examining the trends of raw material supply and industrial production. For modern warfare all kinds and enormous amounts of equipment are necessary, and they differ radically in many cases from those normally used in peace time. In other cases they are the same but differ in amount and proportion. To disclose the preparation for war, one must examine the end products of industry subjectively and proportionately to the flow of raw materials used, either immediately or potentially in war products manufactured. Responsibility for directing these war factors in war preparation is best seen in the methods by which such objectives are achieved.

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8264 To carry out this basic plan, many supporting plans were made by the government. Three of them contained in Exhibit No. 842, are entitled "particulars in Framing a program for Extension of Important Industries" and "Essentials of 5-Year program of Important Industries, War Ministry, May 29, 1937" contained in this document. It was shown that the principle was to systematically promote the activity of important industries by 1941, so that in the event of anything happening, Japan could self-supply the important materials from Japan, Manchuria and North China, and realize a long-stride advance of the nation's strength in peace time, ensuring actual leadership in East Asia.

8265 The program has in mind from 1937 to 1941 to select the classes and goals of important industries for national defense and to control their production. While five years has been set as the general period, the time in achieving the development and expansion will be adjusted on the degree of demand for various materials. Depending on the progress, necessary plans for a second period will be set up.

While Japan is made the subject of the plan, the requisite industries should be pushed ahead to the continent under the principle of right work in the right place, with Japan and Manchuria as a single sphere in consideration of their necessity in the national defense. In addition, Japan should pick out the most important resources and take the initiative in the economic exploitation of North China, making efforts to secure its natural resources.

8266 It is advisable to avoid causing an abrupt change in the present system of capitalism in carrying the program, various measures should be taken for the control of circulation of money, finance, prices, trade, foreign accounts settlement, transportation, distribution, labor, and non-important production and consumption.

8267 In promoting important industries, the elements of technique, capital, raw materials, etc., should be coordinated, and discord should be eliminated among industries. Japan must pick out the most important and urgent businesses and encourage their achievement. The important items to be taken up with priority in the first period are the munitions, aircraft, automobile, engineering machinery, iron and steel, liquid fuel, 8268 coal, general machinery, aluminum, magnesium, shipbuilding, electric power, and railway car industries.

Page Munitions and aircraft should be permitted under the separate plan of the army, but funds, machinery materials, labor, fuel, and motive power should be dealt with in parallel with the promotion of general important industries, and are therefore included. The general goal for promoting of important industries and their distribution attached table.

8269 * From the Resume of policy relating to Execution of Summary of 5 - Year program of Important Industries of the Army of 10 June 1937, it was shown that the plan for expanding productive power aims at rehabilitating and strengthening Japan's power and establishing a comprehensive productive power expansion plan for Japan, Manchukuo, and China which will bring about the necessary goal for important national defense and basic industries by 1941, to be prepared for Japan's epochal development in the future, to be attained in spite of all difficulties.

8270 The plan chiefly aims to perfect the foundation of national defense, and is restricted to essential industries requiring expansion under a unified plan. * This plan is based on the policy of establishing a comprehensive plan for Japan, Manchukuo and China in close contact and coordination between the three, and aims to establish self-sufficiency in important resources within Japan's sphere, thereby avoiding depending on resources of a third power in times of emergency.

8271 From the "Outline of the plan for the Expansion of productive power" by the Planning Board, of January 1939, * it was shown that the scope of the plan chiefly aims at perfecting the national defense and is restricted to major industries requiring rapid expansion, and is based on the establishment of the comprehensive plan for Japan, Manchukuo, and China, for close coordination among the three, It aims to establish * self-sufficiency with respect of ~~the~~ important resources within Japan's sphere and avoid dependency on third powers in times of emergency.

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The witness stated that the trends of material and industrial production and methods of government control during the years preceding December 8, 1941 must be discussed specifically in short surveys of selected industries, bearing in mind the interrelationship between

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them and the necessity for visualizing the industrial field as a whole to show the pattern of the general trend.

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The electric power industry is most important in developing certain industries. It was one of the first in Japan to be nationalized and was one of the original pillars in the new structure in support of total war. * Prior to 1938 this industry was operated by a large number of companies, each serving a particular area, and usually combining the generation, transmission, and distribution. Many factories maintained their own private power plants.

The outline of the plan for the Expansion of productive power of the Board of planning aimed to increase this production by hydro-plants of 2,693,700 k. w. for four years, approximately 50% expansion and also aimed to increase electric power from coal by ~~approximately~~ 1,000,000 kw., an increase of 35% for the period. Considering the enormous capitalization and equipment needed to produce this expansion within a short period, one is aware of the enormous importance of electric power in planned expansion.

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The first step towards organizing the industry on a totalitarian basis took place in * March, 1938, with the promulgation of the Electric Power Control Law. Through this and subsequent ordinance, the Japan Electric Generation and Transmission Company, a national company, was organized. All utilities designated by the Communications minister had to turn over their hydro-electric plants to this company for stock. This excluded small factory plants. All plants for developing hydro-electric power and transmission facilities were taken over by the company in 1941. The company was established to harness electric power resources to the war machine by planned rationalization of equipment and operating practices. Its principal objectives were to increase the electric power resources of Japan and develop them to meet military requirements, to coordinate the operation of power networks for most efficient use of facilities, * to promote the construction and operation of larger and more efficient to economize on material used in constructing power installations.

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* This company was directed and controlled by the government, and under special law it took over existing facilities and was directed by the national policy in furthering war plans. The government guaranteed principal and interest of debentures up to three times the company capitalizations, and its stock could be hypothecated by the Bank of Japan. It was exempted from local taxation and received many other direct and indirect subsidies. A stock dividend of 4% was guaranteed by the government for ten years. In September, 1944, the total operating capital was 1,376,645,000 yen.

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On August 29, 1941, the electric distribution control law was passed, and nationalization was extended to the electric distribution field. In each of nine electric distribution regions a special company was set up, organized similar to the transmission and generation company, which actually allocated the use of electric power, so that it was not used for non-essential purposes. Other national policy companies controlled by the government having as their function the production and control of electric power and facilities were set up. Specifically they are the South Manchuria Railway, Manchurian Heavy Industry Development Corporation, Taiwan Electric Power Generation Company, the North China and Central China Development Companies. This emphasis on expansion of electric power under government control indicates the methodical way by which Japan attained control over production industries. The degree of expansion of electric power production and the direction of flow within Japan as a result of the policy is shown on the table marked electric power consumption by industries in Japan proper.

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* The purpose of the table is to show factually the actual expansion of electric power in its consumption and to show the relationship between the expansion and its use in war industries. This table not only shows the total expansion, but shows the control of the flow of the use of power in the basic war and war-supporting industries out of all proportion to a normal economy. This table has been put into the form of a graph. The purpose of expansion in electric power was to advance heavy industries in support of war preparation. This can be seen from the chart marked "Electric power Consumption in Japan proper". This chart is Exhibit No. 843, on the petroleum industry.

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petroleum is a commodity necessary for modern warfare as well as certain industries. Japan is not self-sufficient in indigenous petroleum, and its production is negligible in proportion to her normal needs, being about 10%. Because of this deficiency the supply of petroleum for war purposes depended upon four factors: storing of sufficient petroleum to last a reasonable length of time; stimulating the indigenous production of petroleum; production and use of synthetic petroleum; and restriction of civilian and non-essential use.

8283

In 1934 the Petroleum Control Law was passed, making it obligatory on foreign and national oil companies to maintain a six months' supply of oil as a perpetual reserve in addition to that normally needed for carrying on business, or the equivalent of nine months' requirements based on any year. Its obvious purpose was to increase the national stockpile of petroleum for use in emergency of failure of imports. One provision enabled the beginning of refineries with capacities of 100,000 tons per year were to provide for expansion and expand cracking capacity to 25% of crude capacity within ten years. This law was effective July 1, 1935, and began the campaign to create a monopoly in the oil industry through a license system for refining and importing. Later, quantity and quality of imports were regulated, as were the size of refineries and other equipment. Price regulations were made effective whereby all companies were forced to agree to sell to the government on demand at market prices. Additional regulations as to obligatory storage and payment of storage subsidies were enacted.

8284

The petroleum Distributing Company was established as a central control body for distributing petroleum products, with distribution in the hands of one company in each of the prefectures. From 1934 to 1941 the daily capacity of oil refineries was quadrupled. Since Japan's production is confined to its west coast, refineries were built on the Pacific Coast for accessibility to crude imports, particularly from the East Indies. By 1941 the strategic refining plants of the Army and Navy had been built up to a capacity of almost 10,000,000 barrels a year. The plants were dispersed in out-of-the-way points.

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From 1937 on, large Japanese companies tried to acquire, as much as possible, equipment and knowledge concerning manufacture of aviation gas and high grade lubricants. Many reorganizations and amalgamations occurred after 1937 to improve the operating structure of the old-line oil companies. There were new ones attempted to manufacture high-grade octane aviation gas through new plants and by importing large quantities of tetraethyl lead to step up octane content. Certain of their plans were blocked in September, 1940, when the U.S. prohibited the export of plans, designs and information that could be used in producing high-grade aviation gas.

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Japan was one of the first to build fast tankers with a speed of 19 knots. From 1937 to 1939, Japan's tanker fleet, including naval ones, increased from 280,000 tons to 440,000 tons, and by 1941 it was in excess of 500,000 tons. These are significant, since they are necessary preparation to secure the speedy import of petroleum to be manufactured in the new refineries, which were serviceable in case of national emergency.

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The table entitled "Crude oil Consumption and Stock in Japan Proper" show the ever-increasing imports and growing stockpile prior to the war, and how the oil embargo of the U.S. cut deeply into Japan's reserve stocks. This table was received in evidence as Exhibit No. 844. This table shows that actual indigenous production hardly increased from 1931 to 1941. The stockpile at the end of each year from 1931 to 1941, particularly from 1937 on, showed tremendous preparations of reserve oil for some purpose or other.

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* By economic sanctions, Japan in 1940 tried to force The Netherlands to give 22,990,000 barrels of oil and oil products, including one million tons for making aviation gas, and 400,000 tons of aviation gas, three times the normal consumption under an intensive airplane training schedule. This was unsuccessful.

To obtain self-sufficiency in the petroleum field, the plan for the Expansion of productive power provides for the following increases in production. Gasoline for aircrafts, 690% between 1938-1941; artificial gasoline for motor-cars, 2900%; natural heavy oil production, 30%; artificial heavy oil, 900%; and aircraft lubricating oil to achieve a production of 20,000 kilolitres.

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8289 Great emphasis was placed on the artificial petroleum industry. To develop indigenous production, on March * 28, 1938, the Oil Resources Exploitation Law was passed, providing that those who have rights to drill for oil must submit a plan to the government for developing them, and the government would provide subsidies for trial diggings. The government was empowered to order increased production and develop oil fields. By the Regulations for Enforcing the Oil Resources Exploitation Law, of the Commerce and Industry Department, July 30, 1938, the owners of oil rights had to report to the government concerning progress of oil exploitation. Standard rates of subsidies for drilling were set up, and subsidies provided to buy machinery and other accessories for drilling. The subsidies paid by the Ministry were for prospecting, and were: 1935-132,045 yen; 1936, 342,691 yen; 1937, 425,105 yen; 1938, 903,113 yen; 1939, 3,560,616 yen; 1940, 6,891,004 yen; 1941, 6,124,676 yen.

8290 * All efforts were made by Japan to develop oil interests in Northern Sakhalin. The following subsidies were paid there for securing oil rights; 1939, 6,148,000yen; 1940, 7,680,000yen; 1941, 3,205,000 yen

On March 15, 1941, the Imperial Oil Company Law was passed, establishing the Imperial petroleum Company, to survey and develop oil fields and control the purchase and sale of all oil and products. The capitalization was 100,000,000 yen, half invested by the government. It could issue debentures, which were guaranteed in interest by the government, and a dividend of 6% was guaranteed to private stockholders. There were usual provisions of exemptions from business, income, and local taxes, so that the company was the active government instrument to stimulate and control the indigenous production of petroleum at home and abroad.

8291 Since the shortage was serious to the military, it was decided to increase the production of synthetic petroleum from coal. In August, 1937 the Imperial Fuel Development Company to develop and finance the artificial petroleum industry. It was a national policy company with original capital of 100,000,000 yen. In addition, there was the Synthetic Oil Industry Law, which provided for licensing, tax exemption, subsidies, government control and guidance of the new industry.

Page

8292 The Minister of Commerce and Industry paid as bounties for production of synthetic oil the following: 1939, 290,720, 585,059 Yen; 1941, 804,361 yen. The Ministry likewise paid grants for dividends of the Imperial Fuel Enterprise Company, in the following amounts: 1938, 148,994 yen; 1939, 878,387 yen; 1940, 1,938,000Yen; 1941, 2,625,857 yen.

As a result of these laws and special emphasis, synthetic petroleum production increased from 3,571,200 barrels in 1939 to 5,067,000 barrels in 1941. It was increased from 2.7% of the total indigenous production in 1938 to 24.31% in 1941.

The South Manchurian Railway Company tried to and did develop production of petroleum in Manchuria from shale oil, planning for production was started to supply by 1943. Since this production was started to supply that area, the effect of its production was not felt in Japan proper, since only negligible quantities were imported.

8293 Since the greater portion of synthetic production was developed at government expense and used for government purposes, there is no exact data on the relative cost of synthetic petroleum and the imported natural product. However, authoritative sources indicate that this production is so costly as to be prohibitive under normal conditions.

The planning Board gave early consideration to limiting the amount of petroleum available for civilian use. On March 7, 1938, a rationing system under the Ministry of Commerce was started, whereby private motor-cars were cut by 40%, and taxis, buses and government cars by 30%. It also required that a certain percentage of alcohol be mixed with gasoline for motor fuel. The government established the Nippon Substitute Fuel producer Company to encourage the use of substitute fuels, which company had a monopoly for producing apparatus for converting charcoal or wood into fuel. A 300 yen subsidy was granted for each auto equipped with such apparatus.

The subsidies granted amounted to the following: 1938, 1,560,000 yen; 1939, 1,720,000yen; 1940, 2,900,000 yen; 1941, 3,000,000yen.

Page

8294 8294 • Additional subsidies were paid for propaganda, for conserving petroleum and the use of substitutes. Other regulations which would limit the use of charcoal and normal substitutes required that there be non-use of certain facilities normally requiring oil, because the substitutes were not available. The emphasis on substitute fuel is shown in the attempt to make gasoline from pine tree roots and other highly uneconomic enterprises.

(October 22, 1946)
(Preparations for War, LIBERT-Direct)

8296 • The witness stated that normally Japan was a substantial exporter of coal, excepting coking coal. Despite a plentiful supply, Japan regulated its use for production in conformity with national policy and stimulated its production. In June, 1937 the Fuel Bureau was organized and its coal Division had charge of all matters of distribution and use of coal, together with regulation of transportation, development of coal resources and the technique of coal mining through cooperation of producers.

8297 • The planning for war industries implied an increase in production of coal for manufacturing. This is seen in Exhibit 842, which provided that production of coal should be increased from 58,369,000 kilo tons in 1938 to 78,182,00 kilo tons in 1941.

Considering the state of coal mining in 1938 the proposed expansion was very large. Coal was named as one of the important minerals whose production was to be promoted under the Act to Promote the production of Important Minerals of March 29, 1938. The expense of the increase was enormous. The Ministry of Commerce and Industry alone paid bounties of \$20,500,000 in 1940 and \$19,900,000 in 1941 to stimulate production.

On August 16, 1939 the Commerce and Industry Ministry promulgated the coal sales control regulation which provided that producers and agents could not sell without permission of the ministry except less than 250 tons per month or to certain named distributors chartered with carrying out the government policy. This was effective since it forced producers of certain industries to manufacture desired products, achieving specialized production. This was true of electric power also. By stimulated coal produc-

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tion and limiting to use the actual available supply of coal was increased for war industries. Continued expansion made necessary further control of distribution.

8299 On April 6, 1940 the Coal Distribution Control Law was passed, establishing the Japan Coal Company to handle and distribute all coal within Japan. All producers and importers had to sell to this company and the company was charged with the purchase, sale, importation and exportation of all coal licensing and investment in coal mining and relating enterprises and matters concerning demand, supply and prices. The company could take private existing facilities for distributing and handling coal. There hardly could be more absolute control of an industry than this. The control and expansion of the coal industry is not justified on the basis of sound industrial expansion since in addition to mining subsidies Japan paid in 1941, through the Ministry of Commerce and Industry ¥ 94,651,216 as a grant to adjust coal prices to other commodities, to subsidize submarginal producers and to equalize the price of coal to users.

8300

Since chemicals play an important part in the manufacture of explosives, certain of the chemical industries expanded tremendously in the years immediately preceding 1941. Many chemicals are by-products of other industries and there was no problem of raw materials, but only one of expanding facilities.

Ethyl alcohol is used for many purposes but its most important use quantitatively is as fuel. Before 1936 Japan produced only 11.3 percent of its domestic requirements, the remainder being imported from Formosa and the South Sea Mandates. Peacetime consumption was about 5,250,000 gallons. In 1939 the Japanese government started a seven year program to increase production in Japan proper to 39 million gallons a year by 1941. The government subsidized construction of new plants, although the target was not reached from 1935 to 1941 there was an increase of over 6000 percent.

8301

In 1936 the government ordered ethyl alcohol to be mixed with gasoline for motor fuel to cut down on gasoline imports and conserve available stocks. The expansion of this industry was planned for maximum self-

8302

Page

sufficiency regardless of cost to reduce Japan's vulnerability from being shut off from alcohol, gasoline and oil imports.

Japan stated to produce synthetic methyl alcohol in 1933. It had previously been made in small quantities which was negligible since it was unable to compete in price with that imported from the United States and Germany. To become independent Japan promoted the production of synthetic methanol, a most important war chemical. Its chief use is to manufacture formaldehyde, plastics, motor fuels, anti-freeze and to denature ethyl alcohol.

8303

* From 1932 when no methyl alcohol was produced there was a tremendous expansion until 1941 when 19,906 metric tons per annum were being produced. From 1933 to 1941 the table of production shows constant increase.

In wartime butanol is invaluable as a raw material for producing high octane aviation fuel and is a solvent in explosives and plastics. In peacetime it is used as a solvent in the lacquer industry. Prior to the China Incident Japan was almost entirely dependent upon the United States for butanol. After 1937 it pushed plans for self-sufficiency. From 1936 to 1941 there was a 1,950 percent increase. The increase was from 22 tons in 1932 to 4329 in 1940 and 1784 in 1941.

8304

Glycerine is an important chemical used in manufacturing explosives and other important products and is a solvent and moistening agent. Japan ordinarily was not dependent on imports to meet its requirements. To become self-sufficient it promoted expansion through subsidies and promoted domestic production of raw materials by restricting fat imports. * From 1930 when the production of indigenous glycerine amounted to approximately 4,989 metric tons there was a constant increase until 1938 and 1939 in each of which years there was a production of 8,292 tons; and in 1941, 7,158 tons.

8305

8306

* Acetone is chiefly used as a solvent to make smokeless powder and in making lacquers, resins and substitute glass. In 1941 over 40 percent of production was

P.L.S.

8307

used to make organic glass for airplanes. From 1932 a relatively normal year * to 1941 there was an increase of over 27,000 percent, the production in 1932 being 11 metric tons, while the production for 1941 was 2,972 ~~metric tons~~ tons. The period of greatest increase was from 1937 to 1938 when the production rose from 472 tons to 1,734 tons.

8308

Nitric Acid is a common ingredient in most important warfare explosives. It is used to nitrate coal tar derivatives among the high explosives and other coal tar fractions which can be nitrated into serviceable explosives. Cellulose and other plant materials to make * nitro-cellulose, the basis of all military propellants. Glycerol, to make nitroglycerine used in powder and dynamite. Formaldehyde and similar materials to produce important military high explosives not based on coal tar derivatives.

8309

From 1930 to 1941 nitric acid production rose from 4,178 tons to 92,119 tons. The periods of most rapid expansion were from 1936 to 1938. In the same period the available supply of fixed nitrogen production increased from 142,950 tons in 1930 to 388,590 tons in 1941. The domestic production of fixed nitrogen increased from 69,900 metric tons in 1930 to 355,230 tons in 1941. During that period the amount of imports of fixed nitrogen varied from year to year, the high import being in 1936 with 90,500 tons and the low year being in 1941 with 33,300 tons. In 1930 imports exceeded domestic production, whereas in 1941 * it amounted to less than 10 percent of domestic production.

8310

Dyes must be included since the raw materials used ~~in~~ in their production are the same as those used in manufacturing explosives from coal tar derivatives. During the period 1930 to 1941 there was a marked increase in dye production from 7,800 tons in 1930 to 27,600 tons in 1939; in 1940, 23,800 tons were produced and in 1941, 21,800.

8311

* The Japanese have manufactured all leading kinds of plastics for many years, but great increases in production * were made after 1937 to carry on the self-sufficiency program. Since the same raw materials from coal tar distillation were needed to make explosives.

FRAG

attempts were made to develop plastics based on other products. In 1938 they began acrylic resin a superior transparent one used to make shatter-proof glass for airplanes. The cost was too high for ordinary consumers and all production was taken by the military.

Vinyl acetate resins and its products are used to manufacture synthetic fabrics, waterproofing, adhesives, lacquer substitute, electric cable coatings, tank linings and to make metals chemically resistant.

8312

Tar acid resins, with large numbers of uses and low production costs, was the most important plastic, although derived from coal tar. These were used for making telephone and radio instruments, electrical accessories, helmets, valves, building materials, airplane parts, instrument panels and housing, etc. From 1932 to 1937 there was no production of acrylic resin; in 1938, 63,000 kilograms were produced and by 1941 had reached 349,000 kilograms. The production of vinyl acetate of which there was none prior to 1936 increased from 2,--- kilograms in 1936 to 38,000; 91,000 in 1939 and 28,000 in 1941. Tar acid resins increased from 300 tons in 1930 to 6,100 tons in 1941.

Since coke and its by-products are indispensable in manufacturing war equipment and explosives Japan's preparation for war is strikingly apparent when one investigates the expansion of the coke by-product industry. The most important coke products such as benzene, toluene, naphthalene, phenol and cresols have innumerable industrial uses. These are set forth on pages 8313 and 8314.

8315

* Benzene production increased from 5,000 metric tons in 1930 to 88,100 metric tons in 1941.

8316

* Toluene increased from 50 metric tons in 1930 to 740 metric tons in 1941; and imports of toluene increased from 50 metric tons in 1932 to 520 metric tons in 1939, with decreased imports in 1940 and 1941. The total supply increased in all years until 1939 when there was a total of 1,040 metric tons and in 1940 the total supply was 740 and in 1941 810 metric tons.

8317

* Naphthalene increased from 8,277 tons in 1930 to 30,462 tons in 1941.

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Phenol production increased from 1, 104 tons
in 1930 to 4, 062 in 1944.

Cresols production increased from 1, 930 tons
in 1930 to 7, 100 tons in 1944

In time of war, because of its many uses, it
is impie to convert the output of a chemical industry
from civilian to wartime production. In Appendix I
to Exhibit 641 it is shown that chemical works were
expected to be converted to supplying war materials of
many kinds.

8381

* In addition to subsidies the Synthetic Chem-
ical Industry Law of 1942 was designed to promote the
chemical industry by restricting undue competition and
it provided for licensing the establishment producing
many of the products, allowing the government to demand
expansion of special chemical production enterprises and
to regulate its products in amount and kind.

Fighting in foreign territory demands adequate ocean transportation facilities. There was an early expansion of Japan's shipbuilding to support the army in Manchuria and to bring in necessary imports. In 1932 to improve Japanese government made an important decision when, with a view to improving the unenviable age of its cargo ships and to reduce the frequency of marine casualties, it introduced a scrap and build program. The first program, effective October 1, 1932, provided for building 200,000 tons of new shipping on condition that a two tons of vessels of 25 years of age be scrapped for each ton built under subsidy. Each vessel had to be more than 4,000 gross tons, making speed of 13 knots and built in Japan. Thirty-one new vessels were built under a subsidy of 11,000,000 yen.

8319

The second and third scrap and build programs of 1935 and 1936 produced together 100,000 new gross tons on a subsidy of a little over half again on the first. These later vessels were 4,000 or more tons and capable of 15 knots. From 1932 to 1937 there were 46 fast, new, large cargo ships of 300,000 tons so that Japan had more tonnage less than five years old in proportion to total tonnage of any other nation. The fourth program began in April 1937 provided for building superior

Page

passenger and passenger-cargo boats of not less than 6,000 tons with 19 knots. The subsidy rate was $\frac{1}{2}$ the building cost.

8320

* Indirect assistance was given by the Iron Manufacturing Industry Law Enforcement Ordinance of September 20, 1937, which gave subsidies to iron manufacturers who gave special consideration to manufacturing parts essential to the shipbuilding program.

The plan for expanding productive power required and expansion of ships from 402,000 tons in 1936 to 650,000 tons in 1941 or one-third. Since the program did not move quickly there was passed the Shipbuilding Industry Law, April 5, 1939 to sanction providing subsidy and loss indemnification to encourage shipbuilding. This law permitted Japan to make contracts with banks to provide funds for building or for buying ships and to indemnify them for any loss. The government could issue public loans * and pay the indemnity in bonds. Shipbuilding was brought under strict government supervision through licensing and the establishment supervisory enterprises, amalgamation and cessation of work was subject to government permission. The government could order installation, enlargement and improvement of equipment and other things. The shipbuilders were given the right of eminent domain, power to issue debentures and were granted direct subsidies and indemnified for losses.

8321

The government standardized types of cargo vessels and systematized the industrial control. Direct participation in shipbuilding industry by government for war purposes was further provided by the Industrial Equipment Corporation created in November 1941, one of whose prime purposes was to equip shipyards and build ships. By December 1941 * the shipbuilding industry had rigidly controlled for years.

8322

Japan has always been deficient in iron production at home for heavy industry and industrial purposes generally. Since 1900 the iron industrial had been subsidized. On April 6, 1933 under the Japan Iron Manufacturing Company Law the government took the leading part in this industry as operator, establishing the Japan Iron Manufacturing company to develop the industry and

Page

the sale of iron and steel. This company, completely government controlled and owned, became the largest producer of iron in Japan and the center of the industry.

8923

Further attempts to stimulate and control this industry were made. On August 12, 1937 the Iron Manufacturing Industrial Law was passed to develop the iron industry and strengthen national defense. Under this law persons wishing to go into this business or to alter facilities had to obtain permission from the government. Those with annual capacity of more than 100,000 tons could expropriate land, and other privileges were extended to those engaged in iron manufacturing such as exemptions from certain taxes and import duties on machinery, equipment and materials. Special tax exemptions were given in certain cases for producers of pig iron from iron sand and ore. This is uneconomical. The government could grant other subsidies for developing the iron industry.

From 1935 to 1941 tremendous subsidies were paid as follows: 1935, ¥1,800,000; 1936, ¥2,400,000; 1937, ¥1,841,000; 1938, ¥3,865,000; 1939, ¥2,500,000; 1940, ¥4,050,000 and 1941, ¥1,895,000, all in addition to other subsidies. In the later Iron Manufacturing Industries Law Enforcement Ordinance of September 20, 1937, at the rates of subsidies for various materials used in building and repairing a toll ship were set up.

8925

For these privileges and subsidies the government could direct the manufacturer on matters of price, terms of sale, expansion and improvement of facilities, changes in operating methods and other necessary controls. The mechanism for control was the cartel, or control association whereby substantial producers could come to an understanding among themselves with the control, guidance and approval of the government. However, in this industry the government owned Japanese Iron Manufacturing company was the controlling influence.

The act was to promote production of important minerals of March 29, 1938, named iron among of the important minerals and the government could order all owners of mining rights to begin operations or sell their rights. This brought many submarginal producers into the field. Despite this, special legislation to promote

Page

indigenous production, Japan continued importing enormous quantities and efforts made to save local supply.

8387

On November 21, 1938, the scrap iron distribution control regulations were decreed and a special control company was given a monopoly over the distribution and sale of scrap iron and raw materials under the direction of the government. The plan for expanding productive power shows the emphasis placed on increasing native production of iron and steel. The planned increases were: * ordinary steel, from 4,615,000 tons in 1938 to 7,260,000 tons in 1941; special steel, from 520,000 tons in 1938 to 1,000,000 in 1941; steel ingots, from 6,910,000 tons in 1938 to 9,950,000 in 1941; pig iron, from 3,800,000 in 1938 to 6,362,000 in 1941; and iron ore, from 2,250,000 in 1938 to 5,700,000 in 1941.

8388

Many additional regulations were promulgated and there were certain favored industries into which iron was channeled. Under the Cast Iron Manufacturing Facilities Restricting Regulation of September 29, 1939, persons planning to establish or expand or alter this business had to obtain government permission, except where it was a company established by special ordinance or a branch of the government * or for industries allowed by the Automobile Manufacturing Industry Law, Machine Tool Manufacturing Industry Law, Aircraft Manufacturing Industry Law and the Shipbuilding Industry Law.

The government did not stop importing iron ore, scrap and manufactured iron. The planning Board's various plans placed great stress on securing the deficiency. The iron and steel industries under government action underwent an enormous expansion.

8390

* From 1926 to 1941 domestic production increased from 130,000 metric tons to 1,334,000 metric tons in 1941. Total supply increased from 1,029,000 tons in 1926 to 6,392,000 tons in 1941.

8391

* Imports from Korea and Manchuria increased from 99,000 metric tons in 1926 to 812,000 metric tons in 1941. In Japan proper in 1926 the production was 810,000 metric tons with imports of 105,000 from Korea and Manchuria and 400,000 elsewhere or total of 1,315,000 metric tons, whereas in 1941 the domestic production of pig iron for Japan proper was 2,235,000 metric tons

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indigenous production, Japan continued importing enormous quantities and efforts made to save local scrap.

On November 21, 1938, the scrap iron distribution central regulations were decreed and a special control company was given a monopoly over the distribution and sale of scrap iron and raw materials under the direction of the government. The plan for expanding productive power shows the emphasis placed on increasing production of iron and steel. The planned increases were: ordinary steel, from 4,615,000 tons in 1938 to 7,860,000 tons in 1941; special steel, from 520,000 tons in 1938 to 1,000,000 in 1941; steel ingots, from 6,310,000 tons in 1938 to 9,950,000 in 1941; pig iron, from 3,900,000 in 1938 to 6,362,000 in 1941; and iron ore, from 2,350,000 in 1938 to 5,700,000 in 1941.

8327

Many additional regulations were promulgated and there were certain favored industries into which iron was channeled. Under the Iron Manufacturing Facilities Restricting Regulation of September 29, 1939, persons planning to establish or expand or alter this business had to obtain government permission, except where it was a company established by special ordinance or a branch of the government or for industries allowed by the Automobile Manufacturing, Industrial Law, Machine Tool Manufacturing Industry Law, Aircraft Manufacturing Industry Law and the Shipbuilding Industry Law.

8928

The government did not stop importing iron ore, scrap and manufactured iron. The planning Board's various plans placed great stress on securing the deficiency. The iron and steel industries under government action underwent an enormous expansion.

8930

From 1936 to 1941 domestic production increased from 130,000 metric tons to 1,331,000 metric tons in 1941. Total supply increased from 1,023,000 tons in 1926 to 6,992,000 tons in 1941.

8931

Imports from Korea and Manchuria increased from 99,000 metric tons in 1926 to 812,000 metric tons in 1941. In Japan proper in 1926 the production was 810,000 metric tons with imports of 105,000 from Korea and Manchuria and 400,000 elsewhere or total of 1,315,000 metric tons, whereas in 1941 the domestic production of pig iron for Japan proper was 4,233,000 metric tons.

Page

imports from Korea, 691,000 and other imports 93,000 or a total of 5,017,000 metric tons.

8392

* As to steel scrap the domestic supply for 1946 was 707,000 metric tons with imports of 80,000, a total of 787,000, with 6.9,000 used for steel making. In 1941 the domestic supply was 3,430,000 tons, imports were 4,000 from Manchuria and 199,000 from elsewhere, making a total of 3,633,000 of which 3,418,000 were used for steel making.

8393

* This development resulted in the creation of an Japan was 1,507,000 tons with imports of 34,000 or a total of 1,541,000, whereas in 1931 the production in Japan was 6,896,000 with imports of 152,000 or a total of 6,996,000 tons.

8395

* This development resulted in the creation of an artificial finished steel industry. The greater percentage of iron ore was imported and only processing of finished materials was done. Japan had to rely almost wholly on basic raw imports to have any iron manufacturing industry at all, which is quite contrary to the normal manner of development. This industry was uneconomic and developed only in support of a national program demanding iron products. The basic purpose of this expansion is shown in the products made, shipbuilding, automobiles and tanks, heavy machine industry, machine tools, heavy armaments, all directly and indirectly important to the conduct of the war.

8396

While special attention was paid by the government to stimulating the production of certain materials, attention was given to stimulating production of other minerals to supply basic raw materials for war industries. The plan for the expansion of productive power set the goals to be reached by the end of 1941.

8227

* Of the light metals aluminum is the most important since 71 percent of Japanese aircraft was made of aluminum. Other uses were for personal equipment, rolling stock and all products needing lightness in weight and strength. Its importance to war production is seen from the emphasis which the Board of planning placed upon its increase. This plan called for an increase from

Page

19,000 kilo tons in 1938 to 186,400 tons in 1941, an increase of 667 percent. The chart attached shows that from no production in 1932 Japan expanded its production from ~~xx~~ all sources to 56,080 tons in December 1941 and that in a period of a few years Japan built a new industry to provide sufficient equipment for her war needs. * Prior to 1934 Japan imported all aluminum needed. The industry was advanced at great cost, uneconomically to achieve self-expansion but fell far short since the increase was from 322 kilo tons in 1935 to 2,687 in 1941.

8338

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* Co per isons of the most non-ferrous metals with many war uses such as projectiles, shell cases, sheeting, electric equipment, communications equipment and alloys. The increased plan by the the Board of planning of native production provide for a n increase in indigenous production from 97,406 kilo tons in 1938 to 179,000 kilo tons in 1941, an expansion of 80 percent. The actual increase from 1931 to 1941 shows that production in 1931 was 77,900 metric tons; imports, 2,100 or a total of 80,000; while in 1941 native production was 133,800; imports 700 or a total of 134,400 tons.

8341

Lead is extremely important material used in the manufacture of bullets and other necessary materials. * The Board of planning provided for expansion in native production from 18,744 tons in 1938 to 35,550 in 1941 or an expansion of 90 percent. Since Japan's lead is insufficient the total imports continued to increase along with native production owing enormous uses during the years prior to war and increased stock piles. In 1938 native lead production was 6,415 metric tons and imports 55,934; while in 1931 native production was 25716 and imports 78,536.

8342

The native production of zinc was planned for an increase from 55,800 kilo tons in 1938 to 95,000 kilo tons in 1941, an increase of 70 percent. Zinc has many wartime uses. * Normally it is found with lead so that the stimulation of the production of one would mean an increased production of the other. Zinc, like lead, shows

Page

that imports continued along with increased indigenous production. Production increased from 27,043 tons in 1932 to 61,092 in 1941; while imports decreased from 26,572 to 6,324, tons.

8343

Nickel is a strategic war material prominent in manufacturing alloys. Japan's normal requirements are very low. Shortly prior to the China Incident * Japan began to stockpile this and increased her imports. When she found it difficult to continue importation she produced nickel from low grade domestic ores. This was so uneconomical that the government subsidized from ¥1,200 to ¥1,500 per ton. The subsidies for increasing production were: 1939, ¥94,690; 1940, ¥149,710; and in 1941, ¥206,000.

The Board of Planning demanded an increase from 150 kilo tons in 1938 to 5,000 kilo tons in 1941, although it was physically impossible. This is an excellent example of the uneconomic national planning indulged in for war production purposes..

8344

* Nickel increased from no production in 1937 to 1,023 tons in 1941; while the import of nickel decreased from 1,595 kilo tons in 1933 to 984 tons in 1941.

The Board of planning provided that the production of tin should be increased from 1,804 tons in 1938 to 3,500 in 1941, approximately 100 percent increase.

8345

Tin is not found in Japan, but small quantities are found in the Empire. The production of native tin * increased from 1,025 kilo tons in 1931 to 6,419 kilo tons in 1941; while in ores decreased from 9,350 in 1931 increased from 4,345 kilo tons in 1931 to 7,223 kilo tons in 1941.

~~While there were many laws and regulations to benefit special mining companies, a definite stimulus to native mineral production was the Act to Promote production of Important Minerals of March 29, 1938. All mine operators must be licensed and all owners had to submit for approval a plan for developing mines. If the owners did not satisfactorily carry out the government orders, the government could order the sale of mines and~~

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8946

rights. This forced the development of every type of mineral production. Important minerals were included and others could be added by Imperial Ordinance. The government could order the owners to construct, enlarge or improve equipment and could give orders concerning work progress as well as tools, equipment and materials. If losses were incurred from carrying out the order, compensation was made. This Act virtually placed all mining under direct government control in accordance with a plan to stimulate war production.

8947

The incidence of the cost born by the government in processing minerals and in mining is disclosed by the subsidies paid by the Ministry of Commerce and Industry alone. In 1938, \$ 2,049,200; 1939, \$1,981,420; 1940, \$7,862,800; and 1941 \$12,485,800.

8949

The five-year plan for production of war materials of June 23, 1937 indicates that the purpose of the present plan production of light metal alloys is to be for converting to warlike production of aircraft and parts. The planned expansion in processing of aluminum and magnesium provides that the special war materials industry and parts industry connected with them should be speedily expanded. That it did so is seen from the light metal manufacturing law of April 23, 1938, which aimed to establish the manufacturing business of light metals to contribute toward the adjustment of national defense. Light metals were aluminum and magnesium. To engage in this business one had to be a licensee from the government and the licensed companies were given subsidies and privileges including exemptions from certain taxes, certain import duties and the right to expropriate land. They could license incurred debt taxes up to twice their paid up capital. For the privileges the government was authorized to take over supervision and direction of the companies, to fix prices on all production to order changes in techniques, to order suspension of plants and type of production, to name purchasers and to compel stockpiling of basic material. The light metal manufacturing industry in Japan was completely controlled by the government and by the war production program.

8950

Machine tools are the only mechanical self-perpetuating from an industrial point of view. They

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include lathes, drills, presses, drilling machines, planers, shapers, grinders and boring machines. There are complicated adaptations and combinations to perform intricate operations simultaneously. Mass production of metal machined products and parts is impossible without machine tools and it is a prime necessity for an expanded industrial program.

8351 Until 1937 Japan had 1,000 small machine tool plants in addition to government arsenals, but the major portion was manufactured by five companies. Before the China Incident principal sources of imports were the United States, Germany and Great Britain. Between 1935 to 1940 Japan purchased samples of American, Swiss and German tools for prototypes and went to work with unlimited capital to establish self-sufficiency in producing machine tools. By 1941 ninety percent were manufactured in 100 plants with the five leading companies operating 25 plants and over half of the production. The plans of the government required expansion of this industry with a view to self-sufficiency. It was planned to encourage the industry so it could be converted to manufacturing war materials as is seen from the outline of the five-year plan for Producing War Materials in Exhibit 841.

8352 The objectives of expansion of industries convertible into manufacturing munitions in time of war in Japan and Manchukuo were for the machine tool industry • For an installation capacity increase of two to three times by the end of 1941.

Spinning and weaving machinery was to be converted to manufacturing shells, fuses, weapons and parts; clock and watch machinery to the manufacture of fuses and firearms. It is very simple conversion in most cases to use multiple purpose machine tools from one industry to another.

8352 The national policy placed additional emphasis upon stimulating production of machine tools. In the plan for expansion of productive power it is shown that machine tool production was to be expanded from 376,000,000 in 1938 to 2,000,000,000 in 1941 to provide machine tools to be converted in time of war as well as those for use in manufacturing war materials. Imports continued to

Page

supply deficiencies in her program.

8353

* While there were various laws directing capital in the machine tool industry and controlling the flow of materials, further stimulus was given to the machine tool industry by the Machine Tool Industry Law of 1938, requiring permission to be obtained from the government to organize, transfer or suspend this production or to modify its equipment. Prices, ~~prices~~ purchases, use of materials, standardization of government products were regulated * and there were other government controls. The government could order plant mergers, specific production and compensate for loss. Licensed tool producers were exempted from certain taxes for five years and imports were duty free. The government provided subsidies and compensation for depreciation of capital investments. The Commerce and Industry Ministry alone paid subsidies of ¥296,000 in 1938 ¥500,000 in 1939 and ¥450,000 in 1940 in addition to other subsidies and were used to encourage this industry solely.

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The biggest users of machine tools were the Army and Navy arsenals which purchased tools directly through purchasing missions which went around the world. From 1937 to 1940 Japanese Army Ordnance and Aviation Arsenals purchased more tools in the United States * than any Japanese industrial company. There was shipped from the United States 22½ Million Dollars worth of machine tools.

The force of this development resulted in enormous expansion of active production as well as increased exports. * Production increased from 2,250 in 1930 to 2246,058 in 1941. Closely allied to this is the precision bearing industry since every important machine having moving parts uses precision bearings and are critical for war machine purposes and certain types of industrial expansion can be gauged by the expansion of this industry. In 1930 the authorized capitalization was ¥1,000,000 and the value of its production ¥1,000,000. In 1941 the authorized capitalization was ¥162,610,000 and the value of production was ¥105,000,000.

Prior to 1936 the motor vehicle industry in Japan was virtually non-existent. Domestic manufacture

Page

8358

* Was small in quantity and poor in quality and almost all automobiles and engines were imported. Japan is much less dependent upon motor vehicles than most western countries. In 1938 Japan had only one truck or bus for 700 people as against one for 38 in the U.S., 81 in Britain and 186 in Germany. Italy had twice as many per capita. For war planning indigenous motor transport production was indispensable for military forces. The establishment of a national automobile industry in Japan is not based on sound economy or good business but upon the government opinion that reasons of national defense required its development regardless of cost.

8359

On May 29, 1936 the Automobile Industry Control Law was enacted to set up the necessary enterprise to adjust national defense. All companies undertaking the manufacture of cars had to be licensed and were exempted from certain taxes for a period of years and import taxes on machinery and equipment to establish production plants. These were allowed to offer debentured beyond the commercial code to twice the amount of paid up shares and the government could recall imports to protect the industry. These steps were taken quickly.

8360

Despite the efforts to increase production the industry was expensive, depending almost entirely upon government subsidy. Right before the war it cost about \$5,000 in Japan to make a standard small size truck, selling for \$1,500, a loss of approximately \$3,500 to be made up by government subsidy. Competition with foreign makes was impossible so that by 1938 import duties were 50 percent. By 1940 there were virtually no imports of automobiles to Japan.

8362

In return the law provided the government should control manufacturing, planning and designing, operation, sales, prices and other matter. The government might issue orders to manufacturers directly to manufacture military cars and to establish the special facilities necessary to fill the order. When the military demanded expansion is seen that the Board of planning planned for the expansion of productive power providing for an increase from 15,700 units in 1938 to 20,000 by the end of the Five-Year plan for production of war materials in the War Office it was provided that in

Page

regard to armament industries, including military vehicles and industries manufacturing related parts and raw materials they will be privately shown the estimate orders for several years within the scope of not hampering preparations suitable to the immediate situation and will be guided to the rapid expansion with the supply of capital being made south.

8963

With respect to the airplane industries, they will be guided toward expansion to meet the urgent demands from a peacetime viewpoint of military materials accompanying the depletion of armaments by large scaled expansion, which, under national policy, will be considered; and in the automobile industry the automobile manufacturing enterprise law and the military automobilization is desirable not only to produce automobiles but to create equipment and plants to be converted for tank and aircraft manufacture. The Five-Year plan for producing war materials place emphasis on the production of airplanes, arms and ammunition, tanks and military vehicles, ordinary automobiles. The plan stated will be guided by the comprehensive national policy so as not to impede the commandeering and supplying of the required number in time of war, but necessary military administration measures will be taken to have a large part of the wartime capacity of this industry cooperate in producing airplanes.

8964

With respect to manufacturing tanks and armored vehicles, it was proposed to use the expansion of automobile industry to convert to tanks. The plan for production of war materials indicates that the two industries are inter-related for purposes of producing war equipments.

8965

* Emphasis of expansion is to be placed on producing airplanes, arms and ammunition, tanks, etc., which are main factors for fighting power and all others directly connected with this.

8966

* A provision with respect to automobile industries similar to that contained in the Five-Year plan for production of war materials is set forth. As to tanks the installation capacity is to be increased 2 1/2 times by 1939. A series of appendices are contained showing the conversion from peacetime to wartime

Page

8367

* As to tanks, it is necessary to increase capacity is to be increased from 100 in 1936 to 210 in 1939 and then in decreasing amounts from 1940 to 1943.

8368

* Wartime operating rates are to be 150 percent similar to the arms industries. Its equipment capacity is to be doubled and it was proposed to use the infant industry of Manchuria to manufacture tanks and military vehicles. Areas of expansion are to be Japanese Manchukuo and the field of operation will be divided on the continent, particularly Manchuria, production will be started in connection with the development of material and resources developed to make possible mass production in time of war.

8369

In the detailed schedule it was estimated that 50 tanks per month would be manufactured in Manchuria. Rail transportation facilities are likewise needed by the wartime planned economy. The outline aims at the expansion in the production of locomotives from 877 units in 1938 to 1,100 units by the end of 1941; rail cars from 1,161 units in 1938 to 2,000 units by the end of 1941; freight cars from 14,111 in 1938 to 21,000 by the end of 1941. This is extremely significant when one considers the already well developed Japanese railway system operated by the government. * In Appendix I to the Five-Year plan for the production of war materials a plan for converting the vehicle industry to the manufacture of locomotives for army use, etc., is shown and Manchuria was to provide 190 light railway freight vehicles for military use.

8370

8371

Aircraft production had top priority in the program. The Five-Year plan for production of war materials stated * that the utmost effort will be exerted in the expansion of the airplane industry in particular and its objectives will be based on the sufficiency of wartime supply requirements.

With respect to this expansion it will be guided to create an invincible air force and national aviation policy without a moment's delay, although the primary aim will be to adapt it to the fixed replation of armaments plan.

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8372 On the continent Machria local production of airplanes will be started and gradually developed to make possible mass production in time of war. * The objectives of expansion for the airplane industry is that installation capacity is to be roughly doubled during 1938. Subsequent expansion will conform to the national aviation policy. This policy provides for an installation capacity insuring a peacetime production of 10,000 planes and for a standing strength of 2,000 civilian planes. Even if it is not realized quickly installation capacity will be tripled by about 1939.

8373 * Under the goal for the replication of armaments it ~~is~~ is necessary to increase 1937 installations for military aviation three-fold and two-fold expansion must be completed by 1938. In 1936 there were 522 army and 520 navy perfected units. This is to be increased in wartime to 700 each. For the army there are 140 companies. From 1937 to 1943 the units for the army rise from 522 to a maximum of 1,450 and then drop ~~to~~ to 1,050. The navy from 520 to maximum of 900 and then a drop to 700. Total peacetime operation capacity: army 4,000; navy 2,400

8374 * After 1942 the required wartime capacity for the army is about 4,800, but to meet emergencies will be about 10,000. For the navy about 3,000. If the equipment capacity is to be maintained for an operation of 10,000 planes the mobilization plan even in case of an actual peacetime demand of 3,000 planes, ~~the~~ the capacity reach * 20,000 planes annually from after the 8th month and over 20,000 from the 10th month, ~~the~~ but the total of the first year's production will be a little less than 13,000, while that of the second year will be approximately 30,000 planes. If it is possible to make peacetime demands of 4,000, this would bring the total of the first year's production to about 14,500 planes.

8375 The mobilization plan contained a program for the increase of personnel by seven fold at the outbreak of war and for the training of new employees. Monthly production is to increase from 217 during the first four months to a total of 1,750 * from the 12th month. On making an annual production of 12,076 planes for the

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first year. There is to be increased production commencing with the 8th month of '46 in that month to '47 in the 18th month so that the total annual production for the first year will be 12,000 and in the second year 30,000.

If the production of engines falls to half, it will be necessary to utilize the automobile industry.

8976 The war-time time first year capacity of the auto-
based on the figures for 1947 and by placing the peace-
time regular civilian stores of 2,000 planes at the
disposal of the army it will not be difficult to achieve
in the first year approximately 10,000 military planes
and in the second year approximately 20,000.

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8380

* The Aircraft Manufacturing Law was promulgated in March 1938, and provided for licensing aircraft manufacture by the government, and granted subsidies in the form of exemptions from certain taxes and imports, and encouragement money for manufacturing new types of aircraft. Licensed companies were permitted to increase capital before original capital was fully paid up and were allowed to issue unsecured debentures up to twice the paid-up capital. For these the government took over direction of the licensed plants, including supervision and authority to order expansion, special manufacture, research, training, joint use of facilities, price fixing and all matters necessary in the public interest.

8381

* From 1935 to 1941, the total number of aircraft bodies increased from 949 to 3787, naval aircraft bodies from 408 to 2080, and army and navy aircraft motors from 584 to 11,654. This does not account for aircraft for civilian use, nor show a true picture of expansion in the production potential as developed, which can best be judged by the development of other industries which were expanded with a view to conversion to the manufacture of aircraft. This industry was being prepared for war production on a far greater scale than appears from actual production of war planes, although it proceeded along the schedule outlined.

8382

* In addition to the direct and indirect controls for specific industries, to further a planned economy, other direct measures on industrial control of a universal nature were planned and executed. From the five-year plan for production of war materials of June, 1937, it was shown that it was planned to cope of national defense to carry out a speedy epoch-making expansion of war industries and exercise control over them from the standpoint of national defense. Special stress will be made to accomplish by the end of the 1941 fiscal year the general purposes, and Japan's economy will be developed nationally by unifying military administrative affairs.

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The control of war materials will be hurried up, bearing in mind the conversion question. The emphasis of control will be placed on the positive expansion of such industries and their advancement into the continent, and necessary measures will be taken to insure

Supervision will be executed from the standpoint of the parties planning the orders, but plans will be made to strengthen guidance and supervision through necessary laws and regulations. The superintendent system will be reworked with respect to organization, system, structure and stationing, and we will expedite the unification and adjustment of the Factory Administration Department Office and Factory Superintendent systems for which mobilization is enforced.

To facilitate wartime conversion, war material manufacture structured control will be accelerated by proper guidance given to the mayor and inspection, and according to need, an organ to facilitate general control of industries manufacturing important war materials will be gradually established. An organic production policy will be fostered. The nuclear factories and those under them will be logically arranged, and their relationship with parts and materials factories adjusted, with special attention to ending the disorganized condition of the sub-contracting factories.

Union organizations will be guided from the military point of view. Special policies will be tempered according to national defense, and necessary control over war material will be expedited, giving consideration to profit and labor control, and localization.

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smooth execution of mobilization, with special care not to cause any failure through unnecessary forcing of unbusiness and fear by businessmen.

8385 * To control war material industries, production will be sought to remove the factors likely to impede war-time expansion. In view of the differences in characteristics between wartime and peacetime demands. Every effort will be made to maintain standard working hours and prevent their extension, and to accelerate the expansion of installations.

8986 To strengthen the mobilization effort on capacity, the following points will be used through the superintendence system: Old-fashioned equipment will be improved and brought up to date; obstacles to conversion will be removed, and lags in associated industries will be removed; control over industrial co-partnership will be facilitated over the former clauses.

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8389 From Exhibit No. 842, the plan for Expansion of productive power, * it was shown that the plan is to be realized in accordance with its real object, everyone united. The government will endeavor to make a proper and effective use of various systems and facilities for promoting the industries, and will devise special measures in regard to control and encouragement of supplying technicians and laborers, the allocation of funds and the supplying of materials * according to the needs of the various industries. Under this policy the government is to take necessary measures to enact laws and to endorse the National Mobilization Law.

8391 * The witness stated that to accomplish the purpose of general concentration of industrial control it was planned to build on the basic structure of cartels and control, which were simple and complete in their operation. In December, 1929, in a narrow sense nationalization of industry came into being with the formation of the Special Committee on Industrial Nationalization of the Ministry of Commerce and Industry. In June 1930, the Emergency Industrial Nationalization Bureau was formed, for normal government purposes, to standardize and simplify parts and products, to disseminate scientific measures to assist in national recovery and promote industrialization for export trade.

8392 In August, 1931, the first attempt to control heavy industry for a planned economy was undertaken under the Major Industries Control Law, which provided for large-scale heavily capitalized industries by facilitating industrial self-control and making legally enforceable agreements between producers * and important industries with regard for public welfare. An amendment to the law in 1936 enforced cartelization and placed industries with self-control organs under direct government supervision. Where the cartel agreement affected one-half or more of total production in an industry, the agreement had to be registered with the government, and could be modified in the public interest. These agreements forced many mergers and threw control of major industries into the hands of large groups. Industries specifically cartelized were cotton and silk spinning, and weaving, rayon, paper, carls, flour, copper, cement, and others, and other major industries such as iron and steel, mining, import and export, and shipbuilding were being effectively consolidated under special laws.

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This enforced cartelization destroyed the ability of small industries to compete with large organizations controlled by the Zaibatsu. Since anti-monopoly laws were repugnant to this method, small concerns united into guilds and unions. The Industrial Guilds Law, amended in 1931, contained provisions for unionization and control of small industries, with provisions similar to that for the provisions of the Major Industries Control Law. In September, 1932, control and organization of commercial undertakings was begun by the Commercial Guilds Law. Increased facilities for guilds was provided in 1936 by the Central Bank for Commercial and Industrial Associations, which loaned at cheap rates and provided special facilities.

8394

During 1930, 212 major corporation mergers took place with a capital investment of 2,300,000,000 Yen. During the first half of 1941, 172 major mergers took place affecting the capital of over * 3,000,000,000 yen. By 1941 there were over 1,000 guilds and smaller enterprises. These enormous mergers indicate the strength of the government's program and the desire to build a complete control structure.

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* In May, 1938, there was enacted the National General Mobilization Law, the basic legislation for complete mobilization of all facilities for war economy not otherwise provided. This law provided that general mobilization means control and operation of human and material resources so that the nation can display its total power effectively for realizing national defense purposes in time of war. General mobilization goods include armaments, war vessels, ammunition and other military goods, * food and clothing, medicine and the medical materials, transportation equipment, communications, engineering and building materials and the lighting system, fuel and electric power, raw and other materials, machines and tools, and goods which may be designated by Imperial Ordinances as necessary for national general mobilization.

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Businesses affected are * production, distribution, repair, export, import, storage, transportation and communication, money and banking, sanitation, education and training, experiment and research, information and campaign of sanitation, guarding, and those specifically designated by Imperial Ordinances, all of which are necessary for national general mobilization.

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- 8398 In time of war, the Government, if necessary, may enlist subjects of Japan and put them in general mobilization businesses under Imperial Ordinance, and they may cause Japanese subjects and corporations and other organizations to cooperate with the state or local public organization or other designated persons. In time of war it may issue orders necessary regarding the use, employment, or discharge of officers of services, and the retirement of employees, salaries and other working conditions. It may issue orders regarding prevention or settlement of labor disputes with the closing, suspension or restriction of plants, or prohibiting of acts relating to labor disputes. It may issue orders regarding all phases of goods, from production through movement. It may restrict or prohibit exports or imports, or it may impose export or import duties. It may use or expropriate general mobilization goods. It may prohibit all financial dealings of corporations, and may issue orders regarding disposition of profits. It may issue orders against banks, trust companies, insurance companies, and others, and make special rules with regard to subsidiaries of a corporation engaged in a general mobilization business. It may seize or use or expropriate factories, workshops, vessels, or other facilities convertible into it.
- 8399
- 8400
- 8401
- 8402 • The witness stated that one of the first important ordinances under this law was the ordinance concerning the plan by the promoter of a Business for General Mobilization, 26 July 1939. This ordinance allowed the Ministers of War and Navy to order the owners or promoters of selected business to make plans for production on a national production schedule. It could order the type of training programs for personnel. These methods forced businessmen to cooperate in carrying out the plans of the Army and Navy.
- 8403 • The Ordinance of December 20, 1939, on the Use and Expropriation Ordinance of Factories and Workshops permitted the War and Navy Ministers to authorize expropriation of materials, lands, buildings, construction, machinery and equipment necessary for national general mobilization. Upon notification, the owners and operators of the plants simply turned them over to government direction and management. They had to make available their workers as demanded.

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This law applied to patents, and the national general mobilization law provided for a method of compensation. This was a constant threat to private consistency to obey Army and Navy instructions, and provided the desired equipment.

The Key Industries Control Ordinance was the key industrial control ordinance of August 30, 1941, based upon Article 18 of the National Mobilization Law, and to serve as a foundation for complete control of major industries by the government, using the cartel structure as its guiding principle. Major industries were to form themselves into control associations according to the type of industry. Each major industry was to have one single industrial organization. The power of each such national organization extended to participating in the government's plans, controlling and guiding in the government's plans, controlling the perfection of the organization of the industry, establishing the interchange of techniques, promotion of efficiency, standardization, accounting systems, overseas investments and resources in the industry, conduct inspection of enterprises and controlling other enterprises necessary for attainment of the control of the association.

6405

Each association was to nominate a president, to be appointed by the government. All important directors were subject to government sanction, at the request of dismissal of officials. The association, by its president, could impose special levies on members, order mergers, order changes in plant equipment and management, and could exercise complete and autocratic control over the entire industry. The fixing of production plans, allocation of materials, the nomination of sales, the establishment of wage policies and price fixing, was done jointly by the heads of the association and the planning board. One of the functions of the Planning Board was to compare the indigenous supplies of materials with production demands and to make plans for securing and paying for deficiencies and make adjustments. All producers had to become members of the association or go out of business. In some instances, diversified companies had to belong to several associations. Where individual producers were too small to participate, they were merged into larger enterprises or formed into a union, and the union taken in as a member. In each prefecture sub-control associations were formed.

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8408 This was but an elaboration and perfection of the already well-functioning system, with an added element of versatility. It was established on the outbreak of war to perpetuate peak production, which was to be reached by the end of 1941. The timing of activities are extremely significant, considering the element of preparation from the light of developments subsequent to December 7, 1941. In addition to these other methods, the government took over directly the job of equipping war industry plants, pursuant to legislation enacted November 25, 1941, called the Law Concerning Industrial Equipment Corporation. This was a special corporation, having as its objective in times of war, including a serious accident that shall be regarded as war, to have certain industries equipped with necessary plants, such as the munitions industry, the production of which is to be increased on certain definite lines of the government program, and other indispensable industries when any other enterprises could hardly do the same or maintain the equipment. It was to build ships to conform to gauges designated by the government and to make full use of plants not yet brought to completion or use.

8409 To achieve these purposes, it had the power to construct or purchase plants when other enterprises cannot do it, to buy and invest in and sell plants, to give orders to build ships and equipment, to sell these ships, to buy, sell, and hold unfinished plants, to act as mediator in making full use of unemployed plants, and to do the necessary business to carry out these purposes.

8410 This corporation was exempt from any taxes. The government supplied all its capital of 400,000,000 yen and it could issue debentures up to 15 times its paid-up capital, the government securing both principal and interest. All important officials were to be appointed by the government, and the corporation could appropriate or use land and rights connected with it, other than ownership. The planned and accomplished expansion by December 7, 1941, far exceeded the amount of materials and potential needed for conducting war in China. The detailed plans and careful gathering of controls by the government effectively chained all industry to a national policy of industrial preparation for a far greater conflict. This is clear from the speech of Kenryo SATO in March 1942.

Page

8413

* Exhibit No. 849, the speech of SATO, showed that SATO had said the fundamental cause of American leaders' blunder is traceable to the fact that Japan's excessive humility towards America in the past invited American contempt, especially since the U. S. had thought that since the China Affair Japan had completely exhausted her national strength.

8414

In 1936, Japan's army formulated a national defense plan, selling keenly the necessity of expanding armaments and productive power to secure and develop the results of the Manchurian Incident. Since the European powers' armaments were to be completed by 1941 or 1942, Japan anticipated a national effort. * Deciding by every means to complete the expansion of her armaments and productive power by 1942, Japan decided to effect a great expansion by a six-year plan for 1937 to 1942, and a five-year production expansion plan from 1937 to 1941. In 1937 the Chi a Incident broke out. Japan feared that this might cause the breakdown of her two plans, and they decided to see that the Incident did not end in war of attrition for Japan. Generally, 40% of the budget was spent on the China Incident and 60% on armament expansion. With respect to iron and other materials, 20% was spent on the China Incident and 80% on the expansion of armaments. As a result, the air and mechanized units have been greatly expanded, and the fighting power has been increased to more than three times what it was before the China Incident. The Navy must have expanded and perfected its fighting power. The productive power of the munition industry has been expanded 70-80%.

8415

* Besides this armament and productive power, Japan has separately defeated each anti-Japanese force in China, and occupied most of the important portions of China, and the important defense resources obtained from these are now contributing toward Japan's fighting power. Strategic points have been established in the continent, Japan's troops have marched into French Indo-China, a powerful footing for the war. Through four and a half years of the China Affair, Japan has gained real training in fighting.

Financial controls for the years immediately preceding 1941 were designed to integrate dependent territories into Japan's economic system to draw

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materials and wealth necessary to strengthen Japan's economic position and to control the flow of money and goods • to attain the maximum benefit of foreign trade in support of production for war purposes, and to use most effectively Japan's total financial capacities to build up war production potential by direct and indirect government spending, and by rigid control over the flow of money and goods.

The witness stated that during the Manchurian Campaign of 1931-1932, the Army relied on the Bank of China to supply currency and banking facilities. As a result its note circulation rose from 75,000,000 yen in June, 1931, to 22,000,000 yen at the end of 1933, at which time notes of the Central Bank of Manchuria were issued. Additional financing of industry was handled through the South Manchurian Railroad, a Japanese company, which with its subsidiary companies spread like an octopus into every phase of Manchurian developments.

8417 • After establishing Manchukuo, an agreement was entered into between the two countries, which politically and practically bound the two economies. The true purpose of this is shown in the privy council meeting of July 9, 1935)

8419 Exhibit No. 875-A. At this meeting, at which HIRANUMA was Vice-Chairman, the subject was the conclusion of the agreement for establishing a joint economic committee between Japan and Manchuria. • The reporter stated that the Empire's basic policy towards Manchukuo is to recognize and respect Manchukuo's independence and help its progress and development by maintaining inseparable relations between the two countries. Based on this, Japan has established the right to garrison troops permanently in Manchukuo, and has formed military agreements.

8420 • In the diplomatic field, Manchukuo is to agree to submit beforehand all diplomatic matters to Japan for deliberation. As yet no system for cooperation in the economic field has been established, and Japan had no voice in Manchurian economic problems which are important to Japan, especially in the supervising of a joint concern controlling the important industries, Japan being pledged to leave this to the discretion of Manchukuo.

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- This is no way to strengthen the economic inter-dependents relations of the countries, and it is necessary for Japan to gain a formal voice in the economic field through cooperative measures based upon an organization. To meet this Japan has concluded a pact to establish a joint instrument between the two countries. This plan is for a joint economic committee to be established firstly in Hanking to deliberate and answer all questions by the Japanese and Manchurian governments on all important economic matters and the supervision of business of the joint special corporation.
- 8421
- 8422 * Neither country can settle any matter until they have been submitted to this committee. The committee may propose to both governments any matter concerning rational economic unification of the two countries. The committee is to have eight members, four from each country, and there will be a proxy for any absent member, as pointed through the conference of the Japanese plenipotentiary and the prime Minister of Manchukuo. If necessary, the two governments may appoint the same number of members, after consultation.
- 8423 * The members will elect a new chairman at each meeting, and each government will be decided by a majority, with the chairman having both the right to vote as a member and in case of tie to make the decision. Japan's permanent members are to consist of the Chief of Staff of the Kwantun Army, the Chief Councillor of the Japanese Embassy, Chief of the Kwantung Bureau, and one specially appointed member. * The Manchukuo members are to be the Ministers of Foreign Affairs, Commerce and Industry, and Finance, and Head of General State Affairs.
- 8424

Matters to be deliberated by the committee concerning export, import, and tariff problems, the development and control of important industries, the enactment and amendment of laws to establish a joint corporational investment, and other important problems concern economic connection of the two governments, and in the power of Manchuria. Matters important to the economic of both governments but within Japan's power will not be taken up by the committee, and since they will not be deliberated they will be made into a unilateral contract binding only upon Manchuria.

8422

Matters to be deliberated by the joint committee concern important amendments of corporations whose purpose is to materialize important industries concerned with economic unity of both governments, and which have been established under the laws of one of the countries and more than half of whose capital has been raised by the government of citizens of the opposite government. The committee will regulate the disposition of profit of the corporation, and the effect of its decision to amalgamate or dissolve.

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There is no corporation established under Japanese law with more than half Manchurian investment, the agreement really binds only Manchuria. Since it only binds Manchuria, this point will be kept secret. The agreement aims at the realization of a rational unification of the economies of the two countries, with full and close cooperation to strengthen their economic relations.

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It was warned that the special provisions without proper application will never attain the expected results, so the authorities must give their full attention to enforcing the agreement.

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After MOTODA had expressed doubts about the appropriateness of letting investments of both countries on an equal basis and on the election of the chairman and giving the chairman a decisive vote, the accused HIRATA stated that he understood that MOTODA feared that Japan might be at a disadvantage in case a matter is to be decided by the chairman. He pointed out that three out of the six from Manchukuo are Ministers and the remaining one is Chief of General State Affairs, who is and will be always a Japanese. Although he is an official of Manchuria and the central organ assuming the leadership of that country, in case of a difference of opinion between the two countries it cannot be imagined that he will make any decision disadvantageous to Japan.

8428

The chairman may make the final decision at times, but it was felt improper to have his position permanent, so this point may need full consideration later. The setup of the committee may seem equal on the part of both countries, but in reality it is not and the agreement should be allowed to stand as it is.

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8429

YAKAMOTO pointed out that while the head of the state Affairs was a Japanese, if he acted in favor of Japan, in case of opposing interests he would incur the ill-willing of the Manchukuoans. So long as he is an official of Manchukuo, Japan must not be too sure that he will act against Japan's interest. In answer to this statement, HIRATA stated that the Chief of General State Affairs, who is the general manager of the Japanese officials in Manchuria, is employed by Manchukuo to guide it. He is one and the same time a Manchukuoan official and a leading instrument sent by Japan. He must perform both duties, and it is his primary duty to see that there will be no conflict between Japan and Manchukuo.

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In case the Manchukuo members should purposely scheme to act against Japan's interests, the Chief of General State Affairs will take proper measures after considering the interests of both countries. It is his duty to lead Manchukuo in such a way that these fears will be unnecessary. The plan was carried unanimously, and the agreement was signed on July 15, 1935.

8432

Exhibit No. 51. the agreement establishing the Joint Economic Committee of Japan and Manchukuo on July 17, 1935, stated that the committee is to be established at Hanking, and shall present its opinion to the two governments in compliance with the consultation of the two governments regarding important matters of economics, and the control and inspection of the business of joint companies. Both governments shall ask the opinion of the committee beforehand, and act in accordance therewith.

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The committee shall be able to make proposals to both governments concerning all problems on the national union of economy. The organization and management shall be in accordance with the annex, and the agreement is to be enforced from the day of its signature. The Industrial Bank of Manchuria was created in December 1936 to furnish a means of financing the planned development of Manchurian industry. Its original capital was 60,000,000 yen later increased to 100,000,000 yen. Officials were appointed by the government and supervised by the Finance Ministry. It could issue debentures up to 15 times its paid-up capital, and savings debentures to assure funds for industrial development.

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The bank provided easy financing for preferred industries designated by government policy and controlled by Japan.

In November 1936 the yen bloc was established and Manchukuo's currency cut off from silver and established at par with the yen. This integrated the monies of the two countries. The yen bloc was enlarged in March, 1938, when notes issued by the Federal Reserve Bank of China were accepted. Manchukuo and China utilized the yen balances furnished by Japan as their exclusive currency.

8437

The essentials of the 5 Year plan of Important Industries by the War Ministry of May 29, 1937, Exhibit No. 842, shows that the War Ministry planned to make use of the reserves and materials of Manchuria and North China.

The requisite industries should be pushed to the continent according to the principle of right work in the right place, Japan and Manchuria being treated as a single sphere, and Japan should pick out the most important resources and take the initiative in the economic exploitation of North China. The document stated that a schedule of the general goal for the promotion of important industries be set.

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The Outline of the 5 year plan for production of war materials showed that its planned integration was vital to war expansion. This stated that the 5 year Industrial plan of Manchukuo, said to be begun to the war industries such as airplanes, arms, and amts, and in addition to encourage the establishment of industries for manufacturing necessary parts and raw materials and various machine tool industries. Government managed concerns will be newly established to guide war industries in Manchukuo and Korea. Emphasis will be laid on southern Manchuria and Northern Korea, from a military point of view, to guide in establishing in certain areas. It will be the creation of a new industrial zone within the Tangpin-Tao District. The facilities within the industrial zones and areas will be dispersed as a precaution against raids.

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Efforts will be made to overcome the various factors impeding the speedy construction of war industries in Manchukuo, and attention will be given to the following items: Absorption and acquisition of capital, technique

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and labor; adjustment of munition and civilian industries in preparation for production; elimination of gaps within the related industries; counter-measures against depression; a system and organization of enterprises; cultivation and protection.

8442

The War Ministry intended to fully utilize Korean resources. Integration had been effected during 40 years. Financially Korea was controlled by Japan through control of investments and the operation of the Bank of Korea. 97% of all corporations doing business in Korea were controlled by Japan, and the government of Korea was completely Japanese. Since 1905 Formosa's economic structure had been dominated by Japan.

8443

Formosa is predominately agricultural, and its few industries were developed by the Japanese. Control was exercised through control of investments and government control and the Bank of Taiwan, an official Japanese bank, carried out the fiscal policies of the Japanese government. The Commercial and Industrial Bank of Taiwan was at the disposition of Japan. It was, in all respects, a colony of Japan.

8444

The integration of China's economy with Japan began later, but it was planned to carry out the military objectives. Further evidence of this is to be found in the Decree of Policy Relating to Execution of Summary of Five-Year program of Important Industries, which provided that the plan was based on the policy for establishing a comprehensive plan for Japan, Manchuria, and China, through close contact of the three.

During 1937-1938, the Army used Korean bank notes in North China and the Bank of Japan notes in Central China, together with military yen. However, the use of Japanese currency had disturbing effects upon Japan's monetary structure. As a result, the use of notes backed by assets was abandoned in the fall of 1938, at which time the Federal Reserve Bank of China was formed. The Japanese in North China used the new currency issued by this bank, whereas in Central and South China it used military yen.

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This Federal Reserve Bank of China was incorporated on February 11, 1938, and began business on March 10, 1938. The purpose of the Bank was to stabilize currency, control the money market and foreign exchange, and it was authorized to issue and manufacture currency.

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The Governor and Vice-Governor were appointed by the government, and its directing personnel were mainly Japanese. The currency was linked to the Japanese yen, paying the way for Japanese investment in South China, and greatly facilitated exploitation of the territory. The original credit was started in the amount of 100,000,000 yen from the Japanese Banking Syndicate. Through careful extension of preferred credits and the manipulation of funds and foreign exchange, this bank carried out Japan's policy in financial fields.

8446

The military yen did not represent an obligation of Japan or of a Japanese bank. The yen were not covered by specie and were not convertible or redeemable. They were worthless fiat money, and the way was shown by which Japan forced countries to support Japanese armies and commercial undertakings at no cost to Japan. This military yen was circulated in payment for goods and services by the army of occupation, and withdrawal was through fiscal levy and the sale of goods and services by that army.

8447

Japan anticipated the wholesale use of military currency in planning for the conquest of the southern regions. As early as January, 1941, according to government officials disclosed the printing of military currencies in foreign denominations. The series of secret communications during the year 1941 is contained in IFS document 9082, and disclosed that Japan issued stocks of military currency to be printed in guilders, pesos, and dollars, and it was intended to use this currency to defray war expenditures of Japan in the Dutch East Indies, British Malaya, Borneo, Thailand, and the Philippines.

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* Exhibit 852, a series of ten communications among the officials of the War and Finance Ministries relating to the preparation of military currency in foreign denominations. Letter No. 1, dated January 16, 1941 from the War Ministry to the Finance Ministry requested that there be urgently prepared original plates of military currency to be used in unspecified areas and requested that the matter be held secret.

8452

Communication No. 2, January 24, 1941, acknowledges this first communication by several witnesses. * Communication No. 3, March 29, 1941 ~~acknowledges~~ referred to the printing of 'Ha' and military currency notes pursuant to conference of January 24, 1941. This contained draft No. 2 dated April ordering these series printed in Dutch and English with a completion date fixed for early April. Communication No. 5, April 23, 1941 again refers to this series.

8453

Communication No. 6, September 13, 1941, requests the immediate arrangements for manufacturing the 'Ho' series in pesos and to prepare the 'Hi' series in dollars * and notes in guilders. This communication asked for 37,200,000 pesos to be completed by October 20 and 45,586,000 dollars to be completed by December 10, one-half by October 30. * 45,868,000 guilders were to be completed by December 30, one-half by November 20. In addition they asked for the completion * of the 'Ho' series totaling 210,000,000.

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Communication No. 7, September 16, 1941 concerns the manufacture of 'Ho', 'Ho', 'Ha' and 'Hi' series and is a technical matter for budgetary reasons. Communication No. 8, October 15, 1941, shows that the Chief of the Intendance Bureau of the War Ministry asked the Chief of the Financial Bureau to forward certain of these currencies * to the Shanghai agency of the Bank of Japan by the 22nd of October.

Communication No. 9, bearing the names of TOJO, KIMURA, SHINADA and OKA, stated * that the military currency notes in foreign denominations are to be used for purposes of defraying war expenditures in the event of carrying out a military operation in the southern regions. They are to be exchangeable for Japanese currency

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were necessary. The method of procedure shall be determined by the Ministry of Finance and War Ministry and Navy Ministry. Communication No. 10, October 23 31, 1941, stated that in the event of operations in the South Sea area, the policy for issued military currency notes of foreign denominations is to defray military expenditures in accordance with the outline for the issuance decided by the Prime Minister and the Ministers of Finance, War and Navy and have it carried out.

8459

When a question was asked if it will be all right to establish a procedure for handling them as outlined if the matter has been decided and) it is requested that the matter be submitted to a conference of the War and Navy Ministers in the draft plan for handling military currency notes for the Southern Regions stated that the military notes are to be called military currency notes of 1941 with denominations in gulden, dollars and pence.

8461

The Chief of the Finance Bureau in the approval of the Minister of Finance could require the Cabinet printing bureau to manufacture and determine the time of manufacture of these notes. When they were printed they were to be turned over to the Bank of Japan. When the War and Navy Ministers wanted payment they were to advise the Minister of Finance who would notify the Bank of Japan to turn over the notes requested. The Bank of Japan was to prepare a 1941 account book for military currency notes and would report all receipts and disbursements to the Ministry of Finance. A chart showed the amount of currency to be deposited and a specific deposit for 1941 according to denomination and accepting the value and area in which they were to be used. The 'Ha' notes in gulden were to be used in the Dutch East Indies and were to have a value of one gulden for one yen. The 'Ni' series in dollars were to be used in British Malaya, British Borneo and Thailand and on the value of one dollar to one yen. The 'Ho' series in pence were to be used in the Philippines at one pence for one yen. Attached to communication No. 10 is draft No. 1 from the Minister of Finance to the War and Navy Ministers, advising the procedure of handling military currency notes. Draft No. 4 shows that the Finance Commissioner at La ngahai

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had been so notified on November 1.

8464

The witness stated that the procedure for handling this currency was disclosed in a document from Finance Minister KAYA to the Bank of Japan, November 1, 1941, Exhibit 833. * It stated that the procedure in dealing with military currency expressed in Southern Region foreign currency should have been prescribed in accordance with the drafts before mentioned and so to be pursued.

8465

The witness stated that currency in denomination of gulden, pecco and dollars was actually printed as seen from Exhibit 834, * which is an extract from the ledger of the Bank of Japan, showing entries of currency by kind, together with dates on which they were received by the Bank of Japan for handling pursuant to instructions. * The early entries of May 23, 1941 in the amount of 2500,000 of the 'ha-go' notes.

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The last date is December 6 in the amount of 20,000,000 of 'ha-go' notes and at an accepted value of 20. The instructions received by the Bank of Japan from the Finance Ministry were that they were to acknowledge receipt of the notes from the printing bureaus and not to notify the Finance Ministry when they disturbed any. The ledger discloses that between May and December the bank received some of the currency in every month except September.

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* In addition he has further proof of the existence of military notes in denomination of gulden, pecco and dollars; there are the usual engravers plates manufactured before December 7, 1941 and not printed from them.

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* In integrating territories outside Japan proper Japan used the device of the 'National policy' extensively. These were created * by special legislation to create business enterprises abroad when it was difficult and/or inexpedient to get private enterprise and capital to undertake a particular kind of business or where it was desired to develop a foreign territory.

8472

The south Manchurian Railway company was one of those formed to develop railway and communications, water transport service, motor cars, mining, electrical

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warehousing, land management and such other business as designated by the government. This company with its subsidiaries was the largest economic unit in Manchuria. It was formed in 1906 and gradually developed railways and other services until after 1931 it became the active government exploitation agency in Manchuria. Its capital was increased many times so that up to December 1941 it had reached ¥600,000,000.

8472

The Manchurian Industry Development Corporation was established pursuant to economic agreement between Japan and Manchukuo. While it is ostensibly a 'National policy' company of Manchukuo, in view of the economic agreement between the two countries, it was really a 'National policy' company of Japan. It was organized pursuant to Manchukuo Imperial Ordinance No. 460 of December 20, 1937 and its purpose was to develop and establish heavy industry and to control them at the direction of Manchukuo. These excluded iron and steel, light metals, automobiles, airplanes, coal, other mining and other industries as ordered by the government.

The Oriental Development Company was formed under the law of 1908 to supply funds in the promotion of Japan's interests in countries outside Japan proper. Its original capital of ¥10,000,000 was increased by 1941 to ¥50,000,000.

8473

The Taiwan Electric Power Company was formed August 1, 1919 to develop the electric power industry in Formosa. In 1940 its capitalization was ¥774,000,000 and its business under the direction of Japan was the distribution of electric power.

The South Seas Development Company was formed November 27, 1936 with a capital of ¥20,000,000 to develop the South Sea Islands in relation to fishing and other natural resources.

The Taiwan Development Company was formed by law of February 3, 1936 with an original capital of ¥30,000,000 to develop the industrial enterprise of Formosa.

The Korea Forestry Development Company was formed September 1, 1937 with an original capital of ¥20,000,000

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to develop the rubberindustri in Korea.

The Japan Gold Reduction Enterprise Company was formed September 16, 1938 with a capital of ¥50,000,000 to develop production of gold in Japan and dominated areas.

8474 • The North China Development Company was formed April 30, 1938 with a capital of ¥ 350,000,000 to promote the economic development of North China and to control and coordinate its economic.

8475 • The Central China Development Company was formed November 10, 1938 with a capital of ¥400,000,000 to do the same things in Central China as were being done in North China.

The Korea Magnesite Development Company was formed June 19, 1939 with a capital of ¥15,000,000 to develop magnesite mining and to control sale.

The Korea Rice Exchange Company was formed November 25, 1939 with a capital of ¥5,000,000 to control rice exchange in Korea.

The Korea Mining Company was formed August 26, 1940 with a capital of ¥10,000,000 to develop July 10, 1941 with a capital of ¥50,000,000 to develop and control mining, forestry and agriculture in Karafuto.

8477 The Imperial Petroleum Company was formed September 2, 1941 with a capital of ¥100,000,000 to develop oil fields in Japan proper and in dominated territories and to control the purchase and sale of all oil and also the effective government instrument for the complete control of petroleum. After 1941 enormous further capital outlays were made in many instances to enlarge the scope of activities of these companies and to tighten their control of the area wherein they operated, particularly in Manchuria and China. As these progressed new

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8481 This law authorized the government to concentrate all foreign exchange in the Bank of Japan and designated banks and required compulsory sale to the government of exchange securities and currency. The government could prohibit or limit the acquisition and disposal of securities in foreign countries or letters of credit and could regulate the granting of credits to persons abroad, the import and export of securities and the export of articles not covered by permitted purchases. These powers were almost not completely invoked until January 8, 1937 when the import excess was so great that Japan began to ship gold. More effective action had to be taken.

8482 On January 8, 1937, exchange payments for imports amounting to more than ¥300,000 per month had to be licensed and a limit was imposed until it became ¥1,000 per month on July 7, 1937 and ¥100 per month on December 11, 1937. Further restrictions on credits for Japanese travelers and remittances to other countries were imposed.

The Army, realizing that the success of its plans depended largely upon careful balancing of imports and exports, drafted a policy regarding foreign trade control. This policy is known as the 'Outline of Policy Relating to Execution of Summary of Five-Year Program of Important Industries' of June 19, 1937.

8483 The document stated that upon estimating international receipts and payments accompanying the plan and comparing Japan and Manchuria as a unit the deficiency in international payments in 1937 and 1938 exceeded ¥1,000,000,000 which cannot be paid with gold export alone. With the increase of productive power it is believed that the decline will be checked and that the international balance will improve. A table was appended whose purpose was to estimate probable deficiencies of foreign exchange so that provision might be made to meet it by other means.

8484 The document stated that whether or not the balance would improve depended on foreign trade and Japan's exchange measures and was necessary to consider the following policy: It proposed a comprehensive trade control plan by instituting trade control in

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regulating the domestic and foreign territories and instituting a trade guild law to prevent autonomous control; to establish a foreign trade ministry and a National policy foreign trade Company to undertake export and import of manufacturers necessary for national defense.

As to positive measures for accelerating export emphasis to be laid on the munitions industry and materials for production provided that in order to maintain the balance, exports of textile and consumable materials shall be encouraged as before.

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It was also suggested that to strengthen the Export Association and enforce compulsory participation of all exporters with the Association exercising an independent control with respect to qualities, quantities and prices. Also, that they were to undertake complete organization of export banking and to intensify the existing export compensation law. Also, in order to propagandize Japanese and Manchurian goods and to ~~stimulate~~ speedily collect trade intelligence they were to institute trade offices in the principal cities of the world and station officials in necessary points.

8486

To suppress imports they were to keep in force the present import bill permit system to apply control over importation of nonessentials. They were to invest the Trade Minister with the control power and of customs duties and to amend the Customs Law and adopt the Japanese - Manchurian Preferential Tariff System, aiming to abolish double duty and customs duties.

They were also to demand under the principle of indemnification the promotion of exports or suppress the imports to over-import countries such as the United States, Australian Germany, Canada and India and to adopt the scattered purchase system according to the import compensation system, in answer to the demand for indemnification of over-export countries such as Central America and the Near East. To improve the receipt and payments outside of overseas trade by encouraging the expansion of shipping and increasing income from overseas freight and endeavoring to attract foreign tourists and at the same time curtailing expenditures of Japanese and Manchurian national abroad.

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8487 To stabilize the exchange value they were to maintain the exchange rate of one shilling, two pence against Britain and they were to intensify the forcing exchange control * to completely stop the flight abroad of Japanese capital. They were to fix the purchasing value of old MAN to encourage an epoch-making production and they were to remove the holdings of the Manchurian Central Bank to the Bank of Japan and export the necessary gold. They also were to create a long term credit abroad of 2500,000,000 for five years in the United States, Britain and Germany.

8488 * The outbreak of the China Incident brought about the Foreign Trade Adjustment Law of August 1937, which gave the government power to prohibit and restrict certain imports in order to adjust the balance of payments with any country. In September 1937 a new law for the temporary control of imports and exports was enacted to set up an import licensing system to insure that import transactions tended toward securing necessary war commodities and gave wide power over distribution and consumption of commodities made from war commodities. Four classes of commodities were defined. Class A was the leading raw materials of peacetime industries such as cotton, wool, jute, wood, pulp, rubber, hides and leather. Imports of these commodities were subject to severe curtailment according to the policy of the planning Board.

8489 Class B, * contained 390 articles whose imports were entirely prohibited and were made up of goods not included articles essential to military purposes and their export was absolutely prohibited. There were mostly heavy metals and machinery. Class D, added in 1938, placed supervision over a specified number of imports to be given preferential positions for licensing. These included most of the metals.

8490 The machinery of control was the cartel system. August 19, 1937 the Law of the Foreign Trade Association was enacted and provided for import and export * association to handle foreign trade. Members were those engaged in handling the same kinds or dealing in particular markets. The goods for the market to be handled by the association was named by the Minister and

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there was only one exception in each field. The law formed all foreign traders into companies which carried out the Government policy and were charged with implementing the government's policy. The various groups were formed into two federations, one for import and one for export with a third federation of these two, known as the Control Federation of Foreign Trade Associations.

As a result of these programs the operation of the Foreign Exchange Control Law and the Law for Temporary Control of Imports and Exports were to a degree effective. It was soon clear, however, that limiting imports to war goods, Japan could not acquire a sufficient foreign exchange to continue operations for a long period. While non-war materials were embargoed, Japan depended upon their processing for her export trade to acquire raw and necessary foreign exchange. Japan had the dilemma of stimulating foreign exports and limiting drastic curtailments.

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The problem became so serious that when export trade fell off the Cabinet called for a severe curtailment of plans and severe restrictions on civilian economy. This is disclosed from a note from the Chief Secretary of the Cabinet to War Minister TANAKI, dated June 23, 1938.

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This note stated that the Cabinet had made the following decision regarding positive enforcement of urgent matters vital to general mobilization. It stated that while the Army had made great advances in China, the future of the M.R. is still in question. The Cabinet has opened a meeting on general mobilization and judging from the result of the meeting the plan for mobilization of commodities has become difficult to realize because of the extremely unfavorable foreign trade balance owing to an increase in exports.

8493

If it should be necessary to patch up affairs it would be very difficult to meet the military demand and to obtain an expansion of productive power. The government, therefore, intends to concentrate various institutions upon execution of war aims and at the same time to enforce the following urgent and vital policy.

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8494

* To maintain stability of exchange rates and to keep up a supply of munitions the government will take measures to restrain price rises above the present level, work out a scale of basic prices and take steps to lower current prices. With respect to general commodities it will make efforts to economize in consumption, especially they will set up a rule of restriction of prohibition as to import commodities and compulsory use of substitutes. They will promote exports by arranging to bring about a unified foreign trade administrative system and while linking exports of finished products and import of material for it they will try to insure the right importation.

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* Import material will be divided into those for domestic consumption and those for export and the latter shall not be allowed to be switched over to domestic consumption. To check boycott tendencies of Japanese goods in foreign countries special measures will be taken. There will be granting of subsidies for special goods and a reshuffling of civilian trade organizations. Appropriate organizations of import and ration will be set up. There will be mobilization of funds in foreign countries to replenish foreign exchange funds. Efforts will be made to control and rationalize war profits. A savings plan will be adopted, a national movement will be run to make a simple style of living in an emergency, * and the government will take measures so that its officials will set the standard. Measures will be executed for increased production of major goods, especially minerals.

8496

To promote the production of munitions, measures will be taken to adopt the shift system and the employment of technicians and other laborers. Efforts will be made to instruct, by a national movement, in the collection of waste materials. Measures for conversion and relief for unemployment will be executed. These policies are to be carried out by every ministry concerned and certain articles in general mobilization must be put into action.

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* On June 23, 1938 the Chief Cabinet Secretary sent a letter to War Minister NEAGAKI setting forth the type of revision deemed necessary by the Cabinet to achieve the plan. This document stated * that it is a plan for regulating supply and demand of essential material

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for 1936 as decided on January 18. The decision was that the rate shall be £3,000,000,000 by decreasing both military and domestic demands, excluding munitions and iron-ore. Since the beginning of the year export results have been very in stable. In the first quarter of the year the decrease was about 27% and if North and Central China are included the rate of decrease will be about 33%. A decrease of 35% as compared to the previous year. If this is left alone, exports will not exceed £1,700,000,000 regardless of effort. Even if the new production of gold, excess invaluable exports are realized, the import surplus will be about £2,100,000,000, but according to present results imports exceeded that of exports and it is an exaggeration to estimate the maximum of import surplus at £2,100,000,000. All right there is no way to cut down the amount of demand by revising the plan, the heavy demand amount since war conditions demand is increasing. To regulate the two groups demands there is no other way than to strictly control supply and demand at home and at the same time to check the increasing war conditions demands.

8500

As to home demand. Imports shall not be restricted except those allowed for military demands and raw materials an-machinery necessary for production and war materials, raw materials and materials for export. The maximum amount of munitions, fertilizer necessary to maintain the nation's livelihood and the maximum amount of articles necessary for better trade. All right a plan for a decrease of trade has been established and methods to actively utilize authority to markets spontaneously and to appropriate stored goods and to sell in mass-scale office articles, a total of about £2,750,000,000 of imports of which the home demand is £1,980,000,000 and the Army and Navy over £749,000,000 necessary to spend obtain this sum of imports it will be necessary. To the greater part of the reserved fund. In case of an emergency it would be very difficult to procure arms other articles because of lack of capital. So there must be studied a decrease plan for the amount of demand at home and a plan to postpone the use of especially conserved oil and compulsory conserved oil to partially postpone the terms of essential bargaining for things to postpone production of things necessary for development and to sell in materials at home

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8502

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After consideration of these measures the total sum of domestic demands for imports was set at \$1,810,000,000 and the total sum is estimated at \$2,550,000,000 of which \$130,000,000 will be from Central and North China regardless of exchange relations. The total sum of imports will be estimated at over \$2,420,000,000. To keep the sum of imports of domestic demands within this amount they must carry out a strict control policy regarding the use of articles in the latter half of the year and many social and compensation problems must be anticipated.

8503

* To relieve these problems, new six disbursements and other measures shall be taken. The important task is to realize the following items: (1) The total sum of imports shall be about \$2,550,000,000 (about \$2,420,000,000 excluding Central and North China). To do this the table of contrast of supply and demand will be revised and the detailed amendments of the plan shall be carried out within the limits of the total amount of report

8504

(2) To carry out the revised supply and demand plan each government office will put into practice urgent policies of national mobilization and adopt measures to control the use of imports. (3) Measures will be taken regarding disbursement of expenditure and various kinds of compensation problems and unemployment due to the control of the use of materials. (4) Materials imported shall be managed as quickly as possible by the Materials Adjustment Bureau in of the Commerce Ministry. The main controlled and prohibited items to be carried out in connection with materials in the latter half of the year in order to execute the present supply and demand plan except materials for the military are the suspension of construction

8505

* works not immediately necessary for war, even those under construction; suspension and postponement of railroad tracks and railway construction except that needed for increasing transport capacity for military use and national mobilization; partial suspension and postponement of ship construction; suspension of electric, telephone and gas service * except those needed for military use and general mobilization; postponement of the use of oil; prohibitive control of articles made from imported materials by prohibiting the spinning and weaving of cotton except for certain special articles as munitions with the Japanese bloc and strict control on manufacture of woolen articles for domestic use and by

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8307

prohibiting the manufacture of articles made from cow-
hide and other daily appliances * from metal and rubber
and by prohibitive restriction on all other articles
requiring import materials.

Executive of thorough readjustment of the com-
munications system by doing away ofhals foall automo-
restricting prohibitively the use of petroleum by fish-
ing boats along the coast on the rivers and coastal seas
and in works not necessary for military or the general
motivation and by restricting the use of imported
fertilizer andhouseed electric power

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8509

The witness stated that to solve the import-export dilemma, Japan resorted to linking purchases of foreign exchange for the imports of raw materials to sales realized from the finished products of these materials. The system worked in this way. In order to import cotton, it was necessary to assure that an equivalent in cotton textiles would be exported within a certain time. There were many kinds of combinations

8510

handled. The basic principle was to keep exports moving to produce exchange without cutting into foreign demand limits and curtailment of industries not involved in the transaction, as well as complete control of the whole. The link system received general recognition in 1938, when it was applied to 30% of Japan's exports. In addition to this, more orthodox efforts were made to stimulate foreign trade by advertising, market surveys, and commissions.

8512

Annual foreign trade reports between 1938 and 1941 show an ever increasing export and an ever decreasing import trade between Japan and the areas of Formosa, Kwantung, Manchuria and China. While Japanese exports to these areas increased to 64% in 1939 and to much smaller amounts in 1940 and 1941, Japanese imports from these areas decreased from 34.8% in 1935 to 27.3% in 1937, then in 1938 to 34%, decreasing to 29% in 1941. This latter figure includes Formosa and Korea. Because of this shift in balance, exports to yen block areas were eliminated from the link system. Because this trade produced no excess foreign exchange to support purchases from requiring payment in foreign exchange. To restrict exports in the yen bloc areas which might be used to acquire foreign exchange from other countries, an ordinance was passed on September 20, 1939, providing bloc areas without approval of export associations. This included raw materials, which were major Japanese import items, which when sold on the open market produced the maximum of exchange.

8512

The excess of imports over exports early in 1937 was 12% larger than the excess for the first half of 1936. To pay for this, in March 1937 the Bank of Japan began shipping gold, and her gold sales to the U.S. Treasury totalled \$50,000,000,000, or 2,160,000,000 yen. It was necessary to stimulate the production of gold.

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9010

* Exhibit 809 "Japan's Decision to Fight" was offered and received in evidence. The chronology of Japanese military preparations from January to December 8, 1941 show that preparations for the war in Greater East Asia sphere include the actual outbreak. While available evidence to document preparation in certain parts is fragmentary, as the opening of hostilities approached, pertinent references were more plentiful until in the month of November 1941. One can piece together a comprehensive picture of the preparations. The material has been arranged chronologically.

9012

* Under date of October 10, 1941, Colonel RYUTO, Commander of an anchorage group wrote on a report on conditions showing that the mobilization order had been issued on September 12, 1941 and his force completed by September 17. They left Ujina for Osaka on September 29 and left Osaka on October 1, reaching Palau on October 10 where they established anchorage headquarters and made preparations for leading operations to accompany the war.

9013

The diary of Private KASHINO of an infantry regiment concerned with the Malaya operation showed that his unit landed at Shanghai on October 11 and spent the time * from the 12th to the 14th preparing for the Malayan operation. The unit left Shanghai on November 22. arriving in Thailand on December 8.

The diary of an unknown member of the 41st Infantry Regiment which participated in the attack on Malaya showed that his unit arrived in Shanghai on October 12 and that on November 4 was given jungle combat training for the expected warfare. On November 13 they received their rations and other items for tropical combat and on the 20th anchored off shore of the Hainan Island, which they left on December 2 for Sama. On the 13th of December the unit was the first one to enter Gubun Street.

A pamphlet entitled "Just read this and the War is won" was issued to each soldier before he left for overseas. On the front is a map of South China, FIC, Thailand, Burma, the Malaya States and NEI and a small section of the Northwest Australian Coast. While

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9015 the date of publication is unknown, a captured copy is stamped as having been received on November 10, 1941 and its length and nature indicate that original preparation was considerably prior to this date. * This pamphlet contained the following information:

That the southern field of operations is the treasury of the Orient which has been invaded by white men who are suppressing 100,000,000 Orientals. It is the source of the world supply of oil, rubber and tin which are essential for military supplies. The malevolence of England and the United States which has prevented Japan from purchasing these materials is one reason which brings about the present military operations.

9016 While it is clear that NEI and FIC alone cannot oppose Japan, they are hostile because they are supported by England and the United States. Japan's weak point is lack of oil, but the United States' weakest point * is the lack of rubber, tin and tungsten and her chief source is the South Seas and Southern China. If this supply could be stopped, it would help Japan to obtain the oil and tin she needs but would put a knife into America's sorest spot.

A description of the area as a tropical one is then given. Following the questions of why must Japan fight and how must she fight the pamphlet stated that the MEIJI Restoration saved Japan from invasion by foreign powers. The SHOWA Restoration must rescue Asia from internal disputes and the invasion of the white race. Peace in Asia will result * and the peace of the world will be established. Japan has the great mission to save Manchuria from the Soviet, free China from exploitation by England and the United States and aid the independence of Thailand, Annam and the Philippines. This is the spirit of equality in brotherhood. Realizing that this war is one between races, Japan must enforce her just demands on all Europeans except Germans and Italians without extenuation.

As to the native army, * the officers are Europeans, while the noncoms are natives and the spiritual unity is, therefore, zero. The new enemy's airplanes, tanks and guns are far superior to the Chinese Army. However, they are old and their users are weak and the

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enemy, therefore, mostly fears night attacks. The war will be a prolonged affair and the Japanese must proceed for a drawn out conflict.

9019

All fields of operation are in the south and more than 1,000 miles from Formosa, taking a week to ten days to travel. The sea is crossed by convoys of several hundred ships and merchantmen. After several days journey aboard ship enemy resistance on shore must be overcome and the landing enforced. * The most important thing in landing operation is the maintenance of secrecy and instructions are given for maintaining absolute secrecy with respect to the story "47 Ronin" keeping their secret.

In battle there will be squalls, mist and night and, therefore, Europeans * being dandies, delicate and cowardly detest them and night attacks most, Japan must take advantage of this. The enemy may use gas and, therefore, the men were coached to take care of their gas masks. The soldiers are warned to use snow shoes in going through the swamps and paddy-fields.

The present war has Japan's rise or fall at stake. The pamphlet asks what is at the bottom of the United States' action of gradually prohibiting the export of oil and iron to Japan. It explains that if she stopped all exports at once Japan might march to the south and if America's imports of rubber and tin from the south are checked by Japan, her suffering will be greater than that of Japan.

9021

* It has been the United States' policy up to now not to anger Japan while weakening her. Japan has waited too long and if she waits any more her means of transportation will not move. Five years have passed since the beginning of the China Incident and one million Japanese have been killed by arms sold to China, mostly by England and the United States. England and the United States are prejudiced against Oriental solidarity as something which stands in the way of their making the Orient a permanent colony and are concentrating every effort to have Japan and China fight. Germany and Italy, Japan's allies, are fighting a battle of death in Europe against England, the United States and Soviet Russia. The U. S. is helping England and is really participating in the war. For Japan's existence and aid to her allies she cannot

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9015 the date of publication is unknown, a captured copy is stamped as having been received on November 10, 1941 and its length and nature indicate that original preparation was considerably prior to this date. * This pamphlet contained the following information:

That the southern field of operations is the treasury of the Orient which has been invaded by white men who are suppressing 100,000,000 Orientals. It is the source of the world supply of oil, rubber and tin which are essential for military supplies. The malevolence of England and the United States which has prevented Japan from purchasing these materials is one reason which brings about the present military operations.

9016 While it is clear that NEI and FIC alone cannot oppose Japan, they are hostile because they are supported by England and the United States. Japan's weak point is lack of oil, but the United States' weakest point * is the lack of rubber, tin and tungsten and her chief source is the South Seas and Southern China. If this supply could be stopped, it would help Japan to obtain the oil and tin she needs but would put a knife into America's sorest spot.

A description of the area as a tropical one is then given. Following the questions of why must Japan fight and how must she fight the pamphlet stated that the MEIJI Restoration saved Japan from invasion by foreign powers. The SHOWA Restoration must rescue Asia from internal disputes and the invasion of the white race. Peace in Asia will result * and the peace of the world will be established. Japan has the great mission to save Manchuria from the Soviet, free China from exploitation by England and the United States and aid the independence of Thailand, Annam and the Philippines. This is the spirit of equality in brotherhood. Realizing that this war is one between races, Japan must enforce her just demands on all Europeans except Germans and Italians without extenuation.

As to the native army, * the officers are Europeans, while the noncoms are natives and the spiritual unity is, therefore, zero. The new enemy's airplanes, tanks and guns are far superior to the Chinese Army. However, they are old and their users are weak and the

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enemy, therefore, mostly fears night attacks. The war will be a prolonged affair and the Japanese must proceed for a drawn out conflict.

9019

All fields of operation are in the south and more than 1,000 miles from Formosa, taking a week to ten days to travel. The sea is crossed by convoys of several hundred ships and merchantmen. After several days journey aboard ship enemy resistance on shore must be overcome and the landing enforced. * The most important thing in landing operation is the maintenance of secrecy and instructions are given for maintaining absolute secrecy with respect to the story "47 Ronin" keeping their secret.

In battle there will be squalls, mist and night and, therefore, Europeans * being dandies, delicate and cowardly detest them and night attacks most, Japan must take advantage of this. The enemy may use gas and, therefore, the men were coached to take care of their gas masks. The soldiers are warned to use snow shoes in going through the swamps and paddy-fields.

The present war has Japan's rise or fall at stake. The pamphlet asks what is at the bottom of the United States' action of gradually prohibiting the export of oil and iron to Japan. It explains that if she stopped all exports at once Japan might march to the south and if America's imports of rubber and tin from the south are checked by Japan, her suffering will be greater than that of Japan.

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- 9045 * The 48th Field Anti-aircraft Battalion Operation Order of December 4, 1941 stated that the battalion will fight according to plan and all units will shoot down enemy reconnaissance planes. Under the plan the defense unit was to be ready to fire at all times at planes and submarines. It was to take the initiative in protecting ships and to cooperate with the navy and airforces. During torpedo attacks it would try to shoot points down. It was to establish strong aerial defense
- 9046 points with the aim of destroying * enemy planes as far away as possible from ships; and to establish points for anchorage defense against air attacks. After the initial landing they were, as quickly as possible, to land certain guns to engage in protecting anchorage and complete the landing and defend military strategic points. The force could be sent to any strategic point.
- 9047 The diary of KAWANO of the 106th Land Duty Company showed * that on October 6th his unit arrived at Saigon, leaving on November 23. On the 25th they arrived at Sama, Hainan Island and there transferred to a defense boat. On December 5, thirty transports headed toward the theater of operations with naval escort. On December 8 they made an opposed landing at Singora, Thailand.
- The diary of an unknown writer showed that his unit arrived at Sama on December 4, leaving early on the 5th and arrived at Singora on the 8th.
- 9048 Another unknown writer * shows that on December 6th a platoon order for an attack on Guam had been issued showing the condition of the enemy and the terrain. He notes that December 7 is the day of revenge.
- The diary of MIYAKI of a special naval landing party shows that his unit left for Palau on November 24 and on the 25th was ordered to change course and to go to Sama where they arrived on the morning of December 4. On the 7th they left for Camranh Bay and the captain spoke on the declaration of war. They arrived at Camranh Bay on December 9.
- 9049 * The Japanese Landing Operations, a pamphlet issued by Military Intelligence Service of the United States, based on Japanese wars shows that the units and commanders

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9050 were selected months in advance and were concentrated in special training areas where the training and climate approximated those of the fighting regions in the Malayan Army trained in Hainan and FIC and Philippine forces in Formosa. Both units practiced landing operations in the late summer and fall of 1941 on the South China Coast. The divisions to attack Hong Kong were given rigorous training in night fighting and storming pillboxes near Canton. Japanese commanders made no secret that the high command was fully informed for a year before the war as to the strength, disposition and plans for defense of the potential enemies. Task forces were organized * during the summer of 1941 and trained and worked together until the outbreak.

The troops used in the operations at Luzon and Lingayen had carried out landing operations all summer along the China Coast. No military advantage resulted from the operations and it would appear that they had been intended solely for training. They not only give just a hint of years of painstaking surveying and espionage in the Kra Isthmus in the Malaya Peninsula, but they are quite frank in describing the preparations during the summer and fall of 1941. These included negotiations with Thailand to land troops in the Kra Isthmus, for use of the Bangkok-Singapore Railway and the caching of supplies.

9051 The troops making initial landings were selected personnel drawn from units with long service in China and organized into two divisions specially equipped. * All troops had been given exhausting training during the fall in FIC and Hainan Island, all terrain similar to that on which they were to fight. When they landed in Malaya they were far from being unused to the climate and the terrain. They were trained and seasoned jungle fighters equal to any troops. They had spent September in executing landing operations with units practicing for similar tasks in the Philippines. As the time neared for attack the troops were assembled on Hainan Island where they could be concentrated free from spies. They were completely re-equipped with new guns, vehicles and other equipment and given a few weeks' training with new equipment. Two divisions were too unused * but were composed of China war veterans with special training in river crossing for storming the straits of Jahore were brought up to relieve

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9053 the division. Colonel YOKOYAMA of the 15th Independent Engineers Regiment, in a report dated May 25, 1942, showed that his unit was organized in September 1938. From the end of December 1941 it took part in capturing Malaya, Singapore and the Sumatra Operations. This unit was trained for about a year with special emphasis on attacking pill-boxes and operating flatbottom boats * with outboard motors attached to be used in river crossings. They could make crossings of large rivers.

A Japanese pilot in the Philippine Campaign stated that they had gone through intensive training over a long period of time in preparation for the battle.

9054 * A book entitled "Precautions in Respect to Billeting and Supplies based on the Special Characteristics of Palau" dated July 1, 1942 stated that Palau was the seat of the South Seas Island government and ever since it became a mandated territory Japan had anticipated what it would be today. While it had been a place difficult to administer, the Navy had steadily completed its equipment as an operational base.

9055 * A simplified table showing changes in the southern states in August 1941, which from internal evidence shows that the data was accumulated prior to the outbreak of the war, showing that the Japanese knew that there was a strength of force of 50,000 men at Burma with a possible 2,000 or 3,000 in the volunteer army in mid-September. At the end of October they noted that the increase in strength in Malaya would be presumed at 10,000 Australians and that the regular army has now reached * 60,000 and if a rough estimate is made in the increase of Hindu troops, the estimate will not exceed 71,000 to 75,000 made at the end of August.

9057 Under date of December 6 in the South Seas Pacific Area a sketch was issued showing disposition and strengths of allied airforces in the South Sea Islands and it contains an annotation that it was prepared before the crisis.

9058 * A file of papers entitled "The Situation of Both Sides Prior to the Out break of the War" dated July to December 1941 showed that Japan knew that the strength of the American force in the Philippines was 12,000 and that this number was increased by July 1941 and had reached

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22,000 and that the Philippine National guard and control had been placed under General MacArthur's command.

9059 With respect to pre-war espionage and subversive activities in the NEI * there are three captured sketches, undated, showing the types and strength of the NEI forces on Java, Sumatra and Bali. One bears the date 1935 to the present and from internal evidence it would seem to refer to 1940 and 1941. * In March 1941 in intelligence
9060 certain observations were made by Major TOYOFUKU in British New Guinea and his experience was utilized through his appointment to the staff of the South Seas Detachment which fought in that area.

This report entitled "Military Data on British New Guinea" * stated that the NEI Archipelago was a natural barrier intersecting the Pacific. The northern end is within the radius of Japanese bombers from the Mandated Islands and the south end is in radius of bombers from the northern part of Australia. They are separated from Australia by the Torres Strait. Possessions of the territory would make it easy to obtain the command of air and sea bases in the Southwest Pacific and to acquire stepping stone bases for operations against Australia, control of the Southern Coast of New Guinea and the Torres Straits and would cut communications between the South Pacific * and Dutch East Indies and the Indian Ocean and would force the enemy's fleet to detour to the Australian south coast. It is strategically important territory for operations in the South Seas, especially against Australia.

9062
9063 * A sketch showing the disposition of Australian military forces as of July 1940 was introduced. The Osamu Group Headquarters in July 1940 issued a table setting forth the organization of the Australian Army. Prior to December 8, 1941 precautions were detailed against the leakage of information. Under date of September 1941,
9064 the 19th Division in Korea * took elaborate precautions to prevent any military news from being obtained by foreign nationals. The policy of these measures was that periodical and progressive reform instruction was to be given concerning espionage. Foreign nationals were not to participate in Japan's schemes for obtaining intelligence. At the same time there was to be an arousing of positive consciousness in officers and men to act by themselves to unify the various plans and strategies of the enemy.

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9065 To contact military personnel with foreigners especially outside barracks was to be restricted * to official business. Particular precautions were to be taken with the English, Americans, Russians and anti-Italian and anti-German to avoid malicious behaviour and prevent discovery of Japan's intentions.

The association of Korean Christians with the English and American citizens was to be controlled. Conversations of soldiers' families were to be watched and the acquisition of information restricted. They were to keep control of wild rumors and false reports and attempt to guide students. They were to report all Koreans employed in homes and strict supervision and investigation of merchants, especially Koreans entering and leaving an official residence. They were to enforce the prevention of espionage and to develop their own resources and to be on special guard when in contact with Koreans.

9067 From captured documents it was learned that a considerable number of training manuals, etc., bearing directly on military operations were published in the year and a half before the war. Normal military programs might account for a greater part of them, but in many instances the subject matter serves to direct the trend of Japanese military interests and in a few cases official statements prefaced the publications clearly indicating the approaching * crisis. Some of these publications were April 30, 1940, British Malaya; November 1, 1940, Military Geography, NEI (two volumes); August 30, 1941, Military Geography and General Description British Borneo; October 15, 1941, the Resources British Malaya. * On April 10, 1941 there was published a pamphlet on the "Rapid Training of Air Service Personnel." A map entitled "Greater East Asia and Pacific" issued by the Cabinet Printing Department, April 30, 1941 has pencilled near New Guinea the words "future treasure of Japan, Population 300,000."

9069 In September 1941 there was a large colored map entitled "East Asia Co-Prosperity Sphere, Large Map of Western Pacific Ocean." It has insets of map of the world, a sketch of military installations of Singapore * and detailed maps of Java and Hawaii. In the reference manual on landing operations issued by the Inspector of Military Education, September 18, 1941, there was contained the notation that the book was distributed to

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furnish materials for reference on landing operations. In September 1941 they published a printed handbook entitled "Identification of Soviet, American and British planes" and in October 1941 the Naval General Staff issued a pamphlet containing Malayan vocabulary. On October 10, 1941 the Navy issued a pamphlet on tropical hygiene.

9074 Exhibit 879-A, the Ministerial Address of TOJO, December 16, 1941, to the Diet stated * that Japan owes the Army and Navy debts of gratitude and unbounded admiration for the demonstration of their great prowess. For years they had been silently going through great training in preparation for the day.

9075 Exhibit 880 a chart of the First Demobilization Bureau showing the total strength of the Japanese Army from January 1, 1930 to January 1, 1944 showed that from January 1, 1930 through 1937 the total strength of the Japanese Army was 250,000 men; by January 1938 it had reached 950,000; 1939, * 1,130,000; 1940 1,240,000; 1941, 1,350,000; 1942, 2,100,000; 1943, 2,400,000; 1944, 2,900,000. At the same time the numbers of divisions increased from 17 to 80 and brigades from 4 to 41. The necessary * materials to the estimation of these numbers were lost because of burning at the end of the war and this is the best record that the First Demobilization Bureau has.

9076

Exhibit 881, an excerpt from the Japanese Year-book entitled "South Seas under Japan's Mandate" These islands number over 1,400 with an area of 2,149 square kilometers and included the Mariana, Marshall and Caroline groups. To the east are the Hawaiian Islands; to the West the Philippines and Celebes; to the North the Bonin Islands and New Guinea to the South. Saigon the largest of the Marianas is 740 miles south of the Bonin Islands and Truk, one of the largest of the Caroline group is 180 miles further south and the center of the Mandated territory. The Carolines are divided into the West Carolines with Palau and Yap and East Carolines with Truk and Ponape. The islands have great distance between them and communications are difficult.

A map of the area was introduced into evidence as Exhibit 882.

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Article 22 of Exhibit 23, the Covenant of the League of Nations stated that the Mandated Islands form a sacred trust and that the securities for its performance should be embodied in the covenant.

9082

The best method of giving practical effect to this principle is that the tutelage of the natives should be entrusted to advanced nations who by reason of their resources, experience or geographical position can best undertake the responsibility * and are willing to accept it and that the tutelage should be exercised as mandatory on behalf of the league. The character of the mandate must differ according to the people's state of development, the geographical situation and economic and similar conditions. Certain communities formerly belonging to Turkey have reached a stage where they can be recognized as independent nations subject to rendering of administrative advice and assistance by a Mandatory. In these groups the wishes of the communities must be the principal consideration in choosing a Mandatory.

9083

Other peoples, especially those of Central Africa, are to a point where the Mandatory must be responsible for administering the territory under conditions which will guarantee freedom of religion subject only to maintaining public order and prohibition of abuses and morals such as slave trade, arms and liquor traffic and the prevention of establishing military fortifications and naval bases and military training of natives other than for police purposes * and territorial defense and also secure equal trade and commerce of the other members of the league.

There are other territories such as South Pacific Islands which, due to the sparseness of their population and smallness of size can best be administered under the laws of the Mandatory as an integral portion of its territory subject to the safeguards mentioned before. The Mandatory shall render to the Council an annual report and the degree of authority, control or administration to be exercised by the mandatory shall be explicitly defined by the Council.

A permanent commission is to be set up to receive and examine the annual reports and advise the council.

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9084

* On December 17, 1920 Japan was granted a mandate to administer the groups of islands mentioned. The provisions are set forth in the treaty between the United States and Japan of February 11, 1922. Article IV provides that the military training of natives, other than for purposes of internal police and local defense shall be prohibited and no military and naval bases shall be established or fortifications erected in the territory.

9085

Exhibit 29, the Treaty of February 11, 1922, stated that the United States consents to the administration by Japan * pursuant to the mandate of former German islands in the Pacific ocean north of the equator and that the United States and its nationals are to receive all the benefits of Japan's engagements as set forth in the mandates, notwithstanding that the United States is not a member of the League.

9086

Under the same date the Japanese Ambassador gave an assurance to the Secretary of State with respect to the mandate, assuring him * under authorization of Japan that the usual comity will be extended to nationals and vessels of the United States in visiting the harbor and waters of the islands.

9090

Exhibit 883, the affidavit of Manuel Blanco, * stated that he was born on Saipan and worked for the N.K.K. from 1934 to 1944. During this period Japan's Navy's most important military project was building of Aslito Naval Air Base, begun in 1932 but never completed. At the beginning of 1940 anti-aircraft coastal batteries and other types of ordinance were installed at the air field. He saw the train bring plane parts, guns and bombs from the pier to the Naval Air Base. In 1938 he helped build a bomb shelter; hangars and other installations were camouflaged with grass, trees and plants beginning late in 1938.

9091

Exhibit 884, the Affidavit of MAKOTO, stated that he was born in Japan * and first came to Saipan in 1935 as a chemical engineer for N.K.K. He observed various military installations near Aslito Field on which construction commenced in 1933. Two years before the war broke out the Japanese military built a series of concrete trenches and shelters around the air field to serve as air raid protection.

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In 1940 he saw some Japanese Navy men storing huge amounts of ammunitions in warehouses in a forested section camouflaged to look like trees. There were coastal guns located on Agingan Point and Nafutan Point. He learned later that just before December 1941 an anti-submarine net was placed in Tanapag Harbor.

9092 * Exhibit 885, affidavit of Ignacio Benavente, stated that the Aslito air field was built in 1935. He saw wireless and gasoline tanks there before he left for Yap in 1937 and another military wireless station north of Susupo. He heard that an ammunition dump was being built and also a large tank in 1935 near the harbor.

9093 * Exhibit 886, affidavit of Elias Sablan, stated that he was born in Saipan and worked as a foreman loading and unloading cargoes at Tanapag Harbor in 1931. In 1935 Aslito Field was started and in 1939 Banadero construction began. The Japanese brought in ten inch guns and stored them around 1937, setting them up in 1939 and 1940. Forced labor started in 1939 and Chamorros were taken to a reef to fortify it and kept for six months. They were paid two yen a day and in early 1941 they started bringing in cement, lumber and many airplanes. In the summer of 1941 they started to bring in fighters, bombers and many drums of gas. Forced labor was used to help fortify Saipan.

9094 * On November 18, 1941, ten young English speaking Chamorros were forcibly taken, as well as a later group, and were told they were to help the Emperor in Japan. On December 6 they were sent to Guam on an unknown mission and a second group was sent on December 8, 1941. They were used to search the islands for gun positions to help the Japanese.

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9094 Exhibit No. 887, the deposition of Mariano Pangelinan, stated * that he came to Saipan in 1901, serving from 1903 to 1945 as district chief of district No. 2, being a labor foreman under the Japanese. The Japanese were careful to hide from the natives * all military installations and fortifications, but he saw many signs of Japanese rearmament before 1941. It started gradually about 1935 with the building of the Aslito air field and made rapid headway by 1940. During this time he saw the construction of ammunition dumps, military barracks, and other installations.

9096 Exhibit No. 888, deposition of Antonio Angailen, stated that he was District Chief of Carolinans in 1912, and held the same job today, under orders of the Japanese. In 1935 a naval air base at Tanapag was started, and in 1937 Aslito air field was built. * In 1940 Japanese emplacements were put up.

Exhibit No. 889, the deposition of Juan M. Ada, stated that he came to Saipan in 1890, and in 1937 was elected head of Garapan Village. As head he was forced to take orders from the Japanese. In 1935 they bought up the Tanapag Village and started building a naval air base.

9097 * Exhibit No. 890, deposition of Concepcion Blanco, stated that he was born on Saipan, and worked as a clerk and telephone operator from 1938 to 1944 in the Japanese Naval Construction department in Saipan. He had opportunity to see the construction of military fortifications and installations before December 1941. Six underground tanks were constructed in 1937, and there were fuel installations at the seaplane base. There were five barracks with about 3000 military and naval personnel, the construction of which began in 1938. In 1938 two radio stations were built, and five signal stations operated at Kasuga butai at Garapan, Shibata, Nafuten, Agranhan, Tanapag, and Magacienne Bay, in charge of a navy admiral.

9098 Exhibit No. 891, the deposition of Vincente de Leon Guerrero, * stated that he had been born in Saipan, educated there, and in 1913 had been sent to Yap by the Germans, coming back to Saipan in 1915. In 1937 he was chosen as a foreman by order of the Chamorran Administration, with a party of 30 natives to work at the underground tank installation at Tanapag Harbor.

9099 There were four big tanks and two small ones. Each

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9100 big one was approximately 1800 feet round. They were told that a war might happen in the very near future and these installations must be done before it is too late, and the tanks when completed were to be filled with oil and gas for the ships that were to come from Japan. They were told to keep this secret under duress of punishment. Each tank was 50 feet deep, with concrete around each 3 feet thick and concrete and iron plates riveted in concrete, with iron plates and concrete used for roofing. Inside the tanks there were iron posts to hold the roof. Many pipe lines were constructed, and a big one crossed from the tanks to the pier. These were camouflaged. In the beginning of 1939, the Administration was ordered to conscript labor, to be sent to the Marcus Islands for installing a plane base, for a period of three months. * Another group was sent at the beginning of 1940, and were paid ¥1.50 per day, and worked under Japanese Naval Operations.

In 1939 gun emplacements were put in in Saipan and in front of Tarapag Harbor there was installed a gun emplacement, under the supervision in each case of Navy personnel.

9101 Exhibit No. 892, the deposition of Francisco de Borje, * stated that he came to Saipan in 1899, went to Angau, and returned to Saipan in February 1946. He worked as a foreman in the Phosphorus Company, and he knew that an airfield had been built on Peleiu in 1939.

9102 Exhibit No. 893, the deposition of Jose S. Pangelinan, stated * that he was born on Saipan, and from October 1914 on he worked as a messenger in the Japanese Mil. Gov. head office. In 1916 he worked as an interpreter in Japanese and Chamorro. In 1919 he studied in Japan, and returned in 1923. In 1926 he went to Guam for permission to reside there, but failed and returned to Saipan where he worked as a farmer, employing Okinawans. In 1934 the Japanese took away his
9103 plantation, * and gave it to the N.K.K., the South Seas Development Co., stating that no native was authorized to use a Japanese as tenant. In 1935 he went to Ponape, starting in business as a copra trader. In 1940 the Japanese took his motor boat to use for transporting materials from the mainland to the small islands for installation purposes. He returned to Saipan early in 1940, and in May of that year got a job at the seaplane base transporting materials from the navy warehouses to the contractors, and worked on that job until September 1940.

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9104 He noticed two hangars, warehouses filled with all kinds of construction materials, large and small airplanes. One heavy concrete shelter contained all kinds of explosives, bullets and bombs. There were repair shops for servicing airplanes; 8 or 10 barracks for 350 to 500 men each. * He became acquainted with many of the navy men, and they told him that the work was for military purposes. He worked for the contractors for 9 hours a day, and was paid 5 yen per day. There was always on hand some seaplanes and fighting and scouting planes. After finishing the job at the base, he helped his father, chief of Section #2 in Garapan, in building the air strip at Aslito, loading and unloading ships.

9105 Exhibit No. 894, the statement of Alfred Milo, * stated that he was assistant chief of Moon Island, having lived there 45 years, and that he had knowledge of fortifications and military installations constructed on the island by the Japanese prior to December 1941. During the latter part of 1938 they started building a lighthouse on the eastern tip. Prior to that a dock was

9106 built and a road to the lighthouse. * It took a year to do this. When this was completed, the Japanese began to build caves, gun emplacements, and a searchlight platform. Six gun emplacements were built. The guns had an 8 or 9 inch bore, and were all placed in the immediate vicinity of the lighthouse. In November 1939 the Japanese dug a concrete emplacement in which they installed radar and erected emplacements for 5 or 6 inch guns and two smaller ones for anti-aircraft. Searchlight platforms were built, and two searchlights placed on them. Two caves were dug in a mountain and ammunition stored there. In 1940 the area became a prohibited one. In 1939 a radio station was built on the eastern end, and in 1940 they began building an air strip on the northwest tip, but this was completed after December 1941. On the southwestern tip another air strip was begun and

9107 * completed after December 1941. In 1940 on the northwestern tip, two gun emplacements were built near the airfield and guns installed. They appeared to have 8 or 9 inch bores, and a platform and searchlight were installed there.

A revetment was built along the airstrip on the southwest tip before December 1941, but all pill boxes along the shore were constructed after December 1941. The big guns, machine guns, range finder, flat trajectory guns, and anti-aircraft guns, other than the ones he had mentioned, he believed were brought in after December 1941.

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- 9108 However, he was not allowed to go there after the initial construction in 1940. The guns on the southern tip were brought in after December 1941. * The barracks were also built after that time. A great number of Japanese personnel was on the island before December 1941, and there were some barracks, but most were built after December. He also knew of installations on the other islands near Moon.
- 9111 * On Mor a concrete reinforced dock was built in 1940. Two gun emplacements with guns installed, were built. There were buildings for men and one searchlight. Telephone communication was started between Mor and Moon, and a lookout tower was built. There were no other installations on Mor. In 1940, construction similar to that on Mor took place on Pisemeu.
- 9112 Exhibit No. 895, the deposition of Joseb Uerbelau, * stated that he was born on Koror Island, Palau, where he presently lives, and is the native Chief of Police. He knew of constructions of fortifications or military installations prior to December 1941. He knew of a gun emplacement begun at Ngeremlengui, Babelthuap, in 1939, * and he had worked on it. He never saw the gun emplacement because the area was restricted after it was completed. Forced labor was used in the work. He knew that it was a gun emplacement, because he saw the gun brought from the boat to the area. He had no other knowledge of construction before 1941. He had knowledge that a gun emplacement was constructed at Ngremdiu, Urusthapel with forced labor in February 1941. This is in correction of what he had formerly said.
- 9113 * He also worked on this under orders of the raluau Government, * which was a branch of the South Seas Government. He worked on this project from February to July 1941, and he helped the Navy put the gun in place.
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- 9115
- 9116 Exhibit No. 896, the deposition of Aukst Riumd, stated * that he was born on Babelthuap Island, and lives now on Koror Island, Palau, where he works as a native policeman. He likewise knew of construction of fortifications prior to December 1941. In 1939 a gun emplacement was constructed at Sigul Village. He did not work on this, but supervised the native labor who was ordered to do the manual work. This was ordered by a vice-admiral of the Japanese Navy, under * a written order brought by a navy man to the village chief. The order stated that the gun emplacement was to be finished by a certain date, and natives who failed to report would be punished.
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9118 The deponent saw the order but did not have it, since
9119 the Navy took it away after he had read it. He could
not describe the admiral, but he knew that he had left
the islands in 1939. He did not supervise the construc-
tion of the entire emplacement, but only the natives who
carried boxes. * The Navy Gonzokus actually built the
emplacement. * He did not see the contents of the boxes
which the natives carried. They carried them to the site
of the emplacement, which had not yet been built. He saw,
in 1939, the completed gun emplacement without a gun. He
never saw the gun there until March 1944. He also worked
on the Peleliu Airfield from January to March, 1936. He
was ordered to do so by the South Seas Government Officer,
to replace a sick man, by a written order which he at that
9120 time returned when he reported for work. It ordered him
to report, under threat of punishment. During the period
he carried stones and dug holes to place dynamite in.
There were no aeroplanes in the area at this time,
because the airfield was not finished, and no fortifications.
He had heard of other fortifications prior to December
9121 1941, * but he had testified only about the ones he worked
on.

9122 Exhibit No. 897, the deposition of Ichiro Moses,
stated that he was assistant chief of Uman Island, having
lived in the Truk Atoll for 45 years. He knew of military
construction on Uman Island * prior to December 1941.
In 1939 the Japanese began to build roads and fortifications.
They built houses to billet troops, searchlight installa-
tions, gun emplacements, and installed two big and four
small guns. They built a concrete cave and stored
ammunition therein. This was done under the direction
of the Navy. During 1940, prior to December, the
Japanese Navy erected on Otto Island a wharf, houses,
and installed a searchlight and two guns, besides several
machine guns. Prior to December, 1941, the navy
constructed on Saiaf Island, near Uman, similar construc-
tions as well as a radio station.

9123 All guns in South Uman were installed prior to
December, 1941. In buildings the foundation was concrete,
and the rest was lumber. The cave was reinforced concrete,
and emplacements had concrete bases. They built only one
cave before the war, and the deponent saw ammunition
stored in it. The cave was 24 feet long, 12 feet high,
9 feet wide, and filled mostly with ammunition and some
provisions. Before December, 1941, the Japanese used
9124 the guns only to test them. * The searchlight was built
on a platform and covered. They had a range finder near

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9125 the searchlight. On Otto they had a warehouse for ammunition and provisions, which he saw. * They likewise had such a warehouse on Salat.

All construction on Otto and Salat were completed prior to December 1941. During 1939, 1940, and 1941, the Japanese stated that they were installing these things before they started a war against the U. S. On Otto, the natives had to furnish thirty men in 1939 for five months, and the same was true for Salat. The men received 80 sen per day.

9126 Exhibit No. 898, the deposition of Sona Monukit, * stated that he was assistant chief of Tol Island, having lived there 48 years. He knew of military installations on the island prior to December 1941.

9127 * In 1939 on the southwest section a road was built from the dock to the top of a hill. Around the top of the hill three gun emplacements and three guns of 8 inches diameter were installed. A searchlight platform was erected with a searchlight. A cave was dug in which ammunition was stored. Two barracks were built. In 1940, on the northern tip, a concrete wharf was built, and a road from the wharf to the top of the mountain was constructed. On the mountain was one barrack and two warehouses were built. A concrete platform with a searchlight and two gun emplacements with guns of 4 or 5 inches diameter and a radio station were installed.

9128 Exhibit No. 899, the deposition of Ater Era, Stated * that he was chief of Fefan Island, having lived in the Truk Atoll for 49 years. He knew of constructions by the Japanese on that island prior to December 1941.

9129 * During 1940 they built a road from the dock to the east side and the top of the mountain. Two gun emplacements were built and 5 inch guns installed. A searchlight was placed on a platform and a generator installed. A barracks and two large warehouses were built.

9130 Exhibit No. 900, the affidavit of Lichuo Nachuo, stated * that he was chief of Dublon Island, having lived there in the Truk Atoll for 25 years. He knew about Japanese military installations on this island prior to December 1941. About the middle of 1941 on the east side top of a hill, the Japanese began construction. They built two barracks, two warehouses, and a radar station. Concrete emplacements for three guns were erected and six inch guns installed. A searchlight platform and searchlight were installed.

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- 9130 $\frac{1}{2}$ On the south side a fuel dump was established, and close to it one large reinforced concrete cave was dug, to store ammunition and provisions. * A lookout tower was built before December 1941. He knew of other installations on the island of Eton. During 1937 an airfield was built there and a platform erected with a searchlight. There was a concrete emplacement with one large gun placed thereon. They installed machine guns, a radar station, and dug three caves which they stored with ammunition and provisions.
- 9131
- 9132 Exhibit No. 901, the deposition of Ferdinand Z. Emiz, stated * that he was a native of Wotje Atoll, Marshall Islands. He had attended school in Japan until 1938, when he returned to the Marshalls. In August 1938 he went to Wotje and worked as an assistant to a surveyor who was taking measurements of the islands. The Japanese began constructing the airfield there in June 1939, with * about 50 Japanese laborers. Three hundred natives built a Japanese prison camp. This camp was completed in October 1939, and at that time prisoners were sent from Japan, and all native labor was returned to Orney Island.
- 9133
- In November, 1939, all trees on the atoll were cut down to construct the airfield. All prisoners were returned to Japan, and about 3,000 Japanese and Koreans arrived to work on the airstrip, and native laborers were also used. The deponent saw large quantities of cement, asphalt and other materials to be used on the airstrip.
- 9134 Exhibit No. 902, the affidavit of Abisa, stated * that in 1938 the Japanese hired natives to cut trees on Imej Island for an air field. There were two native parties, one working on gun emplacements and the other on the pier.
- 9135 Exhibit No. 903, the affidavit of Lanen, stated * that in 1939 he was living on Laloelap Atoll, when 300 Japanese under four officers came to Tarawa on the atoll. They put 50 natives to remove trees for an airfield. Later 500 more Japanese came. The natives worked at cutting down trees and making concrete, and carried heavy loads of sand from the beach to the air strip.
- 9136 If they did not work well they were beaten. * The airfield was finally completed in 1941, but barracks and buildings were not completed.

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9136 Exhibit No. 904, the affidavit of Ajidrik, stated that in 1940 he was living on Laura Island, Majuro Atoll in the Marshall Islands, and in that year the Japanese began to cut down trees on Rita Island on the Atoll for an airfield. The airfield was never completed. About the middle of 1941 the Japanese began to take all men from Majuro Atoll to Mille, Malloelap and
9137 Jaluit Atolls to work on bases. * Force was used in securing labor, and the help was beaten.

Exhibit No. 905, the deposition of Johaniz, stated that he was Chief of Eniwetok tribe of Eniwetok Atoll, since January 1941. Japanese marines arrived there in January 1942, and the navy arrived April 27, 1941.

9138 Exhibit No. 906, the deposition of Abream, corroborated the deposition of the previous witness.

9139 Exhibit No. 907, the deposition of Lajina, * stated that in 1941 he was living on Mille Island, Mille Atoll, and in June 3000 Koreans and Japanese laborers were brought in to build an airfield. They used native labor to cut down trees, mix concrete and unload the ships which brought all kinds of material from Japan.

9140 * Exhibit No. 908, the correspondence file from the Honolulu office of N.Y.K., was introduced in evidence.
9142 * A letter dated March 28, 1933, stated that there had been a tendency lately for an increase in foreigners going to the Inner South Seas area, but since the facilities of the line are not suited to foreign passengers and there are not sufficient hotel facilities, they wished to advise them not to book any foreign passengers for the South Seas line until further notice. The person in charge was to be secretly informed to accept applications only after they had been approved by the proper authorities.

9143 * On October 14, 1935, with respect to a request for reservations for travel from Yokohama to Jaluit on December 12, a wire had been sent saying that no accommodations would be available until March. It was noted that every effort was being made not to accept foreign passengers, and suggested that the person in
9144 charge completely refuse the application. * It stated an actual problem in accepting a foreigner, it was necessary to give facts about his name, age, occupation,

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and nationality to the South Seas Government, which conferred with the Navy and Foreign Ministries and directs either the acceptance or rejection of the application. No application can be accepted unless approved by the proper authorities. Application by wire is of no use, and even if the application is accompanied by a detailed letter, it is not certain that the approval of the authorities can be obtained. It has been rejected in the majority of cases.

9145 It would be wise to make it a general rule not to book any passenger for the South Seas Line at agencies abroad. * On October 26, 1935, a letter was written with respect to a request from the American Board of Commissioners for Foreign Missions. This letter stated that since March 28, 1933, they had adopted a policy of not accepting foreign passengers, and they had stopped sending schedules of the line to foreign agencies.

9146 On October 14, 1935, they had sent a circular to the employees at Chicago that they make it a general rule not to handle passengers for the line. It was pointed out that the American Board of Missionaries was engaged in missionary work throughout the Islands * and that they had excellent contacts in the government offices, and if the line did not handle their booking the passengers would not have any inconvenience. It further stated, since the matter concerning the South Seas line and foreign messengers is a very delicate problem and the actual reasons cannot be revealed to foreign agents who might make useless and irrelevant inquiries, it was suggested that they refrain from making arrangements and to have only Japanese handle problems pertaining to South Seas line and foreign passengers, and to have all correspondence written in Japanese.

9147 * On November 4, 1935, they listed the reasons in a letter for the difficulty in booking foreign passengers. The general reason given was that the meals on shipboard were of Japanese standard, unsatisfactory to foreigners because there are only two meals a day of Japanese food, and there are no hotels to accommodate foreigners. A special reason, then secret, is that in 1933 the line had received a secret order from the South Seas Government office that if an application was made by a foreigner, regardless * of the fact that he was a resident of the South Seas, his application should not be accepted until facts about him have been reported and

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proved by that office. When they received this information, they conferred with the Navy and Foreign Ministries and directed the steamship line whether or not to accept the application. This is not easy, for no foreigner, regardless of his nationality, is accepted during navy maneuvers.

9149 From the standpoint of national policy, the measure is necessary, but since the authorities directly handle the policy of approving entry of foreigners, their entry is controlled directly or indirectly through the firm. The schedule is often changed for governmental reasons, and there will be difficulty in dealing with clients, so it will be wise for the agencies, * not to handle passengers for the South Seas line.

They requested that all publicity in regard to this line be cancelled and the English schedule and English guide not be published. Since these reasons cannot be revealed to foreign passenger agents and since without this they cannot carry out their work, it is suggested that only Japanese handle problems pertaining to passengers for the South Seas and that all correspondence be written in Japanese.

9150 On July 28, 1936, another letter was sent, * stating that in view of the direction to refuse all applications for passage, it was difficult to understand the reasons for the publicity given to conditions in the South Seas, and there were excellent passenger ships. They requested that arrangements be made to withhold publications of items pertaining to this line in the future.

9151 * On April 8, 1937, a letter was sent, stating that a revised passenger rate schedule, which is awaiting the approval of the South Seas Government, is to be sent. For caution's sake, they stated that the rates had not been changed. This was to be disseminated for reference, and there had been no change in the restriction against accepting foreign passengers.

9152 * On March 13, 1935, instructions were sent on how to handle requests of foreigners for passage to the Inner South Sea Islands. As a general principle, they were not to accept foreigners. If he had to be accepted, the applications with details were to be sent. As a reason for refusal, accommodations were unsuitable for foreigners, and there were no hotels for foreigners.

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- 9153 When information is obtained, * reference is to be made to the directive to the branch offices concerned.
- 9154 * Certain items from Exhibit No. 58 were then introduced into evidence. The telegram of June 13, 1936, Washington, from Secretary Hull to Ambassador Grew stated that for several years, Japan has asked the U. S. to extend facilities in territorial waters off Alaska to two Japanese Government ships and to permit their entry into Alaska and the Aleutians. In the case of one vessel, it is stated that its purpose was to visit these waters in making studies of fur bearing seals. It was not suggested that the second vessel had any basis in any treaty between the U. S. and Japan. The U. S. has accepted these requests.
- 9155 There has been a strong case of suspicion and conjecture over harbor developments and fortifications in possessions which both Japan and the U. S. have in the Pacific. The U. S. has not objected to Japan entering the territorial waters and closed harbors of Alaska, and it is believed that observation would serve to remove any suspicion that Japan might hold that the U. S. had made any improvements violating either the letter or the spirit of the treaty of February 6, 1922.
- It is unfortunate that Japan has not accepted a similarly liberal attitude in the face of allegations that there are improvements going on in the Japanese mandated islands which are irreconcilable with treaty obligations not to fortify them. We can understand that Japan should be reluctant to give countenance to irresponsible allegations, but it shares with the U. S.
- 9156 * the view that persistent suspicion is provocative of mutual distrust, and should be dispelled.
- The American destroyer Alden will be shortly sent to the Asiatic station, and Japan will have an opportunity to extend to a U. S. vessel courtesies at the larger unopened ports of the mandated islands. An invitation by Japan for the Alden to visit these ports would have highly beneficial results. Hull asked that these views be presented informally and orally to the Minister of Foreign Affairs.
- 9157 On July 8, 1936, Grew replied, stating * that he had made the suggestion about the invitation of the Alden to the Minister of Foreign Affairs. A marked interest was shown by the Minister, professing not to know

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anything about the subject, but stated he would see what could be done and would give the results of his inquiries.

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On July 20, Grew stated that the counselor of the Embassy called on the Vice Minister for Foreign Affairs to discuss various questions, including the possibility of the visit by the Alder to ports in the Japanese mandated islands. The Vice Minister stated that the suggestion had been referred to the Ministry of Overseas Affairs, but no reply had been received. * He further stated that there would be consultation with other government departments, and expressed the fear that the Foreign Office had no way of expediting the reply. It was indicated that the Foreign Office could not do anything further.

On August 7, 1936, Phillips, Acting Secretary of State, wired to Grew that the State Department assumed that there was no prospect that the Japanese authorities will take favorable action. In reply to a Japanese request from the Embassy, the Department that day gave an adverse answer that the Japanese Government training ship Shintoku Maru be allowed to enter a non-listed Hawaiian harbor.

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Exhibit No. 910, Minutes of the Committee Meetings for the Year 1930 of the Privy Council, showed * that HIRANUMA was present as Vice President of the Privy Council. * At the meeting, Councillor MANEKO stated that it was unfortunate that the present Cabinet regarded the Privy Council as an enemy, and that the Vice Minister of Foreign Affairs had stated that if the Privy Council interfered with the ratification of the London Treaty, which the Cabinet intends to conclude to promote international peace and to lighten the national burden, the Cabinet must fight them. The Premier stated that the Government would be responsible to the outside. * Various questions were asked by the Councillor as to what the Premier meant when he stated, regardless of the objection of the military, that military strength decided by the Treaty was sufficient for Japan's national defense and that the decided strength was only part of the country's military strength. The Premier replied to all of these questions. The Premier answered that he had never stated * that the government held the right of decision, but he only said that the matter of concluding treaties should be decided by the Cabinet, and he could not state the scope and extent to which he took the military's opinion into consideration, because this was a confidential matter. The Premier stated that he

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the problem of the financial world.

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thought the military had agreed, because they had in fact no objection.

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*Councillor KAWAI argued that Japan's armaments should be based upon the possibility of a crisis in the Orient with America or other Third Powers intervening in Sino-Japanese relations over rights and interests in Manchuria and Mongolia. The Premier replied that it was true that with respect to America, the ratio of strength provided in the treaty would become more unfavorable for Japan the closer they got to 1936, and it was natural for the Councillor to worry about Japan's national defense, provided the term was interpreted in a narrow sense. The Premier, however, believed that friendlier relations with other powers, financial adjustments and other matters were likewise the essentials of national defense. While he, too, was dissatisfied with some phases of the national defense, he would put up with the present state for the time being; and while Japan would have to have an unfavorable ratio until the end of 1936, she would be able to build ships from the beginning of 1937, * and she had better make preparations within the scope admitted by the treaty. If they began ship-building immediately on expiration of the treaty, they would be able to hold 70% as against America. The Premier asserted that it was groundless to fear that America would start trouble in China.

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The Navy Minister pointed out that if the treaty was not concluded, the U. S. would be hostile to Japan and there was no guarantee that she would not take direct competition with Japan in constructing warships. While the ratio against the U. S. in the 8 inch gun cruiser class would fall to 60%, it was not true that 6 inch gun cruisers could not stand up against 8 inch gun cruisers, and some admirals have stated that they could sink one 8 inch gun cruiser with four destroyers.

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* Councillor KANEKO stated that the U. S. feared mostly submarines. The more Japanese submarines were reduced, the more powerful the U. S. would become. So long as Japan had submarines they did not have to fear the United States.

KUBOTA stated that for national defense, wealth and diplomacy were necessary in addition to military power, but there was no other way to settle international disputes but to resort to arms in the end. Japan's importance in the world lay in her military power.

and it is evident that the tendency for armaments will gradually increase. The government is concerned about the problem of the financial world.

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9167 At the London Conference, both Britain and the U. S. gave expression to their avarice under the name of universal peace, but were afraid only of Japan's military power. * In this situation, it was essential that the Navy Minister and the Chief of Staff come to an agreement, and he was relieved when he heard that they had come to an agreement.

9168 Councillor KANEKO pointed out that Japanese-American relations would be at the most dangerous point in 1937. The U. S. would most certainly purchase the South Manchurian Railway, together with China, and would try to drive out Japanese influence from Manchuria and Mongolia. It was therefore extremely important to supplement the lack of military strength caused by the London Treaty. Justice was only superficial courtesy between nations, and the last resort was military power. Japan only abolished extra-territoriality through the Sino-Japanese war, while the Netherlands has fallen to the position of a third-rate country * because of limitation of armaments. Japan's great advance was due entirely to the military men.

Japan's military system was characteristic of Japan, and it should be perfected to the last. On the basis of speeches made in the U. S. Senate, there was no doubt that the London Treaty was in preparation for pressure against Japan after 1936.

9170 Exhibit No. 911-A, the Conference of the Privy Council regarding the Imperial ratification of the London Naval Treaty of October 1, 1930, showing the accused HIRANUMA as present in the capacity of Vice-President, * was offered in evidence.

HAMAGUCHI stated that the object of the Treaty was to prevent the danger of competitive armament for the sake of world peace and to reduce the burden of taxes. The treaty had been signed by Japan, Britain, U. S., France and Italy, and had reached an agreement on the limitation of auxiliary ships which had never been reached before.

9171 * TAKARABE pointed out that the so-called three great principles did not exist at the time of the Geneva Conference in 1927, and even at the last conference they had neither been clearly given to the plenipotentiaries and have not been formally declared.

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The so-called principles are concerned with the military strength necessary to execute the plan of operations based on the national defense policy decided in 1923. At that time the three points - 70% in total, 70% in cruisers with 8-inch guns, and the present strength in submarines was instructed. No mention was made of the relative importance of these, and the expression "three great principles" was not used in any official documents. They were called the three great principles because they were the main points in Japan's demands.

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Japan had failed to accomplish her demand of 70% * in capital ships at the Washington Conference, but got 60%; and at the Geneva Conference she got 60% in auxiliary ships. The navy authorities were well aware of the difficulty in demanding 70%. In view of these experiences, they had instructed Japan's plenipotentiaries on these principles for the first time just before the last conference. They tried to put every effort into obtaining the understanding of the whole nation. Young officers gave lectures, emphasizing the importance of the three great principles, and some pushed their arguments to extremes by stressing that it would mean the ruination of Japan if she failed to accomplish them. As a result, public opinion was unified, which had much to do with Japan's success at the Conference in obtaining a ratio of 70% in total tonnage.

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* HAMAUCHI stated that with respect to the London Treaty before it was referred to the Privy Council, there were various rumors about its political factors, and a number of wild tales had been spread. The Treaty had been referred to the Privy Council on July 24, and was not brought up by the investigation committee until August 18. Until September 17, the Committee had met twelve times. Meanwhile the newspapers had no knowledge of these secret meetings and indulged in all kinds of conjectures. Readers are skeptical about the probable discord between the Privy Council and the Government. Various organizations * have taken advantage of this situation and attempting mischief-making. Some of the articles are reprehensible. As a result, the general public has been driven to an indescribable unrest and unhappiness.

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As long as the fate of the treaty remains undecided it will be impossible to eradicate this unrest, and it is evident that the tendency for unrest will gradually increase. The government is concerned about the problem of the financial world.

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* From Exhibit 58, communication from Ambassador Grew to Hull, September 15, 1933, stated * that the Japanese naval leaders find themselves in a serious quandary. Since the London Treaty was ratified they have more and more insisted that Japan must demand parity or at least a great increase in relative tonnage in 1935 and have built up a feeling of resentment and contempt for anything connected with the London Treaty.

Two Premiers were assassinated and other statesmen fear for their lives because of the bitter feeling. Three Admirals have been retired because of their support of the treaty and Admiral TANIGUCHI's retirement has put an end to the naval influence in favor of maintaining the present treaty. His retirement took place during the May 15 trials which are like Soviet propaganda trials and have stirred up great ardor against the treaty.

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The result has been the creation of a great antipathy against arms limitation and the demand * for revision of the present naval ratios. This feeling was useful to the Navy until American naval construction definitely began. The Navy now has to choose between deciding whether to abrogate the treaties and starting a hopeless competition for naval supremacy or to accept the conditions of present ratios and face an outraged public. Until recently many leaders had a hope of achieving parity in effective tonnage with America. Vice Admiral TAKAHASHI told the American Assistant Naval Attache that they were going to the conference in 1935 with a demand for parity and would return home if the demand was refused. His hope vanished as America began to build toward treaty limits and by 1936 they realize the situation will be like that of 1927.

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It is obvious the Japanese naval leaders are bitterly disappointed. * They expected to have everything their own way at the 1935 conference with their own navy built to the limit and the United States Navy hardly 75% effective. Their calculations have been completely upset.

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* The Army and Navy are concentrating their efforts to obtain funds for completions of armament

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programs. The American program is being used as a justification for increased demands and the impression has been given that the second program has been launched only because of need of keeping pace with America.

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The fact is that the second program was announced almost in present form as early as January in 1932, months before the American program was conceived. The Japanese press always remarks that the United States' program will bring U. S. naval strength to treaty limits when actually it falls short by 175,000 tons, but everything is being used to get increased armaments for the Japanese Army and Navy. He inclosed a statement from the Japanese Times by General ARAKI with respect to national defense and the need to prepare for a crisis in 1935 and 1936 as well as an interview given by Navy Minister OSUMI * to the U.S. press. In the interview by OSUMI he had stated that in treating limitations the security and limitation of fighting power are always bound together and that the position of naval armament is always closely dependent on international surroundings. There is, therefore, no reason why a nation should always be content with a treaty it has once signed. Japan signed the London Naval Treaty in regard for the welfare of humanity but did not do it unconditionally. The Washington Agreement was signed 12 years ago and in Japan's opinion is no longer adequate to guarantee the security of Japan * since the international situation has changed.

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From the standpoint of armament limitation it is doubtful that the present ruling is most rational and economic. Japan is not satisfied with it and will demand a change of ratios at the next conference.

From the standpoint of all nations participating he did not deny that the existing treaties have served a useful purpose. They had effectively checked competition in capital ships construction. They had brought a holiday with respect to capital ships and lightened the burden on tax-payers.

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As a result of limiting types of guns they had prevented the chance of new ships being suddenly incapacitated as a result of new conferences and had prolonged the life of fighting vessels, enabling * economy in expenditures.

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Japan and the United States are building only within treaty limits and the term "naval race" is a misnomer.

9186 The Mandated Islands are separated from Japan's southern islands by a narrow strip of water and parts of Japan are within cruising radius of heavy bombing planes from these islands and the islands, therefore, have a great strategic value to Japan's defense. If in war they should fall into enemy hands, they would be a direct menace to Japan's safety. This is why they are the lifeline of Japan's sea defense. Some have said * that Japan will use them to attack the Pacific Coast of the United States at Hawaii, but a map will show the fallacy of this doctrine since Hawaii lies 2,000 miles away.

9187 * The sheer impossibility of this is apparent to anyone who knows anything about naval warfare. He stated he was in no position to answer the question of the affect of purchase by American interests in the China Aviation Corporation since he had no reliable information. There is no hard and fast line between civil and military aviation and this question has given rise to embarrassing complications in Geneva.

9188 When asked about the defense objectives of both the United States and Japanese navies, he stated that the United States had stated it means to have a navy strong enough to defend the country and its possessions and will build, maintain and operate the first-in-the-world navy * according to existing treaties. In this case it can by no means clash with Japan's mission which consists in maintaining peace in the Far East and defending Japanese possessions there. To the Japanese navy the idea of crossing the Pacific Ocean to attack world neighbors is alien. Its mission is defensive and legitimate.

He was positive that unless Japan's national existence is menaced to the extent that the use of force is the only way to defend it, Japan will never be involved in war with other countries.

From Exhibit 58, a telegram from Grew to Hull, September 18, 1934, stated that he had been informed by HIROTA that Japan decided to give notice before December 31 to terminate the Washington Naval Treaty. In a

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telegram from Chairman Davis of the American Delegation to Hull, October 24, 1934, it was stated that in the meeting with the Japanese Delegation MATSUDAIRA read a brief statement of Japan's position followed by a detailed statement by Admiral YAMAMOTO. A synopsis of the position was handed to the delegations at the meeting which stated that the possessions of the armaments necessary for national safety is the right to which all nations are equally entitled.

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* In considering disarmament, due regard must be given to that right so that national security may not be impaired. In any agreement for limitation and reduction must be based on the fundamental principle of non-aggression and non-menace.

The most appropriate method in naval armament is for the leading naval powers to fix a common upper limit which may not be exceeded, but within which each power would be free to equip itself in the manner and to the extent deemed necessary for its defensive needs. This upper limit should be fixed as low as possible and offensive arms should be reduced to the minimum or abolished altogether in favor of defensive arms to facilitate defense and render attack difficult.

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MATSUDAIRA told the British that they had limited themselves to putting questions to clarify Japan's position with respect to what they meant by offensive arms and common upper limit. YAMAMOTO stated the upper limit * should be the same for all powers and should be fixed as small as possible and while Japan would not build up necessarily to this maximum the treaty would leave each country, during the period, free to build to any point within the limit deemed necessary for security. He emphasized that any agreement not to build beyond a certain level within the maximum would constitute a disguised continuance of the ratio system and would be interpreted as a perpetuation of naval inferiority by the Japanese.

YAMAMOTO agreed that all naval weapons partook an offensive character, but it was a question of deciding which vessels as compared to others were more useful for offense; but the Japanese navy regarded aircraft

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carriers, capital ships and 8 inch gun cruisers as offensive naval weapons in the order named. Submarines were regarded by them as primarily for defense and that the offensive character of submarines against merchant vessels would end if the existing agreement in the London Treaty * against using them for attacking merchant vessels was made effective and universal.

In a telegram from Acting Secretary of State Phillips to Chairman Davis, October 25, 1934, it was stated * that the Japanese statement and public utterances indicated uncompromising and rigid Japanese attitude. It would seem that the Japanese are preparing the ground for a probable walk-out and their evident unwillingness to discuss anything except what suits their national aspirations, implies a throwing off of all restrictions and an abandoning of all effort toward real cooperations in the field of international relations. No justification is given except arguments of prestige and manifest destiny with a claim to paramount responsibilities and rights in Far Eastern peace. No sufficient reason exists why all nations cannot proceed on the basis of security and peace laid down in Washington to which the U. S. still adheres.

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The plea by Japan for self-defense is similar to the one made at the time of the Manchurian invasion and their attack * in 1932 on Shanghai. No reason exists why other countries should accept Japan's views or allow themselves to be represented as obstructing Japan's legitimate aspirations. The publicity which Japan is giving out suggests that, expecting to walk out, they wish to create the impression with the public, to be developed further when desired, that they were driven to that action by other countries' indifference to Japan's necessities for self-defense. It will be necessary for the United States to combat these efforts to shift the responsibility for the breakdown from Japan to the United States and Great Britain. The U.S. feels it should be guided, in contacts with the British and the press, by this line of reasoning. It should not be made the basis of any official statement.

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A telegram from Hull to Davis, dated November 13, 1934, stated * that the United States was convinced

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9197 by the past three weeks' conversations that no chance * exists to bridge the gap between Japan and Britain and the U.S. with respect to fundamentals of future naval limitations. Japan has been given every opportunity to justify her demands and the U.S. has not refused them a chance to save face. The U.S. should continue to emphasize its thesis that maintaining the treaties as a basis for future naval limitation rests on equality of self-defense, equality of security and a desire to avoid competition in armaments. The only construction one can place on the Japanese position is that it represents the desire to obtain overwhelming supremacy in the Orient to open the way for preferential rights and privileges and destroying the economic and political delicate balance in Asia, represented * in the policies embodied in the Washington and other treaties.

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On December 1, 1934, Davis sent a telegram to Hull stating that he had been informed by the British of their last conversation with the Japanese delegates which confirmed what had been told to him by MATSUDAIRA.

9199 In addition YAMAMOTO stated in answer to the question whether the building programs of the Three Powers would be kept on parallel lines, that Japan felt that the United States and British programs might be lowered by degrees and Japan's increased by degrees so that ultimately they might reach the same level in time. Simon was unable to get any satisfaction from Japan regarding the integrity of China. He was informed by MATSUDAIRA that Japan had no intention of interfering * with British interests in China. Simon replied he was not asking about British rights but he would like to know, since Britain was a party to the Nine Power Treaty, which gave her certain responsibilities and rights, what the Japanese policy was to be with respect to the integrity of China apart from the question of Manchukuo. No satisfactory reply was received.

On December 19, 1934, Grew sent a telegram to Hull stating that the Privy Council had unanimously approved the decision to abrogate the Washington Naval Treaty and draft instructions to SAITO will be submitted to the Cabinet December 21 or 22, but the time of delivery of formal notice has not yet been decided.

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HIROTA, it would seem, desired to delay the formal notice until after the adjournment of the present London conversations to avoid the charge that Japan disrupted them.

9200 * On December 29, 1934, SAITO delivered to Hull a communication stating that if Japan abrogated the Washington Naval Armaments Agreement, that the same would cease to be enforced after December 31, 1936.

9201 * The memorandum of the conversations between the American and Japanese delegations at London January 17, 1935, showed that in response to Admiral NAGANO's request in regard to the American proposal, Mr. Davis stated that the U.S. proposal was summarized as a 20% all around reduction to be applicable also to Italy and France insofar as the relations imposed by the Washington Treaty was concerned provided, however, that adjustment between categories was to be agreed upon after discussion.

9202 Admiral Standley went into the U.S. proposal at great length. He referred to the absence of any construction of capital ships during the past 15 years and to the need of approaching cautiously * any suggestions to change in their size. The first few vessels to be built would have a maximum tonnage of 35,000 and after the experience gained by this the U.S. would be disposed to examine proposals toward reducing size. The U.S. was prepared at this time to enter into discussion regarding the maximum caliber of guns.

Standley referred to the statement made the previous day by Davis that prior to the Washington Conference there was a common upper limit with the sky as the limit. Prior to that conference Japan did not have parity but had a navy conforming to its needs. Without an agreement Japan would have the right to build up to parity if it could, but if it strove to do so, the U.S. would build with a view to maintaining its lead. This was not desired by either country and he wondered whether it wouldn't be possible * to have an agreement, while recognizing Japan's rights to build a navy it desired, would stabilize strengths at present comparative levels until a more favorable time for discussing a new arrangement.

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Davis pointed out that naval limitation is not only a question between the U.S. and Japan, the U.S. position is dependent considerably upon England and other powers' positions since the U.S. could not ignore the fact that it had been unwillingly drawn into two big European wars.

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With respect to NAGANO's question on security or non-menace and non-aggression, Davis stated that there was the non-fortification provision of the Washington Treaty and the Nine Power Treaty had been concluded to remove the causes of aggression. This was the foundation upon which naval limitation rested. Japan is secure against attack from either the U.S., * or Great Britain and the U.S. could not understand what there is that has happened to make Japan feel that she is menaced. Standley then quoted excerpts from statements of KATO and SHIDEHARA in Washington and pointed out that in London in 1930 the U.S. had made concessions to meet Japan's desires for additional security. With respect to present proposals of a 20% cut it was pointed out that the reduction in aircraft carriers and destroyer tonnage was contingent on reduction in submarines.

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NAGANO reiterated that Japan no longer supported the Washington Treaty and that the U.S. idea of disarmament had undergone modification; for instance, the abolition of submarines. NAGANO assured that the common upper limit did not mean to give Japan any opportunity for aggression; Japan wanted to make aggression by any power impossible. At the London Treaty, NAGANO stated that Secretary of Navy Adams * had stated that the U.S. delegation had persuaded Japan to accept a proposition almost impossible to accept. Both Davis and Standley stated that if any statement had been made inferring that Japan was not equally secured, it was certainly in error.

Standley stated that in Washington every nation had been given security in the area in which it operated. Japan's waters were secure. However, the U. S. possessed territories close to Japan with an area as great as Japan. She had no fortifications and no submarines. She had a large territory in Alaska. If Japan had parity, she would have absolute superiority in the Philippines and Alaskan

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9206 waters. The U.S. did not have equality of security. Some people in the U.S. say that Japan wants the Philippines, which the U.S. doubts. Washington had done everything to allay this misapprehension and nothing must be allowed which would bring about this feeling again. Japan's position gives the people who think she wants to take the Philippines or Alaska * the necessary ammunition. NAGANO pointed out that under the ratio Japan could not menace the U.S., the American navy concentrated in the Pacific could threaten Japan. While the U.S. had no possessions near Europe, Europe had possessions near America and if such geography was taken into account, the situation would become complex. Japan had a number of independent islands which she had to defend. She could not accept a plan which would allow one power to come close while the reverse was not true. The Philippines were in important waters and represented a constant threat. Japan didn't want the Philippines, but they were one reason why she found it hard to grant American naval supremacy.

9207 Davis stated the Japanese proposals were not fair. At Washington the U.S. had made the greatest sacrifice since she had abandoned an actual program of construction which would have given the U.S. the most powerful navy in the world. * Britain did not accept parity, the U.S. granted it in the interest of promoting peace and security. Parity with Japan did not give equal security but would deprive the U.S. of the power to defend Alaska and the Philippines.

NAGANO did not deny that the Washington Treaty checked the naval race and hoped that the friendly situation created thereby would continue, but Japan did not wish to be in the position where continuance of peace was dependent upon another country. Japan also worried about her own safety.

Standley stated the only solution, since the countries could not see eye to eye was to continue the Washington agreements temporarily until the parties could sit down and without suspicion go over the various problems.

9208 Davis added that the U.S. must find a modus vivendi which would avoid both the common upper limit and the ratio. * U. S.-Japan relations had improved in the

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past three years. Japan had nothing which the U.S. wanted. They were good mutual customers and they had more reasons to cooperate than any other two nations. It was no time to change the naval structure. Italy was fighting in Abyssinia and Japan was marching in China and the U.S. did not know where this would lead to. Neither did Japan. The U.S. also watched to see what would happen. They did not want trouble with Japan or anyone. It was more justifiable for an increase in the U.S. ratio than in that of Japan. Further, the U.S. had done nothing to warrant suspicion, which Japan had done and was doing. This was disturbing to the Americans.

9209 * Phillips said the U.S. did not want to do anything to harm the growing friendship. Parity would set the situation back and breed suspicion. NAGANO stated that Japan also wanted to continue to improve friendly relations, but Japan felt the U.S. naval pressure was capable of menacing Japan's existence. * This

9210 must be altered if Japan is to feel safe in the Pacific.

Standley said that the only way which he personally thought the matter to be handled was to come to a temporary agreement, taking the present structure with certain modification and qualitative limitation and include in the preamble that an adequate navy was the sovereign right of everyone. The treaty would include building programs over a period of years in place of the ratio system.

NAGAI felt that this would be the ratio system in disguise. After further explanations by Admiral Standley, he expressed interest in the suggestion on the understanding that it would mean a provisional arrangement for a few years only and the Japanese indicated they would think over the suggestion.

9211 * On January 15, 1936, Davis sent a telegram to Hull stating that the Japanese were planning to release their statement after the meeting and the U.S. would do the same. The U. S. statement would say that the U.S. had desired greatly to reach a new agreement to supercede the existing treaty to expand at the end of 1936 and had been willing to discuss any proposals and to consider any evidence that the present military strengths were not fair and equitable and would not

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9212 provide equal security. The U.S. had listened carefully to all explanations given by the Japanese * for a common upper level to determine whether there is anything to justify the U.S. to modify its view that such a plan was not a practical basis for limitation and reduction of naval armament. The discussion has only served to strengthen the U.S. conviction that the principle could not serve as a basis for negotiation and agreement.

Japan proposed to establish a level which no contracting power might exceed. They expressed a hope that the limit should be set so low as to require substantial reductions by Japan. This would require countries with larger navies to scrap or sink many ships to reach the common upper limit and would allow smaller naval powers to build up to the common level.

9213 Japan recognizes differences in vulnerability, responsibility and needs * between the powers. To provide for this they propose to make a small quantitative adjustment within the common upper limit; while Japan opposes to the ratio system their common upper limit is a continuance of it on the basis of parity without taking into account varying needs.

9214 The principle of the common upper limit rests on the assumption that equality of security could be achieved by equality of naval armament. It has been sufficiently shown that this is not so but that the two are incompatible and contradictory. Equal armament does not insure equal security. Equal security as established at Washington could meet only superiority of defense in each country's own waters. This defense depends only in part * on actual naval strength. Other factors of equal or greater importance are strength of land and air forces and of fortifications, distances, length of communications, coast lines, importance and relative distances of outlying possessions and the extent and complexity of responsibilities. These dictate unequal navies if equal security is to be assured.

Japan states it wishes to create a state of non-aggression and non-menace. Such a state already exists. Certain nations are endowed by nature with a superior power of defense. If such a nation should have naval

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armament equal to unfavored powers, then that nation would have a marked naval superiority more than sufficient for its defense. The sense of security under existing treaties would disappear. While some factors may be changed, geography cannot be changed.

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* Existing relative strength has provided an equilibrium of defense and equality of security. Even in more normal times it would be most difficult to agree on the radical readjustment of relative strength involved in the common upper limit. In face of present world instability such readjustment is impossible. The U. S. is unwilling to accept any change which would lessen its relative security in the absence of greater assurance than she now has, that to do so would not promote peace and establish a regime of non-aggression and non-menace. The U.S. has proposed an all-around proportional reduction in fleet strengths.

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It is impossible to make any distinction between offensive and defensive naval vessels. Whether any particular vessel is defensive or offensive * depends entirely on its use. If the time should come when the need for maintaining large navies, the first step would be to stop constructing the more expensive vessels. The situation today does not justify this.

While the U.S. is unable to arrive at an agreement acceptable to all the powers the purpose is to foster the continuance of friendly relations with all naval powers.

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* On January 15, 1936 Admiral NAGANO delivered a communication to the Chairman of the London Naval Conference in which he stated that it was clear that the basic principles embodied in Japan's proposal would not secure general support and Japan has come to the conclusion that it cannot continue to participate in the deliberations, she is convinced that her proposal is best calculated to attain effective disarmament and they could not agree to the plans of quantitative limitation.

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9225 Exhibit No. 912-A, the book entitled "Guidance of Public Opinion re 1935 London Naval Limitations Conference" of September and October 1934, is divided into four parts with reference to various phases of propaganda. * It stated that Japan realizes that a just claim is not always necessarily recognized in an international conference. If Japan's claim be not accepted and an agreement not concluded, Japan need not necessarily expect a ship construction race. If such competition should appear, Japan is confident of maintaining its national defense by independent measures, and she should strongly advocate that the people should not be afraid of it.

9226 The defense of Japan is connected with East Asiatic peace and indivisibility, and with respect to maintaining Japan's naval force as a basis for this, the people should be made to recognize * that Japan's future depends on the vicissitudes of her navy. As negotiations for armament reduction reaches a climax, foreign propaganda may become violent. The warning must be spread ahead of time not to be taken in by foreign tricks.

On July 25, 1936, Admiral Standley, Acting Secretary of the Navy, wrote to Hull, stating that he had been advised by the State Department that Japan will not adhere to the Naval Treaty signed on March 25, 1936, by the United States, France, and Britain. The Navy would like to know definitely whether Japan had signified its intention to enter into an agreement which would limit to 14 inches the guns of any capital ship to be constructed or acquired.

9227 * On March 30, 1937, Ambassador Bingham sent a telegram to Hull stating that the British Foreign Office had advised him that the Japanese Foreign Minister had handed to the British Ambassador Japan's formal reply, refusing to accept the 14 inch gun limitation, since it would mean qualitative without quantitative limitation. An English editorial had stated that the first step in the new naval race will be the adoption of the 16 inch gun. It had been within Japan's power to prevent this by undertaking before April 1 not to do so. * Her

9228 definite refusal has been reported from Tokyo. There can be no doubt where the responsibility lies in case of unrestricted naval competition.

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Under date of June 4, 1937, Hull sent a telegram to Grew, stating that the treaty of 1936 had provided for a reduction from 16 inches to 14 inches in gun caliber on battleships conditional upon acceptance of the provision by April 1, 1937, by all powers signatory to the Washington Naval Treaty of 1922. The U. S. had ratified the treaty of 1936, but because the conditions had not been accepted by all the nations before April 1, the limitation is not effective. The government now must decide the caliber of guns to be mounted on the two new battleships on which construction has begun, * and to determine what shall be the caliber on additional battleships.

The U. S. is willing to accept the 14 inch limitation provided the other principal naval powers agree. However, the President may find that he will have to take action of adopting the 16 inches if the other principal powers are unwilling to maintain the limitation. The adoption of the 14-inch gun was one of the important points of agreement reached in the Naval Treaty of 1936, and the U. S. has a sincere hope that there may be the possibility of achieving this one aspect of limitation.

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* Grew was requested to approach Japan to ascertain whether Japan would be willing to maintain this one aspect of naval limitation, which proposal was being made simultaneously to all the powers signatory to the Washington Treaty of 1922.

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Under date of June 18, 1937, Grew telegraphed to Hull that he had received an aide-memoire from the Minister of Foreign Affairs, which stated * that it acknowledged receipt of Grew's aide-memoire of June 7, and stated that Japan's fundamental policy has been made clear on previous occasions. It is therefore clear that so long as third powers adhere to the same principle and will maintain the minimum force required for strictly defensive needs, Japan has no intention of embarking upon the building of a naval force which would menace other countries.

While the limitation of gun caliber for capital ships is an important qualitative limitation, Japan has made it clear that she could not subscribe to qualitative limitation alone if it were not accompanied by a simultaneous restriction in quantity.

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* Japan still holds this same conviction. Stated briefly, it is their belief that a mere limitation in quantity will induce a tendency to make up the deficiency by quantitative increase, leading to competition in naval armament in quantity. Japan, at this point, is not in a position to adopt a mere limitation of gun caliber for capital ships, which belongs to the most important phase of qualitative limitation.

This position was communicated toward the end of March to Britain, when Britain made a similar proposal to Japan.

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* On February 3, 1938, Hull telegraphed to Grew, stating that there were reports that Japan is building, or contemplates building ships exceeding the limits of the London Treaty of 1936. This has been discussed with the British and the French, and identic notes are to be delivered to Japan by the U. S., British, and French Ambassadors. This note was delivered to HIROTA by the three powers on February 5, 1938, and stated

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* that Japan is aware that under the Treaty of 1936 the U. S. cannot construct capital ships exceeding 35,000 tons with guns of more than 16 inches, or less than 17,500 tons with guns less than 10 inches. As to cruisers, the U. S. is limited to a maximum of 8,000 tons with six inch guns.

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Japan has not subscribed to the Treaty nor felt able to give any assurance that in practice it would adhere to the Treaty limits. As Japan knows, the Treaty gives the U. S. a right of escalation in the event of building not in conformity with treaty limits by a power not party thereto. There have been persistent reports, which in the absence of assurances from Japan, must be deemed to be authentic, * that Japan has undertaken or intends to undertake construction of ships not in conformity with these limits. The U. S. has decided it will have to exercise its right of escalation unless Japan furnishes assurances and will satisfy the U. S., and that prior to January 1, 1943, it will not lay down, build, or acquire any vessel not conforming to the limits without informing the U. S. beforehand of its intention to do so, and of the tonnage and largest gun caliber of the vessel.

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9236 In view of the need to publish naval estimates of other treaty powers information, the U. S. would like to receive a reply not later than February 20. If no reply is received or if the desired assurance is lacking, the U. S. will be compelled to assume that Japan is constructing or acquiring vessels outside the limits, and the U. S. would be obliged * to consult with other Naval Powers with which it has treaties for full liberty of action. If Japan, however, engaged in constructing outside treaty limits, would indicate the tonnages and calibers of guns of all vessels which it is constructing, the U. S. would be ready to discuss with Japan the question of tonnages and gun calibers to be adhered to in the future if Japan is now prepared to agree to some limitation. Such limitation will be completed by May 1, 1944.

9237 On February 12, 1938, HIROTA handed a communication to Grew, acknowledging receipt of his communication of February 5, and stating * that at the last London Conference, Japan proposed the total abolition of capital ships and aircraft carriers, which are aggressive in nature, and contended that qualitative limitation without quantitative limitation would not achieve any fair and equitable measure of disarmament. This was not accepted by other governments. Japan's fundamental principle was made clear again in 1937 with respect to limitation of gun calibers. Japan has no intention of possessing an armament which would menace other countries. At this point, when, as a result of other countries not accepting Japan's reasonable desires, * there is no fair disarmament treaty in existence to which Japan is a party. Japan believes that the mere giving of information regarding construction of vessels, in the absence of quantitative limitation, will not contribute to any measure of disarmament, and is unable to comply with the desire of the U. S. on this point.

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Japan fails to see any logic in the assumption by the U. S. that Japan must be deemed to entertain a plan to construct vessels not in conformity with the limits of the Treaty of 1936, from the mere fact that she does not give the desired information, and Japan believes that it is not a matter which concerns Japan if the U. S., on the basis of reason or rumor, should exercise the right of escalation contained in a treaty to which Japan is not a party.

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* With respect to proposed discussion, Japan still holds firmly that qualitative limitation without quantitative limitation would not bring about disarmament, and therefore cannot consider the suggested discussion would bring about in any measure the realization of desires concerning disarmament. However, Japan will be ready at any moment to enter into any discussions on the matter of disarmament, giving primary importance to a fair quantitative limitation.

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Exhibit No. 903, entitled "Ships in the Japanese Navy, Battleships", shows that on February 5 and 12, 1938, when the previous communications were going on, Japan was then building the battleship YAMATO and would soon begin to build the battleship MUSASHI, each having displacements of 65,000 tons and main batteries of nine 18-inch guns.

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Exhibit No. 914, entitled "Collection of Lectures of Japan Diplomatic Association", showed * that in a speech entitled "Outline of Naval Budget for the Fiscal Year 1937 and the General Aspect of

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* National Defense Related to the Navy", Vice Admiral TOYODA, Chief of the Naval Affairs Bureau, stated that the greatest obstacle to the creation of Japan's foreign policy was not Soviet Russia alone. Japan must concern herself especially with Great Britain and the U. S., judging from the naval armament of these two countries. England has important rights in China and India, and must have power to secure these. The U. S., however,

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* does not have such big rights and interests in China or other Oriental countries, and has few overseas investments and trade compared with Japan. Especially since the outbreak of the Manchurian Incident, the U. S. has been making great efforts to complete the equipment of her navy. Considering this, however, and her navy's attitude, one can clearly understand what the U. S. has in mind. Some Americans and Japanese say that the U. S. does not have big interests in the Orient, and for this reason will not attack Japan. However, it is felt that the U. S. had a special concern to suppress Japan. If Japan and the U. S. should fight each other in the future, the war would be absolutely a question of life and death to Japan, but not to the U. S. To the U. S. it is a war of prosperity, while for Japan it is a question of life or death. Therefore, from a common sense standpoint, it is absurd to say that the U. S. will spend so much money and make various large scale gestures to put pressure on Japan, but she is doing so.

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* The U. S. naval installations of recent years and the stationing of the Pacific fleet permanently in the East has no other object than to check and oppress Japan. Both the U. S. and Britain do not like Japan's development in the East. It is basic with them to wish to check it, and consequently various questions accidentally occurring in international relations are always based on this idea. This must be kept in mind. We must avoid saying that the U. S. has relaxed its pressure or has tightened it by mere looking at superficial behavior. The Imperial Navy has not the least intention of attacking the U. S. at present, but Japan must be prepared at any cost with an invincible attitude.

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* The new London armament reduction committee has two parts, substantial reduction, and notification of shipbuilding. With respect to substantial reduction, it would not be greatly mistaken to say that it has been concluded after the spirit of the Washington and London treaties, but shipbuilding notification differs considerably in method from that of other treaties. The main part consists in mutual secret notification among the nations concerned.

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Non-treaty Powers cannot know the shipbuilding policies of the Treaty Powers. The Powers are to notify secretly the countries concerned between January and April of the program for the next calendar year, including types, number, and maximum caliber * on each ship. Just before work is begun, further details are to be made known, such as type, measurements, horsepower, speed, and armament installation. Most precise notification is required as to armaments, the number of cannon, torpedoes, machine guns, planes, catapults, and searchlights, and building cannot be done until four months after notification. If any changes are made, the work on the changes cannot be begun until four months after notification.

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This is the device of Britain and the U. S. to check the weak naval powers, and by means of it they intend to watch an opponent so that it will not get ahead of them. This is a means to suppress the weaker naval powers. Japan has not participated in the Treaty, and she has no idea * of the U. S. and British plans, or of their contents. If Japan follows her custom of publicizing too early the types of ships to be constructed and their power, it would be nothing but showing Japan's hands to others without seeing the other's hands.

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9248 In asking for a larger expenditure from the Diet, the navy gobbles up the budget without making any full explanation or getting the understanding of the Diet or the people. This is regrettable, but Japan cannot make public the contents of her plan at this time. Once it is completed, one can know the approximate size of the ship and its cannon, though the details may not be known. The main reason for not making it public is that it is unprofitable to let other powers know too early * the shipbuilding policy of Japan's navy.

9250 Exhibit No. 915, Chart entitled "List of Total Increase in Imperial Japanese Navy Personnel from December 31, 1934 to August 15, 1945", showed * that total naval personnel for 1934 was 95,009; 1937, 133,747; 1941, 311,359.

9251 Exhibit No. 916, Chart entitled "Major Combat Vessels of Japan 1931-1945, on Hand and Under Construction", stated that total number of combat vessels on hand in 1931 was 217 with a total * of 717,539 tons. In 1941 the total number of vessels was 237 with a tonnage of 1,049,293 tons. In 1937, the first year of removal of naval limitation, the total showed the sharpest increase. Total vessels increased from 199 in 1936 to 217 in 1937, and the corresponding tonnage increase is almost 50,000 tons. In 1931 the total Japanese war vessels under construction was 21, with a tonnage of 85,773 tons. By 1941 the total number had increased to 53, with a tonnage of 234,592. 1937 showed the sharpest increase in total tonnage of 78,226 tons, arising from the construction of the *YAMATO* and an increase in aircraft construction for that year totaling approximately 30,000 tons.

9253 Exhibit No. 917, entitled "Ships in Japanese Navy, Light Cruisers and Heavy Cruisers", * showed three heavy cruisers were commissioned on December 1, 1937.

9254 Exhibit No. 918, entitled "Ships in Japanese Navy, Carriers", * showed that the carrier *SOKYU* was commissioned in 1937, and that the keels were laid for two other carriers in that year.

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- 9255 Exhibit No. 809, "Japan's Decision to Fight", * showed that during August 1941, a large number of War Games were held by the Japanese Navy. Between September 2 and 13, 1941, the final war game was held at the Naval War College in Tokyo, participated in by a large number of top ranking naval officers. There were two problems, the working out of naval details of an air strike at Pearl Harbor, and the establishment of a schedule of operations * for the occupation of Malaya, Burma, NEI, Philippines, the Solomons, and Central Pacific Islands, including Hawaii. By November 1 the final text of Combined Fleet Secret Operation Order No. 1 had been agreed upon and was printed. The order, with its annexes, detailed the plans and schedules for attacks on Pearl Harbor and various other British, U. S. and Dutch possessions.
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- 9257 * In January 1941, the "Aerial Military Maps of East Coast of British Malaya" shows data pertinent to landing operations there. Kota Bharu was the site of the initial Japanese landing. The original map was produced in October, 1941, but the aerial photography was carried out during January, 1941, and additional hydrographic mapping out completed in July 1941.
- 9258 * From the "Biography of the late Admiral YAMAYA" from an official naval publication published November 1, 1943, it was shown that the admiral became Commander-in-Chief of the 2nd Fleet in 1918. In January 1919 he became Commander-in-Chief of the 1st Fleet, and later appointed Commander-in-Chief of the Combined Fleet, when he immediately began a rigorous program of secret training for war against the U. S.
- 9259 * According to an article written by the Chief of the Naval Information Department on March 6, 1942, at the time of the blow against America, Japan struck the first blow at the enemy at the risk of her life. This attack upon Pearl Harbor by the Special Naval Attack Unit was conceived and executed by Lieutenant IWASA and others * several months in advance, and the plans were secretly submitted to the Commander-in-Chief of the Combined Fleets through superior officers. After the Commander-in-Chief had studied them, he decided they would be successful and should be followed. As a result of preparatory training and manufacturing experiments which were carried out night and day within a short period of time, the group was able to complete its work before the beginning of the battle.
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During a period of several months the men carried out difficult secret training so that there would be no error.

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Exhibit No. 919, "Basic Principles for Rapid Conclusion of War Against the U. S. England, NEI and the Chungking Regime", the Liaison Conference Decision Plan of November 11, 1941, showed that the Japanese * policy was to endeavor to overthrow quickly the U. S., British, and Dutch bases in the Far East, establish Japan's self-sufficiency, and at the same time hasten the surrender of China. At the same time Japan will try to cooperate with the Axis * for England's submission and then to deprive the U. S. of the desire to continue the war.

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To do this Japan will carry out a swift war and will overthrow the U. S., British and Dutch bases in East Asia and in the Southwest Pacific, insuring for herself a strategically dominant position. She will acquire areas of vital natural resources and principal communications, thereby facilitating self-sufficiency for a long time. Every effort will be made to lure out the main naval force of the U. S. and destroy it.

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regarded as the foundation of international relations, that is, respect for territorial integrity and sovereignty, support of the principle of non-interference in domestic affairs of countries, support of the principle of equality and non-disturbance of the status quo in the Pacific except by peaceful means. Hull told Nomura that the U.S. would consider any proposal that Japan might offer consistent with these principles.

10133 On May 12 Nomura presented a proposal for general settlement. The essence was that the U.S. would request Chiang Kai-Shek to negotiate peace with Japan and if Chiang Kai-Shek would not accept that the U.S. should discontinue aid. * It also provided that normal trade relations be resumed and that the U.S. help Japan acquire access to facilities to exploit natural resources in the South Pacific. There were other provisions which Japan eventually dropped for the joint guarantee of Philippine independence, Japanese migration to the U.S. on a non-discriminatory basis and to joint effort by both to prevent extension of the European war.

10134 The proposal contained an affirmation of Japan's adherence to the Tripartite Pact and referred specifically to her obligations thereunder to come to the aid of any of the parties if they were attacked by a non-warring power other than the Soviet Union. The peace conditions for China were not clear cut. Exploration, however, disclosed that they contained disguised stipulations whereby Japan would continue to control various strategic resources, facilities and enterprises, * and would acquire the right to station large bodies of troops for joint defense against Communism for an indefinite period in large areas of China and Inner Mongolia.

The U.S., notwithstanding the nature of the proposals, took them as the starting point to work out a broad gauge settlement covering the entire Pacific on lines consistent with U.S. principles.

10135 Matsuoka, on May 14, stated to Grew that Konoye and he were determined that Japan's southward advance should be carried out peacefully unless circumstances rendered it impossible. When Grew asked what circumstances Matsuoka had in mind, the latter referred to the concentration of British troops in Malaya and other British measures. When Grew pointed out that these were on defenses Matsuoka replied that they were regarded as provocative by the Japanese public * which might put pressure on the government.

On May 27, 1941 Roosevelt proclaimed an unlimited national emergency and stated that our program of aid for the democracies had been based on concern for our own security.

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The President and Hull were sure that the Japanese war lords would note his proclamation. On May 28 Hull told Nomura that before passing into negotiations with Japan he had in mind to talk out confidentially with China the general subject matter of the proposals. During the next few weeks there were many conversations to clarify various points and narrow differences. The U.S. insisted that it was necessary for Japan to make clear its relations to the Axis in case the U.S. became involved in the European war. The U.S. also insisted on the principle of non-interference * in the internal affairs of another country and the withdrawal of Japanese troops, the application of the principle of non-discrimination in commercial relations in the Pacific.

The U.S. wanted a comprehensive agreement which would speak for itself as an instrument of peace. The Japanese, having pressed for a reply to their May 12 proposals on June 21, Nomura was given the U.S. views in the form of a redraft of their proposals. That redraft suggested a formula which would make clear that Japan was not committed to take action against the U.S. should she be drawn into the European war by self-defense and it was proposed that a further effort be made to work out a satisfactory solution of the question of stationing troops in China and on economic cooperation between China and Japan. The U.S. eliminated any suggestion that she would discontinue aid to China and various other changes were proposed to harmonize the settlement with U.S. stated principles.

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10140 Exhibit 1107, a list of attendants at the Imperial Conference of 1941, showed * that the meeting was attended by KONOYE, MATSUOKA, TOJO, OKAWA, KAWADA, SUZUKI, HIRANUMA, SUGIYAMA, NAGANO, TOMITA, OKA, TSUKADA, KONDO and HARA, President of the Privy Council.

Exhibit 1108, KIDO Diary, July 2, 1941, stated that that morning an Imperial Conference was held and the national policy to cope with the situation accompanying the outbreak of the Russo-German war was decided. In the afternoon KIDO spoke to KONOYE and the latter complained that he found it difficult to understand MATSUOKA's true intentions. KIDO had an audience with the Emperor and heard about the Imperial Conference and likewise arranged to establish headquarters within the Imperial Court.

10146 Exhibit 588, the decision of the Emperor of July 2, 1941, * showed that the principles adopted were that regardless of any change in the international situation Japan would adhere to the principle of establishing the Greater East Asia Co-Prosperity Sphere and will continue the disposition of the China Incident and move to the south to establish a basis for self-existence and self-defense. The northern problems will be dealt with according to the situation. Japan will remove all obstacles in the achievement of this policy. To hasten Chiang's surrender there will be further pressure through southern regions according to the situation and at the proper time Japan will exercise her rights of war against China and confiscate enemy property there.

10147 For self-existence and self-defense Japan will continue * negotiations with relevant nations in the south and will take other measures. She will prepare for war with Britain and the U.S. First, however, she will carry out her scheme against FIC and Thailand following the plans to stabilize her structure for the southern advance. She will not hesitate for this purpose to war with Britain and the U.S. Though the Tripartite Axis will be the key note of Japan's attitude toward the German-Soviet war, Japan will not intervene for awhile but will voluntarily secretly arm against the Soviet, continuing diplomatic negotiations with precautions and if that war progresses favorably to Japan the latter will take arms to solve that problem.

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In accomplishing all measures * they must be so decided that it will not be difficult to maintain Japan's basic position for a war with Britain and the U.S. Japan must do her utmost to prevent U.S. participation in the war through prearranged diplomatic measures and otherwise, but if the U.S. should participate, Japan will follow the Tripartite Pact, deciding independently the time and method. Japan will completely stabilize her internal war structure immediately and will decide on definite measures separately.

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Exhibit 1110-A, the interrogation of TOJO, February 13, 1946, showed that TOJO had said * that since the problem of stationing troops in South FIC was the principle problem of the conference it was called probably by the war minister. He, as war minister, probably requested it. However, these things were decided usually at liaison conferences by common consent. While one cannot answer definitely, usually the Premier and War, Navy and Foreign Ministers got together and agreed on a subject, leaving the usual drafting of the plan to the three secretaries. This plan was then presented to the liaison conference from which the decision to request an Imperial Conference might come. However, the responsibility in connection with the movement of troops into South Indo-China was TOJO's responsibility as War Minister.

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Exhibit 1111, report from Weizaecker to Ribbentrop, July 3, 1941, stated that in conversing with OSHIMA * about the recognition of the Wang Government by Denmark and Finland, he had drawn the latter's attention to a periodical describing Japan's attitude as iridescent. OSHIMA told him that he had received an interim report from Tokyo showing that the Japanese attitude was that the substance and spirit of the Tripartite Pact is to be the basis of her foreign policy. That she wants to continue fighting the communists with Germany and strengthen her military preparation. That she will bring pressure to bear on England and the U.S. in the Southwest Pacific to tie them down and will make all efforts directed toward terminating the China conflict.

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OSHIMA stated that he did not understand the point about fighting the Communist organizations. He had asked Tokyo for a commentary and pointed out the danger of missing an historic opportunity and said he was unwilling* to champion a weak policy by Japan. This surprising communication was confirmed by telling him of Ott's telegram of the unsatisfactory outcome of the Cabinet Session.

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10156 Exhibit 1112, KIDO's diary, July 5, 1941, showed that KIDO * had spoken to MATSUOKA and then later had told him that information of the parley between France and Japan on Japan's entry of troops into French Indo-China seems to have leaked out since the British had lodged a protest through the Vice Foreign Minister in which he said that if this understanding were true, England would consider it a serious problem. For this reason the negotiations scheduled to start that day had been postponed for five days to watch necessary developments.

10157 Exhibit 1113, a Report of Ott to Ribbentrop, July 7, 1941, showed that Ott had * transmitted Ribbentrop's best wishes on SHIRATORI's recovery. SHIRATORI said
10158 that he wished to assure * Ribbentrop that as soon as he was able to take up his political work again, he wished to unchangedly advocate an active course for Japan and that he regarded Japan's entry into the war against Russia as the most urgent goal.

Attention was called to Exhibit 640, from MATSUOKA to KATO dated July 12, 1941, stating that Japan was exerting pressure on Vichy for permission to send troops into South French Indo China.

10159 Exhibit 1114, telegram from Ott to Berlin, dated July 15, 1941, said * that he had had a meeting with the Vice Foreign Minister who had asked him to send on a request. Japan had commissioned its Ambassador in Vichy to start negotiations with France to obtain consent to station troops in South French Indo China and to set up naval bases in Saigon and Comoran and several air bases. The object was a common defense of the French against the DeGaulle movement fostered by England and the United States. Japan is interested in a peaceful development of French Indo China politically and economically in order to secure vital
10160 supply of foodstuffs and raw materials. She has no territorial intentions on the sovereignty of French Indo China and will stand by her agreements of August * of 1940 and the recent treaties.

She desires to reach her goal by peaceful means but is determined to succeed against any interference by England or the United States. Japan expects these negotiations to end successfully by July 20 and will then begin occupying and if France asks Germany's help against this

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request, Japan requests Germany to influence Vichy toward a peaceful settlement. The Italian Ambassador was informed of this but the other governments and the French Ambassador were not so informed.

10163 Exhibit 115, KIDO's diary, July 15, 1941, stated that he conferred with MATSUDAIRA on the meeting with KONOYE. There was a certain vagueness about MATSUOKA's attitude toward the proposed formula for a Japanese-American understanding. Up until the day before the Premier held the opinion that if MATSUOKA agreed to the formula as prepared by the directors of military and naval affairs with a few alterations, he would push the policy as it was. Although MATSUOKA had no objection to the formula he insisted on giving instructions to NOMURA that Japan should reject Hull's oral statement as disgraceful to Japan, after which he would wire the compromise formula to NOMURA. KONOYE wanted the formula to be wired at the same time less the United States take it as Japan's intention * to discontinue negotiations.

SAITO pointed out that since NOMURA could do as he deemed best, why not follow MATSUOKA's view. KONOYE disagreed and sent SAITO to try to persuade MATSUOKA to agree with the Premier's opinion. No answer having come by the morning of the 15th, KONOYE sent TERAZAKI to MATSUOKA. It became clear that MATSUOKA had sent instructions to NOMURA by himself and not through the competent director.

10164 KIDO discussed with the vice secretary the policy in the event of a Cabinet resignation. In KIDO's opinion, because of the tension prevailing over the people regarding the present political situation was so strong that even some higher schools closed lest disturbances should arise an overall political change for some unknown reason should be avoided by all means. He thought it best that they attempt to obtain MATSUOKA's resignation and it was decided * in the event that MATSUOKA refused to resign and the whole Cabinet had to resign, the Emperor should issue an Imperial Command to KONOYE to form a new Cabinet. This plan was reported to the Emperor by KIDO. In the afternoon KONOYE confirmed KIDO's previous knowledge. However, while KIDO

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thought it advisable to have MATSUOKA resign, KONOYE disagreed lest MATSUOKA use it to make propaganda that his resignation had been compelled by pressure by the U.S. upon Japan.

10165 Exhibit 1116, KIDO's diary, July 16, 1941, stated that * KIDO learned that at the special cabinet meeting, the Cabinet resignation had been decided on and KONOYE tendered the resignation in the evening. The Emperor issued a mandate to KIDO to advise on the selection of a new Premier which was fixed for the next day.

10166 Exhibit 1117, KIDO's diary, July 17, 1941, stated * that KIDO, that morning, met with HARA, President of the Privy Council, WAKATSUKI, OKADA, ABE, YONAI, HAYASHI and HIROTA, former Premiers, in a meeting of senior statesmen to choose a new premier.

10167 * WAKATSUKI questioned on the reason for the resignation and diplomatic problems. ABE, OKADA, HAYASHI, HARA and YONAI recommended Prince KONOYE be continued. HIROTA stressed upon the reinforcement of G.H.Q. and the formation of a military Cabinet, but agreed to KONOYE upon KIDO's explanation of the establishment of G.H.Q. * WAKATSUKI supported KONOYE though his attitude was not positive. Finally the group recommended KONOYE unanimously. This was reported to the Emperor and that evening KONOYE received the Imperial command. KIDO met with OHASHI, vice Foreign Minister to obtain an explanation of the draft understanding between the U.S. and Japan.

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In the new KONOYE Cabinet TOJO was War Minister; KIMURA, Vice War Minister; SUZUKI, Minister of State and President of the Planning Board; HIRANUMA, Minister of State and Admiral TOYODA, Minister of Foreign Affairs.

Exhibits 642 and 644 showed that this new Cabinet continued the policy of the old with respect to FIC.

10170 Exhibit 1118, a telegram from Ott to Berlin, July 20, 1941, stated * that the Foreign Minister had declared to him that he had been appointed to inform them of the change in government which was effected to carry out political measures * suitable to the international

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situation and to taking, as soon as possible, the necessary steps for strengthening internal political situations. Aside from this there were no grounds for the governmental change and the policy followed hereto will not be changed. Japan's policy will rest on the basis of the Tripartite Pact and there will be no change in Japan's attitude toward Germany and Italy as expressed by MATSUOKA and he asked that the German government be notified of this. TOYODA stated that he was active in the Navy when the Tripartite Pact was signed and had a share in its realization. He will continue MATSUOKA's foreign policy and strengthen the close unity of Germany and Italy.

10172 * From Exhibit 1103 it was shown that on July 1, 1941, it was agreed that the Prime Minister, Foreign and other Ministers should meet with the high command occasionally and exchange views and make national policies with the war and navy ministers and the high command.

10173 Exhibit 1119 A, interrogation of TOJO, March 15, 1946, stated * that the members of the Liaison Conference who were concerned were normally the Premier, Foreign, War and Navy Ministers and the President of the Cabinet Planning Board from the Cabinet, from the Supreme Command there were the two chiefs of staff, if

10174 * necessary other Cabinet members and the assistant chiefs of staff also attended. The decisions were not by majority, but were unanimous. Discussions were continued until unanimous agreement was reached.

Generally speaking, the subject matter of an Imperial Conference was discussed and decided in one or more liaison conferences. In each case a proposal was decided upon which was put before an Imperial Conference for a decision. The seven main people of a liaison conference attended and voted in the Imperial Conference.

10176 Exhibit 1120, telegram from NOMURA to TOGO, July 23, 1941, stated * that in his previous telegrams he had mentioned the effects on Japanese-U.S. relations when the south advance is contemplated. These effects have rapidly developed to the point that diplomatic relations may be severed. Sensing the urgency of the situation he had requested an interview with the Assistant Secretary

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of State and will meet him on the coming Wednesday. He met a Cabinet member who had hurriedly come back from a trip who told him that Hull was resting and that Wells was at a loss at what to do and it is intimated that he could not do anything for Japan. NOMURA had replied that he had not lost hope and would do his best according to his belief, but it is believed that things will develop to a point just short of a diplomatic break.

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The cause for the rapid change of American public opinion toward Japan lies in the southward advance, which the U.S. considers as the first step which will eventually lead to Singapore and * the NEI. The Navy is presumed to agree in its criticism that Japan is planning the move to the south and trying, at the same time, to conclude an agreement with the U.S. to deceive Hull. There are rumors of Hull's resignation. Reports from Tokyo show Japan tends to make her real intentions questionable. They are that the negotiations will be 'torpedoed' in Tokyo and that Japan has explained to the Axis that the adjustment of U.S. relations is a strategem to complete preparations for a southward advance. Even the highest authorities have begun to listen to these. It is obvious that there are opposition movements both in the U.S. and Japan.

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He suggested that Japan immediately manifest to Grew Japan's sincere intentions with respect to U.S.-Japanese diplomacy * and the real intentions of her occupation in FIC. He asked that he be notified as soon as possible on the new Cabinet's policy toward the U.S.

Exhibit 1121, telegram from Ott to Berlin, July 24, 1941, stated that the Foreign Minister had told him that the negotiations with France for the occupation of bases in Indo China had resulted in an agreement on July 20 with Vichy. The protocol is being agreed upon and it will state that the integrity of FIC and French sovereignty over it will not be impaired. The communique will probably be published on July 26. The head of the Japanese military mission in FIC had conferred about all details with the Governor General.

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Exhibit 1122, an official statement of the Japanese Bureau of Information, July 29, 1941, stated * that the Protocol between Japan and France had been

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ratified and Ambassador KATO to France had been notified to sign the Protocol. This had been done on July 29 at Vichy. The agreement is to be effective immediately.

10181 Exhibit 1123, interrogation of TOJO, February 13, 1946, stated that the first Imperial Conference * in 1941 was called in July to solve the problem of dispatching troops to south Indo-China. While he did not remember the plan it was probably that of the War Minister. Before the Imperial Conference there had been a liaison conference attended by the Prime Minister, the Ministers involved and Chiefs of Staff which had practically settled the matter.

10182 He believed that at that meeting * the Premier, Foreign, Army and Navy Ministers and the two chiefs of staff were present, but he was not sure whether the President of the Planning Board was present or not. When asked whether the troops stationed in FIC would be of offensive assistance in case of war against England, U.S. and Holland and TOJO stated that this is a very serious matter if not properly understood. After the decision for war on December 1, 1941, offensive operations were taken. They changed and became offensive. However, at the time the operations were defensive in character.

10183 Exhibit 1124, interrogation of TOJO, February 16, 1946, stated that * when Japan attacked the U.S. she made an attack from Saigon in FIC, southwest toward the East Coast of Thailand. Planes based in FIC cooperated with the forces that were making the landings. There may have been some troop movements south from Canton by ship.

10184 At the time * Navy carrier based planes attacked Singapore.

10185 Exhibit 1125, KIDO Diary, July 31, 1941, stated that KIDO was received by the Emperor who told him about the report of NAGANO, Chief of the Naval General Staff, made in reply to the Emperor's question regarding Japan's policy toward the U.S. NAGANO concurred with former Chief of the General Staff FUSHIMI * that Japan should try to avert war as much as possible.

He was opposed to the Tripartite Alliance and believed that so long as it existed it would be impossible to adjust Japanese-U.S. relations. If the relations could not be adjusted and Japan was cut off from oil her stored up oil would last only two years and in case of war with the U.S. the oil supply would be sufficient for only 1½

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years. There would be no alternative but to take the initiative in operations. When NAGANO was asked by the Emperor if it would be possible to win a sweeping victory, he told the Emperor it was doubtful that Japan would win, to say nothing of a great victory. The Emperor was very anxious about having to wage a desperate war.

- 10186 * KIDO replied to the Emperor that NAGANO's opinion was too simple. He told him that the U.S. recognizes the Tripartite Pact and he doubted whether the U.S. would have more confidence in Japan if she annulled the pact since the U.S. showed respect for international treaties. Japan was not without means of restoring the friendship between America and Japan. KIDO promised to command KONOYE's careful consideration. KIDO conferred with Navy Minister OIKAWA over NAGANO's report to the throne.
- 10188 Exhibit 1126, interrogation of NAGANO, March 21, 1946, showed * that NAGANO had stated that the plan to attack Pearl Harbor after study by the combined fleets was brought forth in the spring of 1941, by Admiral YAMAMOTO. This was the secret of which only YAMAMOTO and one or two other officers knew about. NAGANO had first heard about the plan officially in October 1941, but had heard prior to that that such a plan was being studied. NAGANO had become Chief of Staff in April 1941, but the plan was not called to his attention at that time. This is when YAMAMOTO first told him of it.
- 10189 NAGANO had heard about it unofficially in Oct. '41 * when he heard that they were training or practicing such a plan. The plan came into being in the spring but was not practiced until the beginning of July when the combined fleets went to Kagoshima and practiced coming in low over the mountains and dive bombing.
- 10190 The specially designed torpedo for shallow water * was completed during these maneuvers and the combined fleets spent a lot of time trying it out and experimenting with it.
- 10191 Exhibit 1127 A, the interrogation of NAGANO,
10192 March 27, 1946, showed * that NAGANO had stated that the fleet had started training * for the Pearl Harbor attack

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in the summer of 1941 and possibly in July 1941.

Sukamo was a very suitable place for training and the navy had constantly used it, but the training for dive bombing and coming in low over mountains which was utilized in the attack on Pearl Harbor was practiced at Kagoshima.

10194 Exhibit 1128 A, the interrogation of SHIMADA, January 23, 1946, showed * that SHIMADA had stated that YAMAMOTO offered his Pearl Harbor attack plan to the General Staff in January 1941 when he was Commander-in-Chief of the Combined Fleet. NAGANO authorized him to proceed with the study of the plan in May or June. At first the ordinary plan did not have any schemes for an attack on Pearl Harbor, but one was made formal in May or June and the study and training of a squadron by YAMAMOTO was begun in May or June of 1941.

10195 SHIMADA knew very well that the Navy had started developing a shallow water torpedo early in 1941, because it knew * that the water at Pearl Harbor was shallow and the fleet practiced with such a torpedo throughout the summer of 1941.

10196 * It was pointed out that Exhibit 809 showed that investigation of the U.S. War Department disclosed that the Japanese fleet practiced during the summer of 1941 on the YAMAMOTO plan.

10197 Exhibit 1129, KIDO Diary, August 2, 1941, stated that KONOYE visited him and he was annoyed that there was an obvious tendency for the tough elements in the Navy to become strong. This would greatly hinder the maintaining of harmony between the supreme command and the government. If the U.S. adopted * measures such as to cut off oil supply, Japan would run out of oil and would be threatened by an acute national crisis if Japan made any mistake in her diplomacy. There must, therefore, be a fundamental understanding of national policy between the War and Navy Ministers as soon as possible and if complete agreement is not reached, the government would have to resign 'en bloc,' and the Army and Navy would then assume charge of the administration of the country. KIDO spoke to the First Secretary on this matter.

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- 10199 Exhibit 1130, KIDO Diary, August 7, 1941, stated * that KIDC had met with KONOYE and had expressed his opinions on various matters. KIDC had stated that the situation was very serious and Japan must immediately decide its policy through a meeting between the government and the army. According to reports received Japan is not strong enough to fight with the U.S. and the Soviet at the same time. Japan is facing a serious situation which could be reduced to the simple problem of oil. According to the navy the quantity of stored oil was so moderate that it would barely last for two years in peace and in case of war they would not have enough for more than 1½ years. The army estimates there is only one year's supply for war. If this is true, the war with the U.S. would be hopeless.
- 10200 * The NEI and South Saghalien would be the chief oil supply source after Japan was cut off from American supply. Singapore and the Philippines must be occupied before there could be a successful landing in NEI. Since oil wells would be destroyed during action, Japan could not obtain oil in necessary quantities for a year and a half. If Japan attacked the NEI, the U.S. would declare war against Japan and long distance transportation of oil would be dangerous due to the menace of submarines and airplanes. As a result, if there was any miscalculation about oil supply, Japan would face a very serious situation leading to her defeat.
- 10201 She might be compelled to exercise the same self-restraint as she did in 1895. * Japan must be resolved to toil through ten years of hard struggles and should do everything meanwhile to restore friendly relations between the U.S. and Japan. The ultimate objective is Japan's advance to the south and to attain this a ten year plan has been mapped out to establish every machine tool industry, establishment of a synthetic oil industry and expansion of ocean lines and shipping.
- 10203 Exhibit 1131, telegram from NOMURA to TOYODA, August 16, 1941, stated * the relations between the U.S. and Japan were critical and hung on a hair. The next movement by Japan may lead to a sudden change, which both Japan and America fear that it will happen in case Japan advances into Thailand.

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10204-5 Exhibit 1132, newspaper item of August 23, 1941, showed that * at the Cabinet meeting of * August 22 the national commodity mobilization plan for the second quarter of 1941-2, as proposed by SUZUKI, President of the Planning Board, was decided. Key points of this are: prompt expansion of armaments; establishment of a system of autarchy for important resources in the East Asia Co-prosperity Sphere; maintenance of the lowest limit for the nation's living necessities; and strict harmony between the commodity mobilization scheme and the marine transportation plan.

10210 Exhibit 809 showed that from September 2 to 13, 1941 * the final war games were held at the Naval War College in Tokyo, in which a large number of top ranking officers participated. There were two problems; first, the working out of details of the strike at Pearl Harbor and secondly, the establishment of a schedule of operations for occupying Malaya, Burma, NEI, the Philippines, the Solomon and Central Pacific islands, including Hawaii.

10211 From Exhibit 1127-A, interrogation of NAGANO, March 27, 1946, showed that NAGANO had stated * that preparations by the Naval War College for the final war games were started in October, but a considerable amount of research had been done. The results were later given out and this is how NAGANO first heard of the attack officially. At that time the Fleets Commander put forth the plan which was later adopted. Instead of October

10212 * this meeting may well have been in the end of September. NAGANO did not act as umpire at these games. The umpire was Admiral YAMAMOTO. NAGANO had had no connection with the war games, but he had gone to see the results when they were over.

10214 Exhibit 1133, Tokyo Nichi Nichi, September 7, 1941, showed that concrete plans were being drafted by the Communications and Railway Ministry based on the traffic mobilization plan for 1941-2. The Railway Ministry will embark upon construction of freight cars and the Communications Office will establish the shipbuilding control association to systematize the shipbuilding industry. * On September 5, the Cabinet decided a traffic mobilization plan to place land and sea transportation on a wartime basis.

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10215 Exhibit 1134, KIDO Diary, September 5, 1941, stated that KONOYE had gone to the throne and submitted a plan relative to the Imperial Conference. The Emperor asked many questions on Japan's policy to the U.S. from the point of view of war strategy. KONOYE had advised the Emperor to summon the Chiefs of Staff * and KIDO accorded this advice. KIDO arranged to have the Chiefs of Staff and the Premier to have an audience with the Emperor and such an audience was held.

10216 Exhibit 1135, KIDO Diary, September 6, stated that the Emperor had told KIDO that he wished to ask some questions at the Imperial Conference but KIDO advised him * that since HARA, President of the Privy Council would ask these questions on the Emperor's behalf, the Emperor should only give a warning in conclusion that the Supreme Command exert every effort to bring about a diplomatic success inasmuch as the present decision was so important that it might lead to a war in which Japan's fortunes would be at stake. When KIDO visited the Emperor later in the day he heard of the progress of the Imperial Council. The Supreme Command had not answered the questions put by HARA concerning diplomatic moves. At the close the Emperor had declared it regrettable that the Supreme Command did not give any reply and emphasized that whole-hearted efforts should be made in diplomatic negotiations with the U.S. The Navy Minister would reply to HARA's question.

10217 Exhibit 1107, showed that at the Imperial Conference on September 6, 1941 the following persons were present: KONOYE, * TOYODA, TOJO, OIKAWA, OGURA, SUZUKI, TANABE, SUGIYAMA, NAGANO, TOMITA, MUTO, OKA, TSUKADA, ITO and HARA, President of the Privy Council.

10218 Exhibit 588, showed that the decision of the Imperial Conference was as follows: That in view of the present acute situation, especially the aggressive movements of the U.S., Britain and Holland and in view of the situation of the Soviet and the suppression of Japan's national power * Japan will exercise her Southern policy to secure her self-existence and self-defense. Japan, determined for a war with the U.S., Britain and Holland, will have completed her preparations by the end of October. However, in the meantime, she will strive for fulfillment of her demands through diplomatic measures with the U.S.

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and Britain. The main demands will be stated separately. If, by the beginning of October, the demands have no hope of fulfillment through negotiations, Japan will immediately determine to wage war against the U.S., Britain and Holland; save for those measures concerned with the South, all measures will be executed according to the pre-arranged policy and Japan will endeavor to check the formation of a Russo-American combined force against Japan.

10220 Exhibit 1136-A, the interrogation of TOJO, February 23, 1941, stated * that the Imperial Conference of September 6 had been called to decide the national policy in view of the situation. The main question was war or peace and the attitude in either case. While it is difficult for TOJO to make categorical statements without material, he believed that it was decided then to continue negotiations with America and with a hope for a break by the middle ten days of October.

10221 * While it was decided to plan for a break by the middle ten days of October, the decision for war was not made at this Conference.

Exhibit 1137-A, the interrogation of TOJO, March 11, 1941, stated that at that conference of September 6, 1941, it was decided that both peace and war preparations would be pushed and it was only after this decision that preparations were pushed.

10222 Exhibit 1138, KIDO Diary, September 11, 1941, stated * that TOJO visited KIDO after seeing the Emperor and explained the results of an investigation concerning preparations for war with the U.S.

10224 Exhibit 1139, telegram from NOMURA to TOYODA, September 12, 1941, stated * that the difficult point of the present negotiations to adjust U.S. relations was the problem regarding the withdrawal of Japanese troops from China and the stationing of troops for anti-Comintern purposes. The U.S. cannot recognize the terms stipulated between Japan and the Nanking Government in light of U.S. public opinion and of her obligation as a mediator toward

10225 China. * As a result, the U.S. proposal of June 21 includes a clause that the evacuation should be effected as soon as possible under stipulations to be newly agreed

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upon by Japan and China and the U.S. has mentioned that the withdrawal shall be completed within two years after peace. This is believed to be the result of the U.S. talks with China, and it is felt that toward the new proposal advanced from Japan, the U.S. apparently shows no serious disapproval of points other than that of the evacuation.

There is a great possibility of the negotiations splitting in the final stages on this problem. To avoid it NOMURA suggested that following the American request and without referring to the stationing of troops, TCYCDA deliberated how to deal with the proposal for evacuating troops within two years after peace.

10226 From Exhibit 1131, TOYODA's reply on September 13, 1941, stated that he understood that the U.S. wants * Japan to acknowledge the so-called four fundamental principles. But even without settling the evacuation problem Japan is not in a position to swallow it. The world might think that she did it due to U.S. pressure and judging from the American views * it seems that the U.S. wants to negotiate beforehand with Britain, Holland, China and other countries. SUZUKI feared the U.S. might try to revive the Nine Power Treaty which would not be proper. The only negotiations should be between the U.S. and Japan. However, Japan cannot hinder the U.S. from negotiations with others, but Japan will refuse to be induced into a council or an agreement among numerous countries.

10229 Exhibit 1140, Tokyo Nichi Nichi, September 13, 1941, showed that on September 12 the Cabinet adopted a plan for the peoples labor mobilization. * The plan had been formulated by the Planning Board and Welfare Office and based on the emergency labor policy recently decided to insure a sufficient labor supply for increased production of munitions.

SUZUKI, President of the Planning Board explained the plan.

10230 Exhibit 1141, KIDO Diary of September 26, 1941, stated * that KIDO met with KONOYE and that the latter told him that he had no confidence and that there was no

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choice but for KONOYE to resign if the military insisted on starting a war on October 15. KIDO hoped for prudence.

10231 Exhibit 1142, KIDO Diary, September 29, 1941, stated * that KIDO visited the Emperor who asked him to investigate regarding the stock of rubber and tin in the U.S. and the amount of rubber resources in South and Central America and the other places where the U.S. could obtain them. KIDO contacted the President of the Planning Board. HARA, President of the Privy Council, told KIDO that if the diplomatic parley with Washington failed and a grave decision had to be made, the Imperial Conference should not be so formal * but there should be a full discussion and the senior statesmen should be present. KIDO promised to take up this matter.

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10233 Exhibit 1143, KIDO Diary, October 7, 1941, stated * that KIDO had been told by Chief Secretary TCMITA that the Army was of the opinion that there was no room to continue the parley while the Navy held the opposite views. However, the field grade officers of both services were agreed. The Navy wanted KONOYE to declare his resolution and assume leadership to meet the serious situation. They wanted the Premier to talk with the War Minister, who was resolved to promote a better understanding and after that there should be held a meeting by the Premier and War and Navy Ministers to settle Japan's national policy with respect to war against the U.S.

10236 Exhibit 1144 and 1145, telegram from Washington to Tokyo, October 8, 1941, stated that according to the U.S. memorandum of the 1st, the Americans realize * that there is unanimity on the various principles and fundamentals which they have stuck to. They are dissatisfied because Japan does not express a desire to go into a detailed discussion. The U.S. believes in the four principles as the basis for adjusting relations and they think it necessary to achieve unanimity on the various questions fundamentally explored in the unofficial talks held to date. If conversations between the leaders of the two nations are to be realized, it must be definitely understood that these principles are to be applied to concrete problems in the Pacific and the U.S. wants a further clarification of Japan's views. The U.S. figures on first bringing about unanimity on the fundamental questions on which the two have failed to see eye to eye and then gradually turn to

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10237 other matters. They feel that so long as there is disagreement * on these points it is futile to talk about other problems and the U.S. has done no more than express her opinions on other matters in the proposal of June 11.

In the proposal of June 21, they made it evident that they would stick to this as the basis for negotiations. The latest reply shows that they are disregarding Japan's proposal of the 25th and will stick to their ideas. It will be necessary to talk about the matter in the annex about the China Incident; discontinuing activities designed to help Chiang; and the stipulation concerning the Nanking Treaty in the clause concerning the China Incident. It will also have to consider joint mediation and the right of self-protection as set forth in the clause concerning Japan's attitude toward the European war and also the question of eliminating the annex to the clause concerning commerce between the two nations.

10238 * The U.S. hopes that Japan will make herself clear on these points. In Japan's proposal of the 6th, she narrowed these and curtailed extremely the guarantees she offered concerning the principles, equivocating on guarantees that she would not engage in armed aggression. They limited the area to which the principle of non-discriminatory treatment would apply in the Pacific and on the excuse that China was near Japan. The negotiators limited the principle itself on the question of stationing and evacuating troops in and from China and FIC, the U.S. is making some demands which Japan objects to in principle. The U.S. figures that they must be much surer of Japan's attitude toward the Tripartite Pact.

10240 * With respect to the four principles, the American Ambassador talked like NCMURA already had reached an understanding with Hull. As NCMURA had stated, this question was shelved both in letter and in spirit, and on April 16 when Hull presented him with the four points he was in no position to accept before receiving instructions from home and gave no impression that he would accept. These are very abstract principles and there would be some elasticity in their application. Japan applies them with prudence to other foreign nations. There is no need to be troubled about this.

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- 10241 Exhibit 1146, KIDO Diary, October 9, 1941, stated * that he had met KONOYE who was quite uneasy about the future of the Washington talks and discouraged about a satisfactory compromise. KIDO gave him his opinion that the resolution of the Imperial Conference of September 6 was too outright and was not the conclusion of exhaustive discussion.
- 10242 * War with the U.S. would offer little chance of victory so the matter had better be considered. It would be inadvisable to declare war immediately. The Premier should clarify his intention to concentrate our national efforts upon the completion of the China Incident. Japan should acquire freedom without paying attention to the economic pressure from the U.S. The Premier should ask for 10 or 15 years' hard struggle to establish a highly defensive nation. If necessary, Japan should be ready to fight to promote the completion of the China Incident and to use her old China military force to carry out her plans against Kuuming and Chungking.
- 10246 Exhibit 1147, KIDO Diary, October 12, 1941, stated that TOMITA,* Chief Secretary of the Cabinet, had stated to him that the War, Navy and Foreign Ministers and the President of the Planning Board met with the Premier * to discuss the adjustment of diplomatic relations with the U.S. The War Minister called for great resolution since there was no hope for arriving at an understanding with the U.S., but stated if he could hear an explanation that would persuade him, that there would be an understanding, then he wouldn't want war. The Navy said to try to avoid war as much as possible. The country was standing at the cross-roads. One way lead to friendly relations through diplomatic negotiations and the other lead to war with the U.S. If diplomacy was the choice, Japan must bring about a full understanding by convincing the U.S. of her friendship, or a war after a patched up compromise would be most undesirable. He stated that the Premier's strong leadership was most urgent and KONOYE had expressed his same conviction of the successful construction of the parley and asked for cooperation.
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- 10248 The Foreign Minister said he was not quite sure of the outcome of the talks, although he could not flatly deny that the meeting would end in success. * They had

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agreed on the advice of TOJO that Japan's demands for stationing troops in China should be altered. That the success of the China Incident results should be secured and that the parley should be based on these agreements ceasing preparations for war.

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Exhibit 1148, facts pertaining to the resignation of the Third KONOYE Cabinet by KONOYE, stated * that his Third Cabinet had started off with the mission of re-adjusting Japanese-U.S. relations. For this reason MATSUOKA was made to retire and it can be said that all efforts were wasted toward accomplishing the great mission. The U.S.' attitude, however, was not definite. There were various opinions why this was so, but TOJO's opinion was that since the U.S.' policy was to advance into Asia, the reason for her indefiniteness is fundamental and she lacks sincerity in her negotiations. However, the negotiations were continued with the hope that a temporary compromise and conciliation might be possible, even if the basic traditional policies were different.

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Recently the negotiations reached the deadlock due to the occupation of FIC, but when it became known that Japan would not go any further * negotiations were again resumed. On August 28, 1941, a message was sent to President Roosevelt, proposing a conference, but since President Roosevelt replied that he was willing to hold a conference but would like to have a general agreement reached in regard to the important matters, an Imperial Conference was held on September 6 to determine the basis of a counter-measure. As a result of the conference it was agreed to direct all efforts toward diplomatic negotiations but to assume a war policy in the event no conclusion was reached by early October. Since there was a time limit the negotiations were carried on hurriedly and they did not progress as expected and October came. At that time the Supreme Command became boisterous and claimed they would wait until October 15, but no later. KONOYE, therefore, called a meeting of himself, the War, Navy and Foreign Ministers and the President of the Planning Board for a final conference * for October 12. On the day before the conference, OKA, of the Naval Affairs Bureau, came and stated that with the exception of the Naval General Staff, the brains of the Navy didn't want a war, but since the Navy cannot say she could not do it in view of her previous approval of Imperial Headquarters

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decision, the Navy Minister at the meeting of the 12th would propose to leave the matter in the hands of the Prime Minister and would like the Premier to decide to continue diplomatic negotiations. At the meeting KONOYE stated that Japan had come to the stage where it had to decide whether there was to be war or peace and the first matter was to study whether there was hope for a successful conclusion of negotiations.

10254 TOJO stated there was absolutely no hope for a successful conclusion. * Navy Minister OIKAWA stated the decision whether there can be a successful conclusion should be left in the hands of the Premier and Foreign Minister and the Navy will comply with the decision. If there is any hope, the negotiations should be continued. Japan is standing at the cross-roads. Until today she has been carrying on both preparations for war and diplomatic negotiations, but today she is confronted with the crisis of peace or war. If they were to rely on diplomacy, the Navy felt it should be carried out thoroughly. The preparations, however, would fall behind if the attitude was to carry on diplomacy and then decide on war in the middle of it. If there is to be diplomacy, it is to be a success at all costs. The Navy desired the Premier's decision at this meeting and promised to comply with it.

10255 To this TOJO replied * that the Premier has a grave responsibility, but his advisors are responsible too. The matter could not be left solely to the Premier. TOJO did not believe that diplomacy would be successful, but if the Foreign Minister was fully confident of success, the matter would be given further consideration. Foreign Minister TOYODA then stated that he was confident of success. The important points in the negotiation are the Tripartite Alliance, the economic problem in China and the question of stationing troops in China. On the first two items some sort of an agreement can be reached, but the third, the stationing of troops, is most difficult.

10256 Since the U.S. is demanding the complete withdrawal * he believed a compromise might be reached if Japan agreed to complete withdrawal as a principle and then station troops according to the time and plan as designated by agreement between Japan and China, but he thought this would be difficult.

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To this TOJO replied that Japan could not yield on the question of withdrawal. Occupation must be a general principle and then the remaining troops withdrawn. Since Japan had made such tremendous sacrifices in China, it will be all right to take her territory, but in view of KONOYE's statement this could not be done. A complete withdrawal now was impossible. KONOYE replied that if TOJO insisted, there was no question of hope for a successful conclusion in diplomacy. There was no hope. The Foreign Minister could consider it from the standpoint of a general situation and yield more. Only then could it be stated that there was no hope for success.

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* The Navy Minister is incessantly clamoring for the decision of the Premier, but the Premier cannot decide on war. Since the Foreign Minister believes there is still some hope of success, he must adopt the Foreign Minister's opinion if he has to decide at all. TOJO stated it was too early for the Premier to decide and asked him to reconsider and the conference ended.

KONOYE then stated that if he had accepted the proposal of the Navy Minister to leave it in the hands of the Premier and decided on war by yielding to TOJO, the decision would have stood since the Navy Minister could not have opposed.

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On October 13, * KONOYE met with TOYODA and the latter told him that Japan must inevitably give up the occupation. That it would not matter if the withdrawal was with a time limit or summarily without it, but there was no other means of settlement but this.

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On October 14 prior to the Cabinet meeting KONOYE told TOJO that with respect to the question of occupation the result was clear if they followed TOJO, but if Japan was to yield on its pretense and take the reality, there was still some hope in the negotiation and he wondered if Japan should not readjust its relations with the U.S. He deeply realized his responsibility for the China incident * but since that had been unsettled for four years, he wondered if they should extend themselves toward the south. If the matter could be settled in one or two years, that is another matter, but no one believes it can be so settled. Most believe that it would take 5 or 10 years.

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10260 KONOYE pointed out that prior to the Russo-Japanese war, Emperor MEIJI was unable to come to a decision and Prince ITO had advised they should go to war, but first request a third power to intervene and end it at the proper time. As a result, at the Imperial Conference it was decided to begin the war but they sent an emissary * to America immediately. When starting the war they were thinking of ending it.

10261 He then pointed out that a war with the U.S. would cause a real world war with no one to intervene and the international situation is different from the Russo-Japanese period and Germany is powerless in the Orient. If war should begin, Japan would have to take the initiative and attack the Philippines and America would be quite inflamed since this would be the first time her territory was attacked. The sentiment is entirely different from 'Down with Germany' sentiment. * Since England is strengthening her resistance against Germany on the strength of America's aid, it is natural for a peace movement to start and if a U.S.-Japan war should break out and decrease that aid and Germany should begin her landing operations, it would be fine; but Germany has depleted her national strength in the war with Russia and if a landing in England were undertaken her naval strength will be involved and the peace feeling will become strong in Germany. It seems as if a Japanese-America war will hasten the peace in Europe and there is danger of a peace being brought about among England, U.S., Germany and Russia at the cost of the Far East.

10262 Considerable thought should be given to opening a war. * He, therefore, thought it would be best to bring an end first to the China Incident and at the peace conference to have a reasonable voice backed by a powerful navy.

TOJO replied that withdrawal of troops cannot be undertaken as a principle. He could not yield even if he had to resign. Since America's real intention is control of the Far East, if Japan made one concession the situation would develop that America might make demand after demand. The Premier knew Japan's domestic weaknesses. That America had her weaknesses and he thought KONOYE's views too pessimistic.

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KONOYE asked TOJO to make the same statement at a Cabinet meeting which TOJO did. TOJO was the master of the meeting and no member voiced approval or disapproval and the Cabinet was deadlocked.

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* It became known to the Army that the Navy did not want to fight. It couldn't say so and she was appealing to KONOYE through OKA to express this. The Army finally came forward with the remark that since war with the U.S. is a naval matter, it cannot be carried out regardless of the Army if the Navy did not approve and if the Navy said she couldn't do it, then the Army could persuade its subordinates and bring order within the service upon the Premier's statement.

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MUTO, of the Military Affairs Bureau, called on the Chief Cabinet Secretary and asked that the Navy be requested to make a definite statement. This was related to OKA and OKA stated the Navy could not say it and could do no more than comply with the decision of the Premier. This attempt to break the deadlock * was abandoned.

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* On the night of the 14th, President SUZUKI of the Planning Board came to KONOYE as a messenger from TOJO and stated that nothing could be done since the Premier and TOJO had clashed head on, but he had discovered that the Navy was undermining the determination of KONOYE. If the Navy would definitely say no, things would be all right, but since she claims she can't say it, the situation is at a deadlock. There is only one alternative. They must recall the decision of the recent Imperial Conference, but everyone, including the Supreme Command resigning and starting with new men. If the new men decide against war, this may be the end of it, but the Army is strengthening. No one can shoulder this crisis but KONOYE, but since he should not be troubled in view of circumstances * there is no alternative but to request Prince HIGASHIKUNI to take over. He requested that the message be relayed to KIDO, which KONOYE asked SUZUKI to do.

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When SUZUKI reported this on the 15th to the Lord Keeper of the Privy Seal KIDO, the latter did not express approval or disapproval but reported it to the Emperor immediately. Thereafter KIDO requested KONOYE

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to report to the Emperor, which he did on the 15th, in detail. He stated to the Emperor that the Navy did not want war, but she could not say so in view of the decision of the Imperial Conference. Knowing this, KONOYE could not agree to war at all, but he did not think that the appointment of HIGASHIKUNI would break the deadlock.

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* The Emperor replied that he wanted to maintain peace and since it would appear if an Imperial Prince were appointed that he was a personal representative it would be bad for him to take over and decide on war. If an Imperial Prince took over, he must decide on peace and he wished to know if the army would submit to the regulation. Tacitly the Emperor seemed to have accepted the KONOYE Cabinet resignation.

KONOYE wondered whether TOJO's reason for bringing out an Imperial Prince is to take the issue to a strong group or a weak group. According to SUZUKI, it appeared to be for a change of direction, but in view of a report that positive actionists were planning to use HIGASHIKUNI as a figurehead and carry out their positive views, and since KIDO had asked what were the War Minister's intentions, KONOYE called SUZUKI and had him find out TOJO's intentions and whether the Army would submit to a decision for peace.

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* TOJO replied that he could not state definitely that the Army would submit to the regulation in the event it decided on peace and no one but an Imperial Prince would be able to suppress the Army.

On the night of the 15th, KONOYE visited with HIGASHIKUNI and told him it was unprecedented to ask for the aid of an Imperial Prince, that aid to wipe out the services' decision. KIDO was afraid this might affect HIGASHIKUNI's reputation. KONOYE asked him, since the matter might bring trouble to the Imperial Household if war should break out, that he consider himself to be Prince MORINAGA and put forth his whole effort.

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HIGASHIKUNI stated he wanted to think it over and wondered * if he was strong enough to suppress the Army. On the morning of the 16th KONOYE collected resignations, but on KIDO's advice he held off until late in the

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afternoon. In late afternoon he presented the resignation of the whole Cabinet. He then met KIDO who told him that since the Emperor feels it would be very embarrassing to appoint HIGASHIKUNI, he had decided to summon TOJO and OIKAWA together and issue the Imperial Command to form a new Cabinet to one of them and to order the other to cooperate and to issue an instruction that the decision of September 6, 1941 be reconsidered.

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* As to whom it was to be to get the Mandate, KIDO said to give it to the War Minister who had clashed with the Premier would be recognizing the contention and he, therefore, believed it would be better to take a middle course and offer it to the Navy, since the Navy secretly does not want war. However, there is the problem that the Army might spring back further if the Mandate was offered to the Navy. It might, therefore, be better to offer it to the Army and alleviate the situation. Since America holds the opinion that the Army would reverse things even if decided upon by the KONOYE Cabinet, she would be all the more surprised if a TOJO Cabinet is formed since she is convinced that there will be war on the resignation of KONOYE; but, if the TOJO Cabinet should continue to carry on negotiations, the U.S. might feel relieved and bring about a better result.

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* KIDO asked KONOYE to consider this matter. On the 17th KONOYE sent a message to KIDO stating that TOJO would be better if a guarantee of peace were obtained. On the 17th the Senior Statesmen Conference is to be held, after which the Emperor will summon both TOJO and OIKAWA, issue the Mandate and issue an instruction that the Army and Navy should cooperate and that the Imperial Conference of September 6 should be reconsidered.

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Exhibit 1136-A, the TOJO interrogation stated that at the meeting at KONOYE's home on October 12, he was sure that the War, Navy and Foreign Ministers were present, but he was not sure whether the President of the Planning Board was there or not. The reason for the conference was * that in the middle ten days of October which was the time limit set for a favorable diplomatic turn had arrived. The U.S. had turned down the Japanese proposal for a meeting between KONOYE and Roosevelt and

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10274 the international situation was becoming more tense. It was necessary for Japan to decide more definitely just what her policy was to be. There was no quarrel with KONOYE but the opinions differed. TOJO's opinion was that Japan was making concession after concession in the effort to effect a diplomatic break before the middle ten days of October, but America refused to budge from her position and made no concession. The meeting between KONOYE and the President * had been turned down. As War Minister TOJO felt there was no hope for a diplomatic break and he suggested that the time had come to make up Japan's mind for war. The longer they delayed the more disadvantageous the situation would be for Japan if war were decided later.

10275 Exhibit 1149, KIDO Diary, October 13, 1941, stated that * SUZUKI visited him on the 13th and KIDO expressed his opinion that the Premier should make an effort to promote mutual understanding between the War and Navy Minister.

10276 Exhibit 1150, KIDO Diary, October 15, stated that SUZUKI,* President of the Planning Board came to deliver TOJO's message which was as follows: That if KONOYE did not change his mind, the Cabinet resignation would be unavoidable. The succeeding Premier, while not mentioned by name, should be able to bring the Army and Navy together and follow the Imperial will. Among ordinary Japanese subjects it was difficult to find a suitable person and he mentioned HIGASHIKUNI as a possibility. KIDO answered that he had to be very careful since it concerned the Imperial family and if they asked the Prince to accept, they had to work out beforehand a common policy between the Army and Navy, an independent policy to take precedence over all other questions. He asked if TOJO had any accurate forecast to make on this point.

10277 KONOYE visited KIDO and asked for his opinion * on a HIGASHIKUNI Cabinet. KIDO stated it was still under consideration and requested MATSUDAIRA to study the procedure for such a plan. KIDO reported to the Emperor upon the pressing political situation. Premier KONOYE visited KIDO to say that he could not hold his Premiership any longer, for the breach with TOJO was becoming wider daily and had reached the point that TOJO had said

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he did not wish to hold any further conversations with KONOYE since he did not feel he could stifle his feelings. KIDO stated to KONOYE that with respect to the HIGASHIKUNI Cabinet, he did not know whether TOJO had changed his mind in order to effect a compromise with the Navy or whether he wanted to put the Prince's shoulder to the wheel, and he had yet to know TOJO's real intentions.

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KIDO sent for SUZUKI. Before the latter came the Minister of the Imperial Household objected to the HIGASHIKUNI plan. SUZUKI came late in the afternoon * but he could not give any hint as to the real meaning of TOJO's intentions. KIDO requested SUZUKI to give him a definite report on the matter. KONOYE also joined the conversation on withdrawing from the Emperor's room and stated that the Emperor had not shown any particular objection to the HIGASHIKUNI Cabinet if it was a matter of necessity.

KIDO continued talking with KONOYE until the middle of the evening. SUZUKI then telephoned a report on the result of his conversation with TOJO. According to his report, TOJO's purpose was to establish harmony between the Army and the Navy by the influence of the Prince. KIDO, therefore, objected. KONOYE telephoned to say he wanted an informal consent of Prince HIGASHIKUNI. KIDO said it was too early to do this but he had no objection if KONOYE did it in his capacity as Premier. KONOYE reported that Prince HIGASHIKUNI wanted a few days and wanted to meet with TOJO and the Home Minister. KIDO reported to the throne.

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10282 Exhibit No. 1151, Kido Diary, October 15, 1941, stated * that Suzuki of the Planning Board came to see him and Kido opposed a Higashikuni Cabinet stating that such a Cabinet should be had only when unavoidable, for example, when, even if the army and navy agreed circumstances made it necessary to have a Prince of the blood. Also, the present difficulties had not been solved and the Prince could not overcome them. Such a cabinet would show that Japan lacked suitable persons and a problem would arise if war broke out. There were important reasons why even Konoye could not carry out the decision of September 6 and if a member of the Imperial Household was asked to do something he could not do it would cause the Imperial House to become an object of hatred.

10283 * Tojo met with Kido in the afternoon and discussed the situation and Kido opposed the Higashikuni Cabinet and urged the rescinding of the previous decision and a unified policy for the army and navy. Konoye telephoned that he was going to resign and did so at 5:00 p.m.

10284 * In his talk with Tojo, Kido pointed out that the decisions of September 6 were rather careless and urged that they be revised.

10285 Exhibit No. 1152, resignation of Konoye, stated * that when he had received the command to form a third cabinet he was convinced that to manage the present situation to enable future national expansion, Japan must speedily solve the China Incident by adjusting relations with the U.S. and he had asked the U.S. for friendly parleys.

Recently Tojo, who felt that the negotiations could not be materialized before the middle of October and believed that the situation had come to the point where no other means could be gotten to carry out Japan's demands (found in the 3rd Article of the decision of September 6, 1941) and had come to the conclusion that the time had arrived to open war against the U.S.

10286 Considering the matter carefully Konoye believed that provided there is ample time * it is wrong to think that negotiations with the U.S. are hopeless but even the most difficult question of withdrawing troops can be settled if Japan yields in appearance by keeping the substance. Konoye cannot take the responsibility of plunging the nation into a titanic war of unforeseen results when the China Incident has not yet been settled. It is time for the government and military to cooperate toward materializing negotiations with the U.S. and thus bring about a settlement with China, which is urgent from its point of view of increasing national strength. To advance Japan's national fortunes it must step back a bit to prepare for a forward leap.

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10287 * Konoye had done his best to prevail upon Tojo. However, Tojo, though he claimed he understood Konoye's feelings, stated it was impossible to consent to the withdrawal of troops from a standpoint of morale and that once the U.S. was yielded to the U.S. would go on with overbearing measures. Even if the China Affair was settled, a rupture might soon occur again and since there were internal weaknesses in both the U.S. and Japan the opportunity for a war with U.S. should not be lost.

Konoye conferred with Tojo on four occasions and failed to have him agree. He was, therefore, unable to carry on his responsibilities according to his convictions. He, therefore, asked to be released from his post.

10290 Exhibit No. 1163, Tojo Interrogation, February 11, 1946, stated that on or about October 17, 1941 *, as War Minister, he felt the opportune time for fighting was in danger of being lost and the Imperial Conference had already set the middle of October as the limit of waiting for a favorable diplomatic break. He stated that theoretically the Konoye Cabinet fell because Tojo favored war with the U.S. Konoye still thought a diplomatic solution possible if Japan withdrew from China but the army felt there was no guarantee that the Chinese unlawful acts would not be resumed if the troops were withdrawn before their purpose had been achieved.

10291 Exhibit No. 1154, Kido Diary, October 17, 1941, stated * that the senior statesmen's conference was held that day with Kiyoura, Wakatsuki, Okada, Hayashi, Hirota, Abe, Yonai and the President of the Privy Council Hara present. Wakatsuki recommended
10292 Ugaki and Hayashi discussed a Higashikuni Cabinet. Kido stated * that the important things were the revision of the last Imperial Conference and unity of the army and navy. He suggested a Tojo Cabinet with Tojo as Premier and War Minister on military service. There was no objection and Hirota, Abe and Hara gave positive approval. The result was reported to the Emperor and Tojo received the Imperial Order to form a new cabinet. Afterwards Oikawa had an audience with the Emperor and was advised that unity of opinion between the army and navy was desirable. Later Kido told Tojo and Oikawa the Emperor's message that in deciding the fundamental policy they need not follow the September 6 Imperial Conference but should study carefully conditions both at home and abroad.

10293 Exhibit No. 1155, Kido Diary, October 18, 1941, reported * that the Emperor gave sanction to a petition to allow Tojo to remain on active service and promoted him to a full general.

10295 Exhibit No. 1156, Kido Diary, October 20, 1941, stated *

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that the Emperor congratulated him on his efforts in connection with the cabinet change. Kido told the Emperor that one mistake might have inadvertently plunged the nation into war. He had thought this the only way to give a new turn to the situation and had recommended it. The Emperor understood him very well.

- Exhibit No. 1157-B, Tojo Interrogation, January 28, 1946
- 10301 stated * that Tojo at the time agreed with the speech on January 20, 1941 of Matsuoka in which the latter stated that the Tripartite Pact was nothing more than the realization of the ideal of Hakko Ichiu * and that the pact states that Germany and Italy recognized and respected Japan's leadership in establishing a new order in Greater East Asia. He stated that Japan also recognized Germany and Italy's leadership in Europe. By leadership it was intended that one power would have the initiative in the Tripartite Pact. The words "position of leadership" are specifically mentioned. When the pact was signed Tojo was only War Minister so he did not feel that he had responsibility for administration. He did
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- 10303 become Premier in October 1941 * and he and the members of his cabinet did work in accordance with the principle stated by Matsuoka in the Tripartite Pact.

- Exhibit No. 1157, Tojo Interrogation, January 28, 1946,
- 10304 stated * that England, Spain and Portugal were not included in the German-Italian sphere. The matter of what countries were
- 10305 to be included in the new order in Europe and Asia * was probably discussed between Japan and Germany based upon distribution of forces at the time. As soon as countries were conquered they were to be added to the sphere.

- Exhibit No. 1157-C, Interrogation of Tojo of same date,
- 10306 stated that in both Europe and Asia the sphere of the new order increased or decreased with the military situation. * This was in the spirit of Hakko Ichiu, which was a concept of virtue and not territorial. Japan's interpretation of this was that it was to be similar in Europe with no exploitation or special interests. The Tripartite Pact expressly states that each country is to have its own place and there is to be co-existence and co-prosperity in both Asia and Europe. When asked what reason there was to believe that Germany and Italy would have this understanding of a new order Tojo stated that both of the nations had been exploiting as a result of World War I and had found it necessary for existence to set up a sphere within which various countries could minister to each other's needs. This was within the
- 10307 meaning of the word "virtue". * This was not to be done by supervision but leadership. The two were to have the initiative in bringing a new order of co-existence and co-prosperity to all countries concerned. He could not answer a specific problem of what would happen if a conquered country did not wish to

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join the new order but he did not believe that any country would be disinterested in its own prosperity.

10309 Exhibit No. 1158, Tojo Interrogation, March 12, 1946, Tojo stated * that when he undertook the work as Premier he followed the policy of September 6. He stated there was no Imperial conference on November 5.

10310 Exhibit No. 1159, telegram from Toyoda, Foreign Minister, to Nomura, October 16, 1946, stated * Japan has repeatedly affirmed to the U.S. that the aim of the Tripartite Pact is to help prevent further extension of the European war. However, should German-U.S. relations become aggravated there would be a distinct danger of war about which Japan, as a signatory to the pact, is deeply concerned. It desires that not only U.S.-German relations will stop deteriorating but that the prevailing situation will soon be alleviated. Japan requested the consideration of the U.S.

10312 Exhibit No. 1161, telegram from Nomura to Togo, October 22, 1941, stated * that he had wired about his present position and he felt he should resign. For some time Hull has known his sincerity and his lack of influence in Tokyo. The President also holds this opinion. * Some Americans trust him but their encouragement is not enough and also the encouragement of his countrymen in the U.S. is not enough. Wakasugi can carry out Togo's instructions and he felt that Togo should have no objection. He did not wish to continue a hypocritical existence deceiving others. He was not trying to flee the battle but it was the only way open for him as a man of honor. He, therefore, asked for permission to return to Japan.

10314 Exhibit No. 1162, Kido Diary, October 29, 1941, stated * that Suzuki of the Planning Board reported on the progress of the Liaison Conference, the extension of the Anti-Comintern Pact and maneuvers against China.

10315 From Exhibit No. 809 * it was shown that by November 1, 1941 the final test of Combined Fleet Secret Operational Order No. 1 had been agreed upon and was being printed. It contained schedules and plans for attacks on Pearl Harbor and various British and Dutch possessions.

10316 Exhibit No. 1163, telegram from Togo to Nomura, November 2, 1941, stated * that since the new cabinet was formed the government has been conferring with Imperial Headquarters and they have carefully discussed the fundamental policy for improving relations between Japan and the U.S. and expect to reach a final decision at an Imperial Conference on November 5 and will inform Nomura of the result. This will be Japan's last effort to improve diplomatic

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relations. When negotiations are resumed it is urged that a decision be reached at once. It is left to Nomura's prudence to handle everything before negotiations are again taken up.

10317 From Exhibit No. 809 * it was shown that on November 3, 1941 it was decided to attack Pearl Harbor and the date was set by Chief of Navy General Staff Nagano when Yamamoto came to Tokyo. The decision was not made in conference.

10318 Exhibit No. 1164, telegram from Tokyo to Washington, November 4, 1941, stated * that relations between Japan and the U.S. had worsened and the people are losing confidence in adjusting them. The cabinet has been meeting with Imperial Headquarters for some days and they were at last able to bring forth a counter-proposal for resuming negotiations based on the unanimous opinion of the government and high command. These policies wait for the sanction of the conference to be held * on November 5. 10319 Conditions are so tense that delay is no longer possible, yet to maintain specific relations between Japan and U.S., Japan has decided to gamble again on continuing the parleys and this is her last effort. This is the last counter-proposal. If a quick decision is not reached, the talks will be ruptured and the relations between the two nations will be on the brink of chaos. On the success or failure of these discussions the destiny of Japan depends.

10320 * When the discussions began no one thought they would drag out so long, Japan hoping for a fast decision has yielded and yielded but the U.S. is unappreciative and sticks to her first proposition. There are quite a few who suspect U.S. insincerity. Japan has gone far in giving in only to maintain peace in the Pacific. Some Americans think Japan wants a one-sided deal but Japan's temperance has not come from weakness and there is an end to her long suffering. Japan will defend her existence and honor without reckoning the costs. If the 10321 U.S. shuns or overlooks this position * there is no use in broaching the talks. This is the limit of Japan's friendship and she is making her last possible bargain and hopes the U.S. will settle. It is hoped that the U.S. will think very soberly on making peace with Japan. Nomura's mission is very important. He is at a key post and Togo hopes he will be able to do something good for his nation. He asked him to continue to do his best. As soon as the conference before the Throne is over Togo will advise him and have him go to Roosevelt and Hull explaining 10322 Japan's determination * and to try to get them to a speedy understanding. Togo, at the same time will talk to Grew and ask Nomura to keep him advised. If anything goes wrong he is to follow Togo's instructions to the letter since there will be no room for a personal interpretation.

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10324 Exhibit No. 1165, telegram from Tokyo to Nomura, November 4, 1941, stated * that Plan A is Japan's revised ultimatum made to meet the wishes of the U.S. and clarified as a result of negotiations based on the September 25 proposals. If the U.S. should not accede on the question of non-discrimination and trade to the proposal of September 25, Nomura was to insert the words "that Japan was prepared to carry out the principle in the entire Pacific, China as well, provided the principle was applied to the entire world.

With respect to the Tripartite Alliance, Nomura was to clarify that Japan does not intend to expand her sphere of self-defense and desires to avoid the expansion of Europe's war into the Pacific.

10325 With respect to evacuation of troops in China * troops which have been sent to China will be stationed in North China, the Mongolian border and on Hainan after peace is established and will not be evacuated for a suitable interval. Other troops will be evacuated when peace is established and this will be carried out within a period of two years. If the Americans question the term "suitable period" in the designated places Nomura was to answer vaguely the period should cover twenty-five years.

10326 With respect to French Indo-China, he was to state that Japan respects FIC's territorial integrity and if a just peace is established and the China Incident successfully closed Japanese troops * in FIC will be evacuated. As a matter of principle, Japan is anxious not to have this inserted in the formal proposal reached between the U.S. and Japan.

10327 With respect to commerce, there is a question of geographical proximity that Japan has revised her demands and put the question on a world-wide basis. Judging from a statement of the American Government he did not believe they would oppose this term and that an understanding could be easily reached on the matter. Since, from Nomura's messages he believed that the U.S. is generally satisfied with Japan's proposal * on the Tripartite Pact, this new clause he felt sure would be mutually agreed on.

The question of evacuation would be the hardest but since the U.S. is so opposed to Japan stationing troops in undefined areas the purpose of the new text was to dispel the suspicions. Japan will call it evacuation but although the U.S. would prefer to have Japan make occupation the exception rather than the rule, this would be out of the question. On matters of duration, Japan has been vague.

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10328 He wants Nomura to continue to be vague giving the idea that unlimited occupation does not mean perpetual occupation. Proposal A accepts U.S. demands on two of the three proposals but on the last point of * occupation Japan has made her last concession. Japan's sacrifices in China have been tremendous and U.S. demands are wishful thinking. It is impossible to further compromise because of Japan's internal situation.

10329 Exhibit No. 1166, a telegram from Togo to Nomura, November 4, 1941, stated * that in view of the gravity of the present negotiations and of Nomura's request Ambassador Kurusu is leaving by plane on the 7th to assist Nomura in the parleys. He has no additional instructions besides those wired to Nomura. He asked that matters be arranged so that Kurusu could see the President immediately upon arrival. Kurusu's activities were being kept secret for the time being.

10330 Exhibit No. 1167, Policy for Guiding Public Opinion on British and American Problems, agreed by the Cabinet meeting on November 4, 1940, provided * the suppression of reports on the tenseness of diplomatic relations with Britain and the U.S. are to be eased and Japan shall endeavor to guide public opinion

10331 so as to make the people hold hope for the future. * News and speeches which would enable the enemy to see Japan's war preparations and strategic activities and sensational speeches and activities which would cause the public to take direct actions against residents of third powers are to be excluded.

10332 Exhibit No. 1168, Kido Diary, November 5, 1941, stated * an Imperial Conference decided the policy towards the U.S., England and the Netherlands. Tojo advised Kido of the formation of the Southern Army and the dispatch of Kurusu to the U.S.

From Exhibit No. 1107 the following persons were listed as being present at the Imperial Conference of November 5, 1941: Tojo, Togo, Shimada, Kaya, Suzuki, Sugiyama, Nagano, Hoshino, Muto, Oka, Tsukada, Ito, Vice Chief of Naval General Staff, and Hara, President of the Privy Council.

Exhibit No. 1169, Measures towards Foreign Countries in Relation to the Principle of Execution of National Policy of the Empire Decided at the Imperial Conference November 5, 1941, stated that when the U.S.-Japan negotiations end and warfare is inevitable that Japan will inform Germany without delay of her intentions to go to war and preparations will be completed and they will negotiate for Germany and Italy's participation in the war against the U.S. and non-separate peace pact. If Germany demands that Japan participate in the war against Russia, Japan will reply she cannot

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do it for the present even though Germany's participation in the Japan-U.S. war would be postponed.

As to Britain, they will take measures previously to get Britain to accept and cooperate on subjects concerning Britain in the understanding which is the fruit of the negotiations with the U.S. They will adopt no other diplomatic schemes.

Toward the Dutch East Indies, to hide and camouflage Japan's intention, they will open early diplomatic negotiations aimed at supplying necessary materials for the Empire.

10336 Toward the Soviet Union * they will continue negotiations as decided at the Liaison Conference of August 4, 1941. From Thailand they will request and get the right to admit troops but even if Thailand does not consent, troops will be sent to Thailand but they will try to avoid the outbreak of hostilities between Japan and Thailand by getting the right of passage for troops by the instant execution of measures to avoid conflicts during passage and by the conclusion of a joint defense pact. Prior to beginning negotiations, there must be no change in the attitude towards Thailand and they must hide their intention of opening a war. As soon as the troops are sent Japan must make arrangements * with Thailand concerning the passage and occupation of their troops getting new construction and strengthening of military establishments, the furnishing of communication and transportation, billets and supplies and give a loan for military expenses. To get these favorable negotiations Japan will promise to respect Thailand's sovereignty and territory and suggest in effect that depending on her attitude, Japan will consider giving her a part of Burma or Malay.

10337 With respect to China, by paying attention to securing war power for a long world war and avoiding consumption of national energy and diminution of military forces Japan * will clear away the armed forces of U.S. and Britain from China. They would secure the hostile concessions in China and the important rights and interests of hostile countries and carefully diminish their burdens. They will, however, not take any measure to occupy the interests belonging to friendly countries. These measures will be delayed until the war opens not to expose Japan's intention.

10338 They will not declare belligerent rights against Chungking but will gain it in effect by beginning the war. Even the rights and interests of hostile countries concerned with the National Government * shall be secured and measures arranged for taking these interests on another occasion.

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To gain the good feeling of the people of China for Japan they will gradually, district by district, realize partial peace. They must gain goods from the unoccupied areas of China and adjust the various controls.

With respect to the U.S., Britain, Holland and Chiang, the Foreign Office will conclude arrangements with Germany and Italy not to cease war individually and will assist in making peace between Germany and the Soviet according to talks with Germany and to restore the continental connection between Germany and Japan and readjust the relations between Japan and the Soviet.

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* Japan will help the Soviet advance towards India and Persia. The Burmese-Hongkong Route will be out and by restoring the concessions for China and utilizing Chinese merchants in the South Seas, Japan will intensify pressure on Chiang.

The Philippines will be made independent after occupation, as well as a portion of the Dutch East Indies while the rest will be kept for Japan. Burma will be made independent and the India independence movement will be assisted.

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Thailand's lost territories will be restored from Britain and French Indo-China will maintain present conditions. The people will not be interfered with in occupied areas and the policy will be not to interfere in internal administration.
* At the proper time, it will be made known that Japan is ready to secure an impartial supply of tin and rubber in the South Seas.

It was decided it was impractical and ineffective to utilize Americans of German descent to foment trouble. Much cannot be expected in maneuver towards Central and South America.

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Exhibit No. 1170, telegram from Tokyo to Nomura, November 5, 1941, stated * that the counter-proposal wired to Nomura had been approved by the Imperial Conference and Nomura was to begin his

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talks. He assumed it would meet * with U.S. approval if the June 21 or September 25 proposal was used as a basis.

From the standpoint of reaching an early agreement, Proposal A should be submitted. As a matter of fact, certain points in the U.S. proposal do not meet with Japan's complete approval but for convenience and speed, Proposal A should be submitted first. He was to explain the circumstances and do his utmost to have the U.S. accept that proposal. However, if there are too many points

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10345 of disapproval and an agreement cannot be reached, the final Proposal B will be submitted. He was to advise Togo before Proposal B was submitted. * He reiterated that this was Japan's final step and no delay could be permitted. He was to avoid giving the impression that there is a time limit or that the proposal was to be taken as an ultimatum.

10346 Exhibit No. 1171, telegram from Tokyo to Nomura, November 5, 1941, stated * that all arrangements for signing the agreement must be completed by November 25. This was unavoidable although difficult.

10347 From Exhibit No. 809 an order of Admiral Nagano to Admiral Yamamoto dated November 5, 1941, stated * that because of fear of war with U.S., Britain and Netherlands, for the sake of the Empire's defense general operational operations will be completed by December 1st. The Commander-in-Chief will carry out the necessary operational preparations and details will be set forth by the Chief of Naval General Staff.

From Exhibit No. 809, Order of November 7 of Admiral Yamamoto stated * that the Task Force would gather in Hitokappu-wan and remain there for supplies until November 22 under great secrecy. About the time this order was issued a combined fleet order on operation was also issued.

10349 From Exhibit No. 809, * Combined Fleet Secret Operation Order of November 5, 1941 stated that Y-Day would be November 23, 1941 and Order No. 3 of November 10 provided that X-Day would be December 8, 1941.

10350 On November 10, 1941 Striking Force Operation Order No. 1 was issued for all ships to complete battle preparations by November 20. * The fleet was to rendezvous in the Kuriles * and strict security was to be maintained so that the crew would not know until they had cleared Japan. It contained break-down of attack plane units and fleet cruising formation and forbade all transmission of messages.

10352 Exhibit No. 1172, telegram from the German Foreign Office to Washington and recommendation, November 8, 1941 stated that the Tokyo Embassy had wired on the Kurusu Mission * and Togo had stated that Kurusu had been instructed to take a firm attitude and he was given a limit which he could not cross. The sending of Kurusu was hurriedly decided upon.

Exhibit No. 1173, extract from the Tokyo Nichi Nichi, November 12, 1941, stated Churchill claims * that Britain is ready for action in India and the Pacific and will fight if

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10353 America does. * If the U.S. is involved in war with Japan he stated that a British declaration will follow within an hour.

10356 Exhibit No. 1174, telegram from Tokyo to Washington, November 11, 1941, stated * that on November 11 Craigie spoke to Togo on the matter of the conversations. He stated that Britain is not aware of the details of the conversations in Washington, that since its success would be of interest to Britain it is hoping * for that success. But unless the basis of discussion is first settled, it would be useless to negotiate on details. Britain feels that basic principles can safely be left to the U.S. but when real negotiations begin the U.S. has agreed to confer with Britain and Britain will participate.

Togo replied that the matters discussed in some phases greatly affected Britain and in the event of an agreement with the U.S. Japan will simultaneously seek Britain's agreement so that the two agreements can be signed at the same time and Japan had already requested the U.S. to give their approval to this.

10358 The British Ambassador said while he did not know, he assumed that the talks were still in the preliminary stage. * Togo replied that the talks had entered the realm of actual negotiations with Japan having submitted its last final proposal. This had been made absolutely clear to the U.S. Togo then referred to Churchill's speech in which, while he stated he did not know the developments in the negotiations, he said he would issue a warning to Japan. It would be better if he tried to understand the issues and cooperate in the effort to clear them up but he had no intention, in view of British-U.S. relations, of urging or opposing British participation in the talks. Japan * in her final proposal has made the maximum concessions and the U.S. he felt would find no objective points. It should be possible to sign the agreement within a week or ten days. If the U.S. refuses to accept, it would be useless to continue.

Togo said he was making superhuman efforts to ride out the crisis. There are certain factions in Japan which insist there is no need to negotiate and point out its uselessness. It is, therefore, impossible to have further delay. Speedy settlement depends on the attitude of the U.S. and Britain.

10360 * Craigie listened carefully and advised that he would send a report to his government. There are indications that the U.S. still feels that the negotiations are still in a preliminary stage and this is supported by Roosevelt's statement to Nomura. This is unfortunate. The Ambassador is to do

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everything to make the U.S. realize this fact and bring about an agreement at the earliest possible moment.

10363 Exhibit No. 1175, principal reasons alleged for the commencement of hostilities against the U.S. and Britain, Liaison Conference, November 11, 1941, stated * that it is Japan's unshakable national policy to establish permanent peace by creating a new order in Greater East Asia. The China Affair aims to do away with all causes which disturb the stability of Greater East Asia and to realize the results of co-prosperity. The U.S. and Britain have for a long time in the Far East tried to obstruct Japan, and with the outbreak of the China Affair, they have openly increased assistance to Chungking and given rein to their ambition to dominate the Far East and have persuaded
10364 others to strengthen the encirclement of Japan * and have taken measures for the direct disruption of economic relations and reinforced military preparations. They have actually conducted virtual war operations against Japan.

10365 Japan has proposed to the U.S. a peaceful settlement and has negotiated for eight months. There is fundamental opposition between the two as to establishing a lasting peace in the Far East. Japan cannot realize her policy and bring about stability if she accedes to the U.S. This would mean that the China Affair meant nothing. Japan cannot tolerate this from the standpoint of existence and prestige. * Greater East Asia is at a crisis and Japan's future is in jeopardy and she is compelled to take up arms to smash all obstacles.

10371 From Exhibit No. 878 - measures to be taken toward foreign countries decided at the Council in the presence of the Emperor on November 5 as considered in the Liaison Conference on November 13, 1941, the policy toward various nations is outlined. This is substantially the same as the policy set forth in Exhibit No. 1169. The only addition, with respect to China, states * that among the enemy countries it was stated that among the enemy interests in China even those connected with the National Government shall, if necessary, be brought under Japan's control for the time being and adjustment made separately. It further provided that in economic relations with China special stress was to be laid upon the acquisition of goods and reasonable adjustments would be made in various existing restrictions.

Exhibit No. 1176, the general outline for hastening the conclusion of war against the U.S., Britain, Netherlands and Chungking dated November 12, 1941, provided in essence the p to be adopted toward foreign powers as already set for in Exhibit No. 1169.

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10377 Exhibit No. 1177, telegram from Nomura to Tokyo, November 14, 1941, stated * that he believed he would win out in the negotiations and would fight to the end. As told before, the American policy in the Pacific was to stop any further Japanese moves either south or north. They have attempted to achieve this with economic weapons and they are preparing by every means for actual warfare. They are making every military and other kind of preparation to prevent a north or south thrust and are conspiring with other nations and rather than yield on their fundamental policy they will not hesitate to fight Japan. There will be no repetition of the Munich conference. The apex of German victories is past. The Soviet still resists and the chance for a separate peace is less and * this trend will be more in evidence.

The U.S. is over-friendly with China and is aiding Chiang. For peace in the Pacific the U.S. would not favor Japan to China's sacrifices and the China problem might become the stumbling block to pacifying the Pacific and the possibility of the U.S. and Japan ever making up might vanish.

There is also the question of whether Japan is tying up intimately with the Axis. Japan is regarded as having a flexible policy ready to stab the U.S. in the back and the newspapers are writing to show how gradually Japan is tying up with the Axis.

If Japan moves to the south for the sake of her existence it follows that she will have to fight England and the U.S. and chances are great that Russia will participate. * The neutral Central American nations are puppets of the U.S. and those of South America are dependent for economic existence on the U.S. and must maintain a neutrality partial thereto.

The war will be long and it is not hard to see that whoever can hold out to the end will be the victor. The U.S. is getting deeper into the Atlantic but this is sort of a convoy warfare and she might at any moment transfer her main strength to the Pacific.

10381 Exhibit 1178, telegram from Togo to Washington, November 16, 1941, stated * that he requested Nomura to fight harder than he ever did before. What Nomura said in the last paragraph of the preceding exhibit is true and it has been given fullest consideration but he referred him to the fundamental policy and asked him to realize what that means. In Nomura's opinion, Japan ought to wait and see what turn the war takes and remain patient. However, Togo was sorry to say that this was out of the question.

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Togo had set the deadline for solving the negotiations at December 25 and there will be no change. The time is short and the U.S. is not to be allowed * to sidetrack and delay the negotiations. He was to try to do his best to bring about an immediate solution.

10383 Exhibit No. 1179, telegram from Kurusu to Togo, November 18, 1941 * stated that both he and Nomura felt although Roosevelt is outwardly calm that Roosevelt has a keen desire to conclude negotiations. There is no reason to believe because the U.S. does not take in wholeheartedly Japan's proposal that it is using a willingly delayed policy. It is important not to resort to actions that are unamendable. Through the revised Neutrality
10384 Law * U.S. interests were more focused on the Atlantic and although they are making preparations and are determined to fight Japan if compelled to, it seems they are seeking to maintain security for their backfront by negotiating with Japan. In the interviews with Roosevelt on the 17th and with Hull on the 18th much emphasis was placed on the Tripartite Treaty. The idea is that there is an assumption to the U.S.-Japan compromise that the U.S. will give to the public the impression of German-Japanese estrangement. To do this it is desired that use be made of the U.S.-Japan joint declaration on non-discrimination in trade or to have Japan participate in the agreement on the same question now being negotiated with Britain or to utilize messages showing peaceful aims on the part of Japan.

10385 An acute change in Japanese-German relations * is impossible and it is most important in view of this for Japan to give the U.S. sufficient security so that they could concentrate more deeply in the Atlantic enabling Japan to occupy a more favorable position in the post-war international situation, not to mention full scale execution of the Sino-Japanese war.

With respect to the question of whether after the war the U.S. and Britain will not turn on Japan, it was stated at the conference with the President with Nomura pointing out Japan's experience after the last World War and he bluntly stated that there was suspicion by a group toward the Anglo-Americans.

10386 Roosevelt unhesitatingly replied that the new agreement covered such points. Kurusu believed there were various difficulties to be met before Japan was able to obtain measures along the lines desired by the U.S. For the time being, as a link for the lapse of time * it is desirable that a time limit be set with regard to the negotiations. It will also be necessary to ask for an assurance to import a set quantity of petroleum

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and rescinding of freezing orders.

On the 18th Kurusu and Nomura suggested a return to the condition prior to July 24. As an equivalent to this he thought that the U.S. might not consent to Japan's B-Proposal stipulating the non-advancement of Japan's forces outside French Indo-China and the vague testimony given about evacuation of troops from French Indo-China. He suggested that they show sincerity by commencing evacuation of troops from Southern French Indo-China.

Since there is the question of an instructed time limit he would like to have an immediate disposal of the matter while the President is in Washington.

10387 Exhibit No. 1180, telegram from Togo to Nomura, November 19, 1941, stated * that Southeast Asia and South Pacific includes Netherlands East Indies and Thailand but not China. With respect
10388 to Item 2 of Paragraph 3 the required quantity must be decided * by agreement before signing of the present agreement. Paragraph 4 means cessation of aid to China. Paragraph 5, Article 2 is an important concession made to speed the conclusion of the agreement. Paragraph 6 - Japan cannot agree to discrimination in trade being applied only to China.

With respect to the words "Japan would decide entirely independently" in case the U.S. should enter the European War they were authorized to point out that Japan could decide independently whether there had been an attack and was not bound by the interpretations of other parties to the Tripartite Pact. They might make it clear that there were no secret agreements in that pact but this must be withheld until prospects of the agreement materialized.

10389 Exhibit No. 1181, Kido Diary, November 19, 1941, stated * that he had stated to the Emperor that prospects of the negotiations with the U.S. were incalculable but if the Emperor was resolved on war by the end of November the following situation might arise:

1. The remainder of the parley would not advance beyond its preliminary stage.
2. There might be an acceptance of Japan's demands either partially or half or a majority.*
3. There might be successful conclusion of the negotiations but needed consent from England and the Netherlands.

10390 Kido stated it would not be good policy to plunge into war just because November expired and public opinion might be very

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difficult. Therefore, when the Premier had to make his final decision he should be ordered to convene a congress of senior statesmen before the Emperor.

10392 Exhibit No. 1182, Records of the Investigation Committee
10395 of the Privy Council Re Prolongation of the Anti-Comintern Pact,
November 21, 1941, showed * that there were present Togo and
Togo *.

At the meeting Togo explained the circumstances leading to the settlement of the proposal and the outline of its contents. With respect to a question about Japanese-German relations regarding the South Seas, Togo stated that Germany had recognized Japan's construction of a new order in East Asia and for the problem of how to deal with the Dutch East Indies consultation would be effected by degrees and reminded them that Matsuoka and Ott had exchanged letters giving the islands to Japan for a nominal compensation.

10396 When Minami stated * that the preamble of the pact had lost its validity because of the Japanese treaty with the Soviet, Togo stated that there was a close connection between the Third International and the Soviet, that there is a slight difference so it is not impossible to think of them separately and it was from this viewpoint that Japan had concluded the treaty with the Soviet.

10397 When a question was asked why the secret protocol was no longer necessary, Togo stated that the outbreak of war between Germany and Russia and the concluding of the Neutrality Pact between Japan and Russia and the alliance between Japan and Germany were changes in circumstances. If Germany made peace with Russia, Japan would use this means * at the same time to protect her interests.

Togo also explained the Japan-U.S. negotiations and stated that the U.S. sticks to her traditional theory and assumes an unrealistic attitude which makes settlement difficult but a compromise is being attempted. Togo stated that he utilized the Anti-Comintern Pact more and more to control communism.

10398 It was unanimously decided * to approve the pact and to request the government to make every effort to make it effective.

10400 Exhibit No. 1183, telegram from Togo to Nomura and Kurusu,
November 22, 1941, stated * it is awfully hard to change the deadline date, that Japan is maintaining its fixed policy in sparing no effort to try to bring about a solution. They desired by all

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means to prevent a breakdown but if they could finish their conversations with the U.S., if the signing could be completed by the 29th and if they could get an understanding with Britain and the Netherlands by an exchange of notes, if they could do all this, Japan will make arrangements to wait until the 29th but that deadline cannot be changed. After that things will automatically happen.

10402 Exhibit No. 1184, telegram from Nomura to Togo, November 23, 1941, stated * that he and Kurusu had met with Hull and Ballantine. Hull told them that he had conferred with the British, Australian and Netherlands representatives on the 22nd and obtained their opinions on Japan's proposals. They all stated that if Japan firmly intended to carry out a peace policy they would be glad to cooperate in resuming normal trade relations but while Japan is sending a special envoy her politicians and press seem to be running in a completely opposite direction. They, therefore, do not understand certain points of her intentions. They pointed out that oil imports up to the time of the freezing order took a sudden upward swing and this was to be used not only for peaceful things but was being stored by the navy. It was their opinion that it would be better to lift the embargo slowly. They all promised to get their government's instructions and they will receive their replies by Monday when he will make a reply to the Japanese.

10404 Hull expressed much concern over the recent trend of public opinion in Japan and it was necessary for Japan to clarify her peaceful intentions. Ballantine pointed out that the conveyance abroad of Japan's sincerity toward the Japanese themselves would be more effective than propaganda for foreign consumption. Hull went on to say it is the duty for every politician to strive for peace up until the day before war. The President and he had made this policy clear and it was desired that a response be made at least once. When Hull was asked about the U.S. intentions regarding Japan's proposal * Hull avoided an answer. He said the U.S., Britain, Australia, etc. is to dissolve the pressing situation in the South Pacific and they desired that the forces there be transferred for action in other parts. They cannot recognize Japan's proposal as sufficient from this viewpoint.

Kurusu pointed out that Japan's troop concentrations in North French Indo-China were aimed at Chungking's lifeline and were not intended to menace the South Pacific. Kurusu stated that the acceptance of Japan's proposal would lead to the desired conditions.

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Hull stated that what the countries desired was the quick turn-about in the situation and with regard to resumption of normal trade relations with a gradual advance is desirable for the time being a rapid change would be seen shortly when Japan's peaceful intentions were made clear.

10405 With respect to stopping aid to China * the U.S. could not be a fair mediator if they made this policy. Even if they made the promise and stopped at the opening of negotiations its value would not be high. The so-called aid to China was not so great and he could not accept the insertion of these items. He replied that the time was not right for Roosevelt's mediation at present.

10406 On Monday the U.S. will submit a counter-proposal but when Kurusu realized that the U.S. would seek out participation in a proposal which aimed to maintain peace in the Pacific and promote trade, he hastened to suggest that it was improper to have as the present problem on hand the agreement between the U.S. and Japan and Kurusu stated that if it was intended that they be a sort of group organization whereby Japan * could be voted down, they would not accept the proposal.

10408 Exhibit No. 1185, telegram from Togo to Nomura, November 24, 1941, stated * that Togo had conferred with Grew and told him that the removal of troops from South French Indo-China to the north has great military significance. That the advance into the north was originally undertaken in connection with the settlement of the China Incident.

10409 Togo stated that it was absolutely impossible to withdraw the troops entirely. The only way to settle the China problem was to demand that the U.S. would not interfere with Japan's efforts for peace when Roosevelt acts as mediator in connection with the Chinese problem and has Chiang Kai-Shek propose peace with Japan. It is impossible * to settle the negotiation between Japan and the U.S. before this point is clarified and they do not understand why the U.S. does not agree. Togo stated in his new proposal he had made the utmost effort to simplify things and to reduce Japan's desires in order to cooperate with the U.S. and they intend to advance Japan's policy peacefully after conclusion of the negotiations. Grew promised to cable this to his government.

10410 Exhibit No. 1186, telegram from Togo to Nomura, November 4, 1941, stated that the deadline was fixed for the 29th to Tokyo *.

Exhibit No. 1187, telegram from Japanese Ambassador at

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- 10411 Hanoi, November 25, 1941, stated * that he had been advised by army that the U.S. was to reply on the 25th and no doubt the cabinet would make a decision half-heartedly for peace or war within the next day or two. * Of course, if the negotiations are successfully terminated the various enterprises will be launched in accordance with advance plans.
- 10412

However, if the negotiations end in failure since all preparations for the campaign had been completed, Japan's forces would be able to move within a day but there would have to be some alterations in the program and they will have to establish organs and conduct negotiations which will not conflict. They wanted to know whether, in the event of war, the status quo of the French Indo-China Government would be maintained. They must be advised immediately so they can arrange in advance. If there are any opinions as to the possible outcome of the negotiations we wish to be advised.

- 10413 * He realized that secrecy was of the utmost importance but he had read press reports that the U.S. had conferred with representatives of other countries and that these countries now knew of the negotiations. The military also knew of Japan's stand in negotiations and the general atmosphere.

- 10415 Exhibit No. 1188, Report from the Ambassador at Bangkok to Tokyo, November 5, 1941, stated * that in the event of Japan's taking decisive action to the south, it would be necessary to make clear the relations of sovereign and subjects and will be absolutely necessary to bring Thai into Japan's camp and he had already undertaken work on this. When Japan makes her proposals of joint defense she should make three points especially definite and Thai should be lead to voluntary cooperation with Japan.

In the event of an attack on Burma and Malay there would have to be a temporary infringement of Thailand but after the objective had been obtained restoration would be made and the independence of Thai would be more respected.

- 10416 If she cooperates positively, full assurance will be given that her swamp lands will be reclaimed in the areas. * In the event that England freezes Thai's assets great fluctuation would result and Japan should make available sufficient funds to create the basis for a yen "block" money system and give every consideration to provide petroleum and other essential commodities. By cooperation, Thai will realize her racial longings and her position as an independent nation will be strengthened. It goes without saying, in light of Japan's basic national policy, that Thailand's sovereignty must not be impaired beyond the minimum

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10417 of necessity and that her stand as an independent nation * remain to the last. Strictest military discipline must be used to reassure the Thai people there should be strict control of any attempts at profiteering.

10418 Exhibit No. 1189, telegram from Nomura and Kurusu to Tokyo, November 26, 1941, stated * that there was hardly any possibility of the U.S. considering the B-Proposal in toto. As
10419 the situation remains tense * the negotiations will be ruptured if indeed they cannot already be called so. Their failure was complete. They could only suggest one thing to save the situation. They might propose that Roosevelt wire Japan that for the sake of posterity he hopes that Japan and the U.S. will cooperate to maintain peace and that Japan should reply with a cordial message. This would gain time. If Japan approved they would begin negotiations on receipt of the wire. Considering the possibility that England and the U.S. are planning to bring the Netherlands East Indies under their protection through military operation, to forestall this, Japan should propose the establishment of neutral nations, including French Indo-China, Netherlands East Indies
10420 and Thai. The rupture, of course, * supposedly does not necessarily mean war but after they are broken the military occupation of the Netherlands East Indies is to be expected. Japan would then attack and a clash would occur. Would Germany feel bound to help Japan? The Ambassadors doubted it and pointed out that the Sino-Japanese Incident would have to wait until the end of the war before it could be settled. They were expressing their last personal opinions and asked Togo to show the telegram to the Minister of the Navy.

In Exhibit No. 809 * it was shown that the various task forces of the Japanese Navy were to leave their areas about November 15 and to proceed to the rendezvous in Tankappu-wan by November 22. The task force left the bay on November 20.

10423 Continuing with Exhibit No. 1128-A, the interrogation of Shimada, it was shown * that on November 10, 1941, Vice Admiral Nagumo issued aircraft striking operational order No. 1, which ordered all forces to complete battle operations by November 20, 1941 and Takan Bay in the Kuriles was designated as the rendezvous for the task force. They rendezvoused between November 21 and 27, leaving the bay on November 27, 1941 and sailing east until December
10424 4 or 5 and then altered its course toward the southeast, toward Hawaii. * At a point 250 miles from Hawaii the first wave of planes was launched and a fleet of twenty to thirty Japanese submarines was patrolling outside Pearl Harbor and some five or six midget submarines attempted to enter. The combined fleet
10425 order showed that the task force was to move out of the bay

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on November 26 and proceed to the rendezvous point December 3 where they would refuel and supply.

The task force moved out at 0600 on November 26. A later order showed that X-Day was to be December 8.

10429 Exhibit No. 1190, Kido's Diary, November 26, 1941, stated that he conferred with the President of the Privy Council * about a similar statesmen's conference. The Emperor told Kido that he feared the worst would come to the worst and under the circumstances the final decision for war should be carried out after another senior statesmen's conference with a broader and more complete discussion on the matter. The Emperor wanted to tell this to
10430 Tojo. * Kido answered that since this was very grave, the Emperor had better freely put any questions and express his opinions.

10432 Exhibit No. 1191, telephone conversation between Kurusu and Yamamoto of the Foreign Office, November 27, 1941, stated * in answer to the question from Yamamoto of how the negotiations went, Kurusu said that it seemed they hadn't gotten his telegram which was sent about 7:00 o'clock. Kurusu said there wasn't much different from Hull's talk of the day before; the southward matter was having considerable effect, implying that Japanese concentrations in French Indo-China were having a serious effect on the conversation. At one time, said Kurusu, it looked as
10433 though an agreement could be reached but * there are other matters involved which are detailed in the telegram. It seems as though a crisis was at hand and it was going to take place. * Kurusu said he had made no statements regarding the facts of his talk with the President that day except to state that they had met. Yamamoto stated that while no definite decision had been made, the effecting of the matter contained in the telegram of the other day would be difficult and Kurusu said there is nothing more that can be done.

10435 \ * Yamamoto told Kurusu not to break off negotiations and Kurusu promised to do what he could and asked Yamamoto to read
10436 carefully what the President had said. * Yamamoto said he would send another message. Kurusu said they wanted to keep on negotiating but there is a crisis and the army is champing at the bit. Yamamoto said Japan could not yield. Kurusu said that isn't even debatable. Yamamoto promised to give him some kind of reply to
10437 his telegram. * Kurusu pointed out that the President was leaving town and would remain away for a day or two and promised to do his best, along with Nomura. Kurusu said there was nothing particular in that day's talks except that the south matter had had considerable effect

10675 he had asked for a report from the Japanese Ambassador in Bangkok as to the facts, and he could not discuss the matter until the report had been received. Craigie stated * that since a Japanese convoy is on its way, the matter was of the utmost importance and requested that orders be

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Exhibit No. 1192, Extract from the Tokyo Nichi Nichi, November 29, 1941, showed that the Cabinet, on November 28, 1941, approved a plan for establishing a new system in press circles. An Imperial Ordinance creating the new system will be issued * under the National Mobilization Law. It is aimed at placing newspapers on a wartime basis.

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* The witness stated that he had compared the English text with the Japanese, and he noticed, when checking, that the phrase "We present you with special news" appeared twice with respect to the English text. He noticed that at the time he checked the translation, but left it alone as it did not alter the meaning of the text.

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It was pointed out in the Japanese text the announcement is said * to have been released by the Army and Navy Units of the Imperial General Headquarters. The witness stated that in Japanese it was Army and Navy Section of Imperial General Headquarters.

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Exhibit No. 1236, the affidavit of Robert Leslie Craigie, stated * that he was British Ambassador to Japan from September 3, 1937, to December 8, 1941; that at 7.45 on December 8, at which time had received no intimation of any state of war or attack on Britain or the U. S., he received a telephone call from TOGO to call on him at 0800, which he did. TOGO told Craigie that Japan had decided to break negotiations with the U. S. and handed him a copy of a memorandum which NOMURA had handed to Hull December 7 at 2.20 p.m. Washington time, a copy of which had just been handed to Grew. There was not a word in it about war.

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* Having expressed his regret on learning that Japan had taken steps to break off the Washington discussions, he questioned TOGO about reports he heard on the British wireless the previous evening that Japanese warships and transports were proceeding across the coast of Indo-China, stating that this carried most serious implications. TOGO's reply was that reports had reached him of large concentrations of British and Indian troops on the Siam frontier disposed for attack purposes, and Japanese warships had accordingly been ordered to patrol the coast of Indo-China.

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Craigie reminded TOGO of his statement of December 5 that there was no question of any attack being made by British troops against Japan so long as Japan respected Siam's independence. TOGO replied on the 5th he had asked for a report from the Japanese Ambassador in Bangkok as to the facts, and he could not discuss the matter until the report had been received. Craigie stated * that since a Japanese convoy is on its way, the matter was of the utmost importance and requested that orders be

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sent to insure that no initiative be taken by Japanese forces until the matter was discussed, and Craigie would answer that no initiative would be taken by Britain. He said it was essential that the movement of Japanese forces in the area should be fully controlled from Tokyo. To this TOGO said that they would be so controlled. As Craigie left, TOGO observed that Craigie would know how hard he had worked to prevent a breakdown and secure an amicable solution of the problem in East Asia. He expressed appreciation for Craigie's efforts on behalf of Anglo-Japanese relations, and regretted that things had come to such a pass. He said nothing about war having broken out or about any attacks having been made on British possessions or ships.

10676 On his return to the Embassy, Craigie learned for the first time that the Japanese radio had announced at 0800 that war-like operations against Britain * and the U. S. had begun. He visited the U. S. Embassy, and on his return, about 11.30, he found an official of the Japanese Foreign Affairs Ministry, who delivered a communication from TOGO informing Craigie that as from December 8, war existed between Great Britain and Japan.

10678 Exhibit No. 1237, affidavit of Petty Officer
10679 Philip Erle Sanders, stated * that he was Chief Boatswain's Mate, U. S. Navy, and on December 8, 1941 * was detailed as Commanding Officer of the U.S.S. Y.P.16 at Guam. At 0800 Guam time he received radio information of Japan's attack on Pearl Harbor, and he reported immediately to the Beach Master for orders. At 0802, eight Japanese warplanes came through the clouds and levelled off as for a bombing run, and dropped the first bombs at 0805, several men being wounded by shrapnel and machine gun fire.

10680 Exhibit No. 1238, affidavit of Major General
Christopher Maltby, stated * that in December 1941 he was the General Officer Commanding British Troops in China stationed at Hong Kong. About 0445 on December 8, Intelligence reported a Tokyo radio broadcast instructing their nationals that war with Britain and U. S. was imminent at any moment. By about 0645 the garrison had been informed that the British Empire and Japan were at war, and Command Headquarters moved into underground battle headquarters.
10681 * at 0800 Japanese aircraft dive attacked the airfield, destroying and damaging war and other aircraft. They also shelled the barracks, with few casualties. The casualties during the attack on Hong Kong were 1045 killed.

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10683 Exhibit No. 1237, KIDO Diary, December 8, 1941, stated * that at 12.40 a. m. TOGO phoned him to consult about the treatment of Roosevelt's telegram, which had been brought by Grew. KIDO advised him to consult TOJO, and told him there would be no need to hesitate to visit the throne. Learning that TOGO had proceeded to the

10684 palace, KIDO went to the office at * 2.40 a. m. When going to work in the morning, KIDO saw the rising sun and thought it was symbolic of the destiny of Japan, now that she had entered war with Britain and the U. S. he prayed for the success of navy planes making an attack on Pearl Harbor at that time.

At 7.30 he met the Premier and the Chiefs of Staff, and heard the news of the success of the attack on Hawaii. The Imperial Proclamation of War was issued.

10686 Exhibit No. 1240, Imperial Rescript, December 8, 1941, stated * that the Emperor hereby declared war on the U. S. and the British Empire, and stated that the army and navy would do their utmost in prosecuting the war, as would the various public servants in the nation. The entire nation will mobilize their total strength so that nothing will miscarry in attaining the war aims.

10687 The policy of stabilizing East Asia and contribute to the far-sighted policy was formulated by the Emperor Meiji, and the guiding principle of Japan's foreign policy has been to cultivate friendship among nations and to enjoy prosperity in common with all nations. It has been truly unavoidable that Japan has been brought to war. * More than four years have passed since the government of China has failed to comprehend Japan's true intentions and had disturbed the peace of East Asia and compelled Japan to take up arms. Although the National Government has been re-established, the Chungking Regime, relying on British and U. S. protection, continues its opposition. England and America agree to realize their ambition to dominate the Orient and have given support to Chungking under the false name of peace. Both countries had increased military preparations on all sides of Japan to challenge Japan, and have obstructed Japan's peaceful commerce and resorted to a direct severance of economic relations, menacing gravely the existence of Japan.

10688 Japan had been patient to retrieve the situation peacefully, but the adversaries showed no spirit of conciliation * and delayed the settlement. They have intensified the economic and military pressure to compel

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10689 Japan to submission. This trend of affairs, if left unchecked, will not only nullify Japan's effort for many years for the sake of stabilizing East Asia, but would endanger Japan's existence. Japan has no other recourse but to appeal to arms and crush every obstacle in its path. The Rescript was signed by TOJO, * SUZUKI, SHIMADA, TOGO, KAYA, as well as the other Ministers.

10690 Exhibit No. 1241, Minutes of the Inquiry
10691 Committee of the Privy Council, December 8, 1941, stated * that SHIMADA reported on the starting of the war against U. S. and England. There were present at the meeting * TOJO, SHIMADA, TOGO, KAYA, SUZUKI, MUTO, and Oka. TOJO explained why they had to deal with the referenced bill. With respect to declaration of war, TOJO answered that it would be done as soon as the Imperial sanction is obtained on the subject. TOJO stated that at the meeting in the
10692 Imperial presence on * December 1, war against the U. S. and England and Holland was decided on, and that negotiations were continued only for the sake of strategy.

TOJO stated that Japan would declare war on Holland in view of strategic convenience, and Japan was in the course of negotiations with Siam for an Alliance Pact. TOJO stated that so far as Germany is concerned, as soon as Japan declared war, Germany and Italy will assume the same attitude and will not make a separate peace. A draft is being prepared for an agreement.

10693 With respect to Russia, TOJO stated that the relations stand on the basis of the Neutrality Pact, but * he expects special care to be taken. Generally, Russia is now fighting Germany so will not take advantage of Japan's southward advance and will not make any ready move according to America's plotting. If Russia grants the U. S. use of her Eastern territory, she makes Japan her enemy and this is a hard decision. Japan will watch Russia closely.

10694 KAYA explained that the expenses will be drawn upon a special account, as had been done in the China Incident. TOJO stated * it was necessary to have much anxiety as far as material supplies are concerned, and money and finance would be treated carefully. TOJO stated that action of war may have been started from Japan's side, but the cause is nothing but the fact that the U. S. gave various economic pressures to Japan. Certain special wc. * having been used in the draft for the Imperial edict,

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- 10695 TOGO stated that in the announced documents to enemy countries the government would use the regular names of the countries involved. * When cautioned it would be better to leave the word "America" out of the draft, TOGO replied that it is known all over the world and it is clear that America means the U. S. A. It was unanimously decided to approve the proposition.
- 10697 * The general outline stated that the international situation of the China Incident had become tense and negotiations with England and the U. S. had been driven close to the breaking point. The Cabinet anticipated that it might happen that war would be declared at the same time with the opening of hostilities. Conferences had been held as to the procedures to be taken at such a time with the Chief Secretary of the Privy Council. On December 7 at 4 p. m. the Secretary was summoned to a meeting at the Premier's residence at 7.30 p. m. This
- 10698 meeting was held, and at 8 p. m. * the Privy Council was informed of the details by the Chief of the Legislative Bureau. Owing to the disruption of the negotiations, it was stated that a critical situation was brought about, and the Army and Navy were to begin action early next morning, and the government would present the next day the declaration of war for Imperial sanction. This information was relayed to the President and Vice-President of the Privy Council by phone, and a meeting called. Thereafter the secretaries prepared an inquiry and report draft on the matter of declaration of war against America and England, finishing by 12 p. m.
- 10699 * A little after 4 a. m. December 8, the secretaries were informed that it had been decided to ask for imperial sanction for a declaration of war. This was passed on to the proper officials and a meeting of the Privy Council called for 7 a. m., at which time ONIMADA reported on the outbreak of war at Hawaii. While he was reporting, the draft of the Imperial ratification was received. The meeting was opened and the matter discussed in a hurry, so that the meeting adjourned at 9.55 a. m.
- 10700 At 10.50 * the Council met in the presence of the Emperor and unanimously approved the resolution, which was finally approved at 11 a. m.

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NARRATIVE SUMMARY OF THE RECORD
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- 10701 Exhibit 1242, telegram from Berlin to Tokyo, December 8, 1941, stated that OSHIMA had called on Ribbentrop * and told him of Japan's wish to have Germany and Italy issue formal declarations of war on the U.S.
- 10702 Hitler was then in conference discussing the formalities of declaring war * to make a good impression and Ribbentrop agreed to transmit TOGO's wish at once to Hitler and have it carried out promptly. Ribbentrop stated that on the 8th Hitler issued orders to the entire German Navy to attack American ships whenever and wherever they may meet them.
- 10706 Exhibit 1243-A, TOJO interrogation, February 7, 1946, stated * that TOJO admitted that he was the one primarily responsible for the attack on Pearl Harbor and U.S. and British possessions and from the standpoint of assistance to the throne the Cabinet was jointly responsible and, hence, the other Cabinet members were responsible. As senior member TOJO was chiefly responsible, as were the Army and Navy chiefs.
- 10707 Exhibit 1244, TOJO interrogation, March 1, 1946, * stated that the Pearl Harbor attack was a navy operation and TOJO knew only that if the attack went smoothly it would begin at such and such a time. Malaya, Hongkong and Philippine attacks were joint operations
- 10708 and War Minister TOJO knew about them. * He knew about the Pearl Harbor attack from the liaison conference preceding the Imperial Conference of 1 December 1941. He knew about the other attacks some five or six days before the Liaison Conference met.
- 10709 He knew about these attacks and approved them. He did not agree that the attack under such circumstances was nothing but murder and not warfare. He thought it was a legal * defense in the face of challenge. He, however, was not proud of Pearl Harbor. He sympathized with those who died but Japan had been challenged and took justifiable self-defense. England and U.S. menaced Japan economically and militarily and the attack was against military objectives.

DIRECT EXAMINATION OF MR. JOSEPH W. BALLENTINE
BY MR. KEENAN

10712 * Mr. Ballantine identified Exhibit 1245 as his Affidavit and stated that the contents thereof were true. The affidavit stated that the deponent entered the U.S. foreign service in June 1909 and has served there until date. From 1909 until 1928 he served continuously either in the American Embassy in Tokyo or at Consulate posts in the Japanese Empire. From 1928 to 1930 he was with the Department of State. * From 1930 to 1934 he was Consul General at Canton, China. From 1934 to 1936 he was Consul General at Mukden, Manchuria. From July to December 1936 he was temporarily First Secretary in Tokyo and from March 1937 to date he served continuously * in the Department of State. Up to September 20, 1945 he was on duty in the Office of the Far Eastern Affairs and was Director from December 1944 to September 1945. Since September 1945 he has been Assistant to the Secretary of State. The matters contained within the affidavit are within his personal knowledge, otherwise he is familiar with them from the records of the Department of State.

During his whole career in the foreign service he has dealt with Far Eastern Affairs and has followed closely the course of Japanese-American relations. Until 1931 these relations were generally friendly and there was a consistent attitude of good will toward Japan. The occupation of Manchuria caused an impairment of these relations. To understand the true significance of the 1941 conversations it was necessary to have clearly in mind the background of the political situation relating to the Far East.

10719 * From the outset of Japan's emergence as a modern state she had been pursuing a policy of military aggrandisement except for a certain brief period when forces of moderation appeared to be in the ascendancy. However, the intervals between aggressive steps were periods of consolidation.

In 1895 Japan annexed Formosa and tried to establish a foothold in Manchuria. In 1905 after the Russo-Japanese war she established herself in Manchuria by acquiring the Kwantung territory lease and ownership of the South Manchurian Railway and also South Sakhalin. In 1928 she adopted a so-called positive policy toward China with a menacing disposition to intervene in Chinese internal affairs.

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10720 In 1931 Japan invaded Manchuria and established Manchukuo. This flagrant violation of the Nine Power Treaty was Japan's break away * and the policy of cooperation of the Washington Treaty. U.S. opposition was shown in the identic notes delivered to Japan and China, in January 1932, in which the U.S. stated it would not admit the legality of any de facto situation and would not recognize any treaty of any parties which might impair U.S. treaty rights, including those relating to Chinese sovereignty and the open door policy or any treaty contrary to the Kellogg Pact.

10721 The U.S. cooperated with the League on the Manchurian question. In a note addressed by HIROTA to the Secretary of State, HIROTA stated that he believed no question existed between the U.S. and Japan 'that is fundamentally incapable of amicable solution.' Hull concurred and emphasized the U.S. belief in adjustments of questions by pacific means. Nevertheless, on April * 17, 1934, the Foreign Office gave out a truculent official statement known as the 'Amau' statement in which Japan made clear its purpose to compel China to follow Japan's dictate and to permit other countries to have relations with China only if Japan allowed.

On December 29, 1934, while HIROTA was Foreign Minister, Japan gave notice of its withdrawal from the Washington Naval Treaty of February 6, 1922.

10732 * The witness stated that the statements made in his affidavit, which he prepared and from which he is reading are the conclusions of fact upon which the U.S. officials acted and that in his affidavit, having taken part in the discussions with the President and Secretary of State * he is stating the position of the U.S. government on these matters.

10733 The witness stated in July 1937, * with HIROTA Foreign Minister, Japan deliberately took advantage of a minor incident between China and Japan to flagrantly invade China on a huge scale, pouring into China immense armies which spread fan-like over great areas, including industrial and key centers, raping, robbing, murdering and committing all kinds of lawless acts. The most barbarous were those of Nanking and U.S. public opinion was shocked by these outrages.

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10735 Subsequent to this renewed attack on China, relations between the U.S. and Japan steadily deteriorated. The military forces completely destroyed suggestions made by the U.S. and others that reasonable considerations be given to the safety, rights and interests of nationals of third countries in China. American public opinion became outraged and more and more critical of Japan. The U.S. looked with disfavor upon the current manifestations of Japanese foreign * policy and Japanese methods.

On August 10, 1937, the U.S. offered her good offices in the dispute between Japan and China, but nothing came of it because of Japan's attitude. On October 6, 1937, the U.S. protested that Japan's action was inconsistent with the Nine Power and Briand-Kellogg Pact.

In November 1937 the U.S. participated with 18 nations in a conference at Brussels to study peaceable means of hastening the Far Eastern conflict under the provisions of the Nine Power Treaty. Japan repeated refusal to participate effectively prevented efforts to end the conflict by mediation and conciliation and on November 24 the conference suspended.

10736 * On December 12, 1937, Japanese aircraft bombed and sank the U.S.S. Panay. To gain public support in Japan for programs of military expansion, slogans were used, such as 'the new order in Greater East Asia' and 'the East Asia Co-Prosperity Sphere. The U.S. and others were charged with attempting to shock Japan. A charge entirely unfounded except as it applied to U.S. and British opposition to Japan's courses of aggression.

On July 26, 1939, the U.S. notified Japan of its intent to terminate the Commerce Treaty of 1911 since it was felt it was not affording adequate protection to U.S. commerce in Japan or in occupied portions of China, while the most favored nation clause of the treaty was a bar to the adoption of retaliatory measures against Japanese commerce. The treaty terminated on January 26, 1940.

10737 * During the entire period of the China undeclared war, Japan flagrantly destroyed in China, U.S.

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10738

rights and interests and jeopardizing American lives. U.S. property was invaded, occupied and damaged by bombing and U.S. citizens endangered. Discriminatory restrictions were placed on U.S. enterprise and trade and there was censorship and interference with mail and telegrams and restriction on freedom of trade, residence and travel. Notwithstanding repeated representations and protests and repeated categorical assurances by Japan that the open door in China would be maintained and U.S. rights respected, these violations continued. The restrictions imposed by Japan operated to place Japanese * interests in a preferred position in China and discriminated on American interests. The imposition by the Japanese of exchange controls, compulsory currency circulation, tariff revision and monopolistic promotion implied an assumption by Japan that Japan or its regimes were entitled to act in China in the capacity such as flows from rights of sovereignty and to disregard the established rights and interests of others.

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On November 3, 1938, the Prime Minister said all countries should have a clear recognition regarding the new situation in the Far East. History shows that China independence and peace have been frequently menaced because of the struggle for supremacy by foreign powers. Japan thinks it necessary to effect a fundamental revision and to establish a new peace fabric in the Far East. Japan will not * exclude cooperation of foreign powers and she does not intend to damage the legitimate rights of others. If the powers understand Japan's real intentions and devise a policy in accordance with the new situation, she does not grudge cooperating with them for peace. He did not define the words 'in accordance with the new situation in the Far East.'

10740

In September 1939, the U.S. protested against the large scale propaganda campaign against western nations undertaken by Japanese agencies in China. The pronouncements issued sought to persuade the Chinese that the difficulties and burdens which the hostilities had brought upon the native population should be blamed upon the west, * including the U.S. Strong anti-U.S. feeling was fostered, anti-American parades were organized, and anti-U.S. banners and posters were displayed.

In August and September 1940 the Department of State learned that Japan had concluded an agreement with

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Vichy by which Japan moved troops into northern Indo-China. The acting secretary on September 20, 1940 informed the Ambassador that the latter could be under no misapprehension as to the serious disquiet and opposition which the action threatened by Japan in FIC and would create in the mind of the U.S.

10741

In September 1940, Japan entered into the Tripartite Pact and the U.S. viewed this as aimed directly at her to discourage her from taking adequate measures of self-defense until Japan and Germany had completed their programs of conquest of Europe and Asia when they could turn on the U.S. alone. * Hull on September 30, 1940, commented to the British Ambassador that the relations between the three Axis powers, each having a common objective of conquering certain areas of the world and pursuing identical policies of force, devastation and seizure, had been in recent years on the basis of complete understanding and a mutual cooperation.

After the autumn of 1940 it was clear that Japan's military leaders had embarked on a program to conquer the entire Far East and Western Pacific. This program was referred to in the euphemistic slogans as the 'New Order in Greater East Asia' and 'the Greater East Asia Co-Prosperity Sphere.' Japan went out with force and entered into collaboration with Hitler to establish a new world order, arrogating to herself a sphere embracing an area occupied by nearly half the population of the world.

10742

During these years the U.S. consistently tried to remind Japan of the traditional friendship * and mutually profitable relations between the two and to keep before Japan tactfully the principles which should form the basis of worthwhile relationships between nations. The U.S. tried to dissuade Japan from her courses by pointing out the honorable alternatives which would have assured Japan national security and economic prosperity.

In connection with the conversations with the Japanese in 1941 it was necessary to bear in mind Japan's long record of duplicity in international dealings.

In 1904 she guaranteed Korea independence and in 1910 annexed her. In 1908 she pledged with the U.S.

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10743 to support Chinese independence and equal opportunity and in 1915 presented the 21 demands. * In 1918 she entered into an arrangement whereby forces not exceeding 7,000 by any one power were to be sent to Siberia and the Japanese military seeing in this an opportunity to annex eastern Siberia and sent more than 70,000 troops.

In 1922 in the Nine Power Treaty she agreed to respect China's sovereignty, independence and integrity and to use her influence to establish the principle of equal opportunity. Her whole course in China since 1931 was in violation of these pledges. On November 21, 1932, MATSUOKA said Japan wants no more territory. By the end of that year she had occupied all of Manchuria and thereafter moved south and west occupying a vast area of China.

10744 * On July 27, 1937, KONOYE said in sending troops to North China, Japan had only the purpose of preserving peace in East Asia. To do this for four years Japanese forces had carried warfare and suffering over the greater part of China.

On October 28, 1937, the Japanese Foreign Office stated that Japan did not look upon the Chinese as an enemy. She showed this friendly feeling by bombing Chinese civilian populations, by burning Chinese cities, by making millions of Chinese homeless and destitute, by mistreating and killing civilians, and by acts of horror and cruelty.

10745 * On April 15, 1940, Mr. ARITA, then Japanese Foreign Minister said Japan is deeply concerned over any development that may effect the status quo of NEI. Following the occupation of Holland Japan sent a Commercial Commission to the Indies which asked concessions so far reaching that, if granted, the Indies would have been * a Japanese colony.

After the renewal of the undeclared war against China in July 1937, Japanese civilian leaders repeatedly gave assurances that U.S. rights would be respected and they were repeatedly violated. They stated that U.S. lives and property in China would be respected, but there were steadily mounting cases of bombing of American property with loss

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or danger to American lives. Repeatedly Japan assured that U.S. treaty rights in China would be respected. Unnumbered measures infringing those rights were put into effect in Japanese occupied areas. Trade monopolies were set up, discriminatory taxes were imposed, etc. In addition, American nationals were assaulted, arbitrarily detained, and subjected to indignities.

From 1931 to 1933, while Japan was carrying forward its program of aggression, the U.S. was moving steadily ahead in advocacy of world support of sanctity of treaties and peaceful processes.

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* On March 16, 1934 Hull had a conference with SAITO, one of many conversations in which he tried to convince Japan her best interests lay in following policies of peace.

Three days later he again spoke to SAITO. During the conversation, the Ambassador repeated the formula which his Government had been putting forward publicly for some weeks to the effect that Japan had a superior and special function in preserving peace in East Asia. Hull brought to SAITO's attention the clear implications of that formula and of Japan's intentions to exercise an overlordship over neighboring nations and territories. During the winter of 1940 and spring of 1941 it was apparent that Japan was starting a mission of conquest of the entire Pacific west of a few hundred miles of Hawaii and extending to the South Seas and to India. In collaboration with Hitler they were out to establish a new world order and they thought they could compel all peaceful nations * to come in under that order in the half of the world they took for themselves.

10747

In March 1941 when the deponent was about to go to China to assume the post of Counselor of Embassy he was requested by Hull to remain in Washington for consultation in connection with an informal suggestion made through the medium of private U.S. and Japanese that Japan would welcome an opportunity to alter its political alignments and modify its attitude toward China. It was represented that if an agreement could be achieved with the U.S. which would offer Japan security, this would enable the moderate elements in Japan to gain control of the domestic situation and that there was adequate support for an

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10748 agreement which would provide for practical nullification of the Axis alliance and for settlement of the China conflict on terms in which Japan would give complete recognition of the open door in China provided she received similar treatment elsewhere in the Far East. * It was also represented that the Japanese were weary of the hostilities in China and were ready to recast her policy along liberal and peaceful lines.

Welcoming these suggestions, but keeping Japanese history in mind during March and April 1941, the President and Hull discussed several times with the Ambassador the subject of improving relations. On May 12, the Japanese Ambassador presented under instructions a proposal for general settlement between the two countries which is Exhibit 1070.

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* Japanese terms intended to propose to China were indicated only through reference to the KONCYE principles. Since these had been the basis of the treaty with Wang in November 1940, giving Japan a position of overlordship, Hull sought to induce Japan to state precisely the terms that she had in mind as a basis by the Ambassador and his associates constantly avoided making definite commitments by resorting to generalities. In a conversation with officers of the Department and others, Colonel IWAKURO, Special Military Adviser to the Japanese Ambassador, explained that the areas of contemplated stationing of Japanese troops in China * was contemplated under a provision for defense against Communistic activities through collaboration of China including Inner Mongolia and the adjacent regions of China proper including a line of communications to the sea as far south as Tsingtao, which gave Japanese military domination of the five northern provinces with an aggregate area of more than 400,000 square miles and a population of more than 80 million. This was in addition to Manchuria and Jehol. IWAKURO said that this stationing of troops was an absolute condition of any settlement with China.

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Notwithstanding the objectionable features of the proposal, in view of the world situation the U.S. had decided to explore thoroughly every possible means of coming to an agreement. Hull on numerous occasions emphasized to NOMURA that the U.S. knew of Japanese difficult internal situations and was prepared to be patient and give Japan

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- 10751 * ample time to bring public opinion into line to support a liberal program such as Hull and NOMURA had been discussing. NOMURA and others expressed surprise with respect to the U.S. interest in China as they regarded this as a matter for China and Japan only. Hull pointed out numerous times that such a peaceful settlement was an essential element in furthering the U.S.-Japanese objective, the peace of the Pacific, and if the U.S. should, as Japan proposed, suggest that China negotiate with Japan, the U.S. would have a certain degree of responsibility as to the basis of the proposed negotiation and the conformity of the proposed terms to the principles the U.S. supports. On May 28, NOMURA indicated that the withdrawal of troops from China, following settlement, did not include troops retained for cooperative defense * against Communism and he could not state how many troops and in what areas they would be stationed.
- 10752

He stated that he would not believe the Far East had progressed to a point where other arrangements could be feasible. On May 28, Hull made it clear that the proposed formula with respect to the Axis did not adequately clarify Japan's peaceful intention toward the U.S. should the U.S. become involved in a war with Germany. He emphasized that such clarification was needed to offset statements made by Japanese officials justifying Axis obligations. Unless this was clarified in the event of an agreement critics would say there was no assurance of Japan's position toward the U.S.

- 10753 The question of Japan's meaning of 'economic cooperation' between China and Japan was also discussed and it was evident that she intended to retain a preferred economic position for herself in China, while trying * to obtain in the Southwest Pacific area economic rights which she was unwilling to give to the third power in China. Hull pointed out that this retention by Japan of a preferred position in China would be inconsistent with the principle of non-discrimination in international commercial relations to which the U.S. was committed as being essential for a lasting peace in the Pacific and which Japan had said she approved.

On June 6 Hull told NOMURA that he had the impression from the various revisions of the proposal and from recent manifestations that Japan was disposed to stress her alignment with the Axis; to avoid giving a clear indication of an intention to place Japan's relations with

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China on a basis which would contribute to a lasting peace in the Far East; and to veer away from clear cut commitments in regard to policies of peace and of non-discriminatory treatment which were the fundamentals of a sound basis for peace in the Pacific.

10754 * The Japanese asked for a complete reply to their proposals of May 12 and on June 21 the Ambassador gave the U.S.' view in the form of a tentative redraft of their proposals, which is Exhibit 1092.

With respect to Exhibit 1245-A, the witness stated that he had drawn it himself.

10759 * On June 22, Germany attacked the Soviet Union and in July the U.S. began receiving reports that a large Japanese military movement into South FIC was imminent. This threatened the Philippines and the British and Dutch possessions in the Western Pacific area and threatened vital trade routes. * These were immediately brought to the attention of NCMURA and pointed out the inconsistency of such movements and the conversations which were then proceeding, and requested information as to the facts. On July 23, NCMURA explained that Japan had to secure an uninterrupted source of supply and to insure against encirclement of Japan militarily. Welles replied that the agreement being discussed would give Japan far greater security than an occupation of FIC and that the U.S. policy was the opposite of an encirclement policy. The U.S. could only regard this action as constituting notice that Japan was taking the last step to proceeding on a policy of expansion and conquest in the region of the South Seas. He told NCMURA that the U.S. could not see any basis for pursuing further the conversations with the Japanese Ambassador.

10760 * On July 24, Roosevelt proposed to Japan that FIC be regarded as a neutralized country envisaged giving Japan the fullest and freest opportunity of assuring a source of food supplies and other materials which Japan said she was seeking to obtain. This proposal was not accepted and large Japanese forces moved into South FIC.

This was an aggravated, overt act. The risk of war was so great that the U.S. and others concerned no longer were confronted with the question of avoiding such

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risk but from then on with the problem of preventing a complete undermining of their security. The U.S. had to make a definite and clear move in self-defense.

10763 On July 26, 1941, the President froze Chinese and Japanese assets in the U.S. bringing under the control * of the U.S. all financial and trade transactions in which Chinese and Japanese interests were involved. Britain and Netherlands acted similarly. The effect was to bring about a virtual cessation of trade between the U.S. and Japan.

On August 8, NOMURA inquired whether it would be possible for the heads of the two governments to meet to discuss means for reaching an adjustment of views. After reviewing briefly the steps which had lead to the discontinuance of the conversations, Hull said it remained with Japan to decide whether it could find means of shaping its policies along lines which would make possible an adjustment of views, the sti

On August 28 there was delivered to the President a message from Prince KONOYE urging a meeting of the heads of the two governments to discuss all important problems by Japan and the U.S. covering the entire Pacific. This message contained a statement with assurances, with several qualifications, of Japan's peaceful intent.

10765 This document which is Exhibit 1245-B stated that KONOYE appreciated Roosevelt delivering personally to NOMURA the U.S.' reply to Japan's proposal regarding a meeting between Roosevelt and KONOYE. Japan and the U.S. are the last two largest powers * who hold the key to international peace. That the two nations should fall in the worst of relations at this time would mean not only a disaster in itself, but also the collapse of world civilization. Japan wishes to maintain peace in the Pacific and in the world and, therefore, desires to improve U.S.-Japan relations.

The present deterioration is due to lack of understanding which has led to mutual suspicions and misapprehensions, and also encouraged the machinations and maneuvers of third powers.

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Without first eliminating these causes it is impossible to adjust relations and he, therefore, wished a meeting with the President. The informal conversations ended in July were appropriate both in spirit and content but the idea of continuing them and having their conclusions confirmed by the heads of the governments does not meet the present situation which is developing swiftly.

10766 It is of urgent necessity that the two heads should meet first * to discuss from a broad standpoint all important problems of the entire Pacific and explore the possibility of saving the situation. Minor items, if necessary, be left for subsequent negotiations.

10767 He thought that the meeting should take place as soon as possible. When NCMURA delivered this he stated that Japan had received the President's communication on August 17, 1941, and that Japan regretted that despite its previous pledge and explanations on its actions in foreign fields, * the U.S. still entertains misgivings.

The U.S. mentions certain situations and measures as inimical to a peaceful settlement in the Pacific. Sometimes it is difficult to ascertain when an event is a cause or a consequence.

When a nation is obstructed in its natural and peaceful development or when the means of its existence is threatened, it is imperative that the nation take defense measures and it is required to do so to maintain a just peace. This was Japan's motivating policy.

Meanwhile the U.S. had taken certain measures which could be interpreted in Japan as indicative of a continuing unfriendly pressure at variance with the then current amicable conversations.

10768 The U.S. looks on some of its actions as merely counter-measures against Japan's policy and procedures which are considered as conflicting with American interests and principles, but in Japan these procedures were determined by considerations of self-protection for meeting national requirements or removing * environmental and political obstacles against national security.

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The U.S. has seemed frequently unaware that its words and policies are automatically weighted with the U.S.' immense power, natural endowment and potential might. The President and Hull in their own unquestioning adherence to the ways of peaceful procedures might find it difficult to believe that other nations consider themselves threatened by the U.S. But as long as this threat exists there will be some less favorably endowed who will feel compelled to consider defensively their relations with the U.S.

As a result Japan welcomes the U.S.' invitation to exchange views as to basic policies and attitudes for an understanding that will continue lasting and extensive peace in the Pacific. Japan is ready for such a peace, for such a united effort toward a peaceful settlement covering the entire Pacific situation Japan would be proud to make sacrifices.

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* Japan's measures in Indo-China were intended to hasten settlement of the China Incident and at the same time to remove all menace to the peace of the Pacific and to secure to Japan an equitable supply of essential materials. It was a measure of self-defense which Japan was obliged to take, but Japan did not intend to threaten other countries and is prepared to withdraw its troops from FIC as soon as the China Incident is settled or a just peace is established in East Asia.

To remove all doubts Japan reaffirms its repeated declaration that its present action in Indo-China is not a preparatory step for military advance into neighboring countries. This should suffice to clarify also Japan's intentions toward Thailand.

10770

With respect to the Soviet Japan declares that she will take no military actions so long * as the Soviet remains faithful to the Soviet-Japanese neutrality treaty and does not menace Japan or Manchukuo or take any action contrary to that treaty. Japan sincerely hopes that the U.S. will avoid any action which might give rise to fear of menace to Japan through collaboration with the Soviet Union.

Japan has no intention of using, without provocation, military force against any neighboring nation.

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10771 Properly, the discussion between Japan and the U.S. directed toward ascertaining if there existed a basis for negotiations and envisage the working out of a progressive program obtainable by peaceful methods. Japan shares this view with the U.S. The U.S. also states that no problems affecting the rights and privileges of either the U.S. or Japan would be considered except if they were in conformity to the basic principles to which the U.S. has been committed. Japan's basic national policy * is in full agreement.

Regarding the principles and directives set forth by the U.S. as constituting a program for the Pacific area, the Japanese government wishes to state that it considers these principles and the practical application as the prime requisites of a true peace to be applied not only in the Pacific but throughout the world. This has long been desired by Japan.

Japan hopes that past differences may be merged in an agreement of principles and a cooperative effort based on order and justice. A meeting of the responsible heads of the two governments would confirm and give sanction to these purposes that peace in the Pacific would be instituted by the meeting.

10772 * The witness stated that the President, on September 3, replied, suggesting that there immediately take place in advance of the proposed meeting preliminary discussions on fundamental and essential questions and on the which the agreement should be applied. This
10773 reply, Exhibit 1245-C, stated * that the President fully shares KONOYE's desire for peaceful settlement and desires to assure him that the U.S., recognizing the swiftly-moving character of world events, is prepared to proceed as rapidly as possible toward consummating arrangements for a meeting at which KONOYE and Roosevelt could exchange views and try to adjust relations.

In KONOYE's statement he stated that Japan considers the principles to which the U.S. is committed and their practical application as the prime requisites of a true peace to be applied not only in the Pacific but throughout the world and that such a program has long been desired by Japan.

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10774 The President desires to collaborate to make these principles effective in practice, but he finds it necessary to take * account of developments both in the U.S. and Japan bearing on these problems. He cannot avoid taking cognizance of the indications in some quarters in Japan of concepts which, if widely entertained, would be able to raise obstacles to successful collaboration. He, therefore, felt constrained to suggest that it is highly desirable that they take precautions to insure that the meeting will be a success by trying to enter immediately into preliminary discussions of fundamental and essential questions. These involve practical application of the fundamental principles mentioned in KONOYE's letter.

10775 * The witness stated that the U.S. felt that the President could go to this meeting only if he had first obtained some tentative assurances that the meeting
10776 * could accomplish good. Japan provided nothing tangible. They held the threat implicit in the Tripartite Pact and did not state that Japan would refrain from attacking the U.S. if it became involved in self-defense in a European war. Japan had refused to agree to preliminary steps such as adopting the proposal of July 24 for neutralization of FIC. Instead they moved more firmly into Indo-China. They would not budge from their insistence in any peace agreement with China for terms based on principles embodied in the Wang agreement, including the stationing for an indefinite period of large numbers of Japanese troops widely in China and the control by Japan of strategic industries and economic facilities which gave Japan a permanent strangle-hold over China.

10777 Inasmuch as conversations had failed to move Japan on these points, it would have been illusory to expect that a meeting * between Roosevelt and KONOYE would have resulted in Japan giving dependable pledges to assure peaceful settlement. It was clear that unless the meeting produced concrete and clear-cut commitments toward peace, Japan would have distorted the significance of the meeting so as to discourage the Chinese. If it merely endorsed general principles, Japan, in the light of their past practices, would have utilized such general principles in support of any interpretation which Japan might choose to place upon them, and if there was no agreement, Japan would have been in a position to declare that the U.S. was responsible for the failure.

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* On September 6, the witness stated, NOMURA presented a new draft of proposals much narrower than the assurances given in the statement to the President on August 28. This proposal, Exhibit 1245-D, provided that Japan would undertake the following commitments:

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(1) Japan was ready to express her concurrence in those matters already tentatively agreed upon in the course of preliminary conversations; (2) * That Japan would not make any military advances from FIC against adjoining areas and would not give any justifiable reason to take military action against any region south of Japan; (3) That the attitudes of Japan and the U.S. toward the European war would be decided by concepts of protection and self-defense, and if the U.S. would participate, the interpretation and execution of the pact by Japan was to be independently decided; (4) That Japan would try to bring about the rehabilitation of a general, normal relation with China and on the realization of this Japan would be ready to withdraw its armed forces from China as soon as possible in accordance with agreements with China; (5) That U.S. economic activities in China would not be restricted so long as they were pursued equitably; (6) That Japan's activities * in the Southwest Pacific would be carried on peacefully in accordance with the principle of non-discrimination and Japan would cooperate in producing and procuring by the U.S. of needed natural resources; and, (7) That Japan will take measures for resumption of normal trade with the U.S. and Japan is ready to discontinue immediately the application of the foreigners' transactions control regulations with regard to the U.S. on the basis of reciprocity.

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On the other hand the U.S. will undertake (1) that in response to Japan's commitment for resuming a normal relation with China, the U.S. would abstain from any measure or action prejudicial to Japan's trying to settle the China affair; (2) that the U.S. will reciprocate Japan's commitment expressed in Japan's sixth point; (3) that the U.S. will suspend * any military measures in the Far East and Southwest Pacific; and (4) the U.S. will, on settlement, reciprocate Japan's commitment of point 7 by discontinuing the application of the so-called freezing act with regard to Japan and further by removing the prohibition against passage of Japanese vessels through the Panama Canal.

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- 10782 * The witness stated that on September 25, Japan presented to Grew a complete new draft of Japan's proposal and requested an early reply. This redraft did not indicate any modification of Japan's attitude on fundamental points. This document, Exhibit 1245-E, stated that the U.S. and Japan would come * to a mutual understanding and declaration of policy. With respect to the concepts of international relations both governments would affirm that their policies are directed toward founding lasting peace and beginning a new era of reciprocal * confidence and cooperation.
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Both would declare that it is their conviction that nations and races compose, as members of a family, one household, each equally enjoying rights and admitting responsibilities regulated by peaceful processes and directed to the pursuit of their moral and physical welfare which they are bound to defend for themselves and not to destroy for others.

With respect to the European war both countries would maintain it their common aim to bring about peace in the world and at an opportune time they would endeavor for the early restoration of world peace.

- 10786 * With regard to development prior to restoring of world peace both nations would be guided by considerations of protection and self-defense and if the U.S. should participate in the European war * Japan would decide entirely independently the matter of interpreting the Tripartite pact and would determine what actions might be taken by way of fulfilling the obligation in accordance with this interpretation.
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- 10788 With respect to peaceful settlement with China, both governments would take cognizance that the settlement had a vital bearing on the peace of the Pacific and on the world and would try to expedite a rapid realization of the settlement. The U.S. would, with intent to facilitate the settlement, render its good offices so that Chiang might promptly enter into negotiations with Japan to terminate hostilities and resume peaceful relations and would refrain from resorting to any measure or action which might hamper the * efforts of Japan. Japan would maintain that the basic terms of peace would be in harmony with the principles of the KONOYE statement and that the agreements

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which Japan and China would put into effect in accordance with that statement. Japan would maintain that economic cooperation would be carried on peacefully under the principle of non-discrimination and with the principle of especially close relationship natural between neighbors and that the economic activities of the third powers in China would not be excluded so long as they are equitable.

10789 With respect to commerce between Japan and the U.S., both governments would agree to take measures for resuming normal trade relations and both would guarantee to the other that they would immediately discontinue the freezing of assets * and would mutually supply such commodities as are available and required by either.

With respect to the economic problems in the Southwest Pacific both would pledge that their economic activities in that area would be carried on peacefully in conformity with the principle of non-discrimination and both agree to cooperate toward the creation of conditions of international trade and investment under which both would have a reasonable opportunity to secure through trade the means of acquiring the goods and commodities which they need to develop their own economy.

10790 Both would cooperate for concluding and executing agreements with powers concerned in respect to the production and supply nondiscriminatorily * of specific commodities such as oil, rubber, nickel and tin.

With respect to the political stabilization in the Pacific, both would undertake not to resort to any measure which might jeopardize this. Japan would undertake not to make an armed advance, using FIC as a base to any adjacent area, excluding China, and on the establishment of peace would withdraw its troops from FIC. The U.S. would undertake to alleviate its military measures in the Southwest Pacific.

10791 Both would declare that they respect the sovereignty and integrity of Thailand and NEI and they are prepared to conclude an agreement concerning the neutralization of the Philippines when they become independent. The U.S. would guarantee * non-discriminatory treatment of Japan in the Philippines.

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10792 * The witness stated that Japan, on September
22, communicated to Grew a statement of the terms of
peace which it proposed to offer China. This statement,
10793 Exhibit 1245-F, stated that the terms would be * neigh-
borly friendship, respect for sovereignty and territorial
integrity, respective gains between Japan and China. By
this latter was meant that there would be cooperation to
prevent Communistic and other subversive activities and
maintaining of public order in China and would include
the stationing of Japanese troops and naval forces in
certain areas in China for a period for these purposes and
in accord with agreements and usages.

10794 The Japanese armed forces which have been sent
to China for the China affair will be withdrawn upon settle-
ment, excepting those mentioned before. The peace would
provide for economic cooperation between Japan and China
with a development * and utilization of essential materials
for national defense in China as a principal objective.
This would not restrict any economic activities of third
powers pursued on an equitable basis. There would be fusion
of the Chiang regime with the Wang government. It would be
agreed that there would be no annexation, no indemnities
and recognition of Manchukuo.

10795 * The witness stated that on October 2 Hull
gave to NOMURA a memorandum of an oral statement reviewing
the developments in the conversations and explaining the
U.S.' attitude toward various points in Japan's proposal
which did not appear to the U.S. to be consistent to U.S.
10796 principles. This memorandum, Exhibit 1245-G, stated * that
he was referring to the proposals communicated by Japan on
September 6 and thoughtful study had been given to them and
a careful review had been made of other communications re-
ceived from Japan previously. On the basis of this study
Hull wished to make certain objections. That the U.S.
welcomed the suggestion made by Japan through NOMURA in
the early part of August that a meeting be held of the
responsible heads of the two governments to discuss means
10797 * for adjusting the relations and that the informal con-
versations be resumed.

Accordingly, on August 17, 1941, the President,
in his reply, expressed the view that such conversations
would naturally envisage the working out of a progressive

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10798 program obtainable by peaceful means and would involve in the Pacific the application of the principle of equality of commercial opportunity and treatment thus giving access to all to raw materials and other essential commodities and he described the advantages which would flow to all from the adoption of such a program. In conclusion he had stated that if Japan was in the position to embark upon a peaceful program along the lines of the plan to which the U.S. is committed, the U.S. would be prepared to consider resumption * of the informal discussions and would try to arrange a suitable time and place to exchange views.

In view of these principles it was gratifying for the U.S. to receive the statement of KONOYE of August 28, 1941, expressing Japan's desire and intention to pursue peace in light of the fundamental principles to which the U.S. is committed. With some qualifications Japan gave broad assurances of its peaceful intent, including the assurance that Japan had no intention of using without provocation military force against any neighbor. Japan declared that it supported the program and principles outlined by the President as applicable not only to the Pacific but also to the entire world.

10799 The U.S., while desiring to proceed quickly * to arrange for a meeting with KONOYE felt it desirable to assure that the meeting would accomplish its objective to clarify the interpretation of certain principles and their practical application in the Pacific.

The U.S. did not desire to enter into a discussion of details, but did feel that the clarification sought would afford a means of expediting an effort to arrive at a meeting of minds.

10800 On September 3, 1941, the President in replying to NOMURA expressed the U.S.' desire to collaborate to make effective and practice the principles to which Japan referred. The President reiterated them as being respect for territorial integrity and sovereignty of all nations; support of the principle of non-interference in internal affairs of other countries; support of the principle of equality, * including equality of commercial opportunity; a non-disturbance of the status quo in the Pacific except * may be altered by peaceful means.

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The President pointed out that to bring about a satisfactory settlement it was important to reach agreements upon certain points on which fundamental differences had developed and he asked for the present attitude to Japan with regard to these fundamental questions.

10801 On September 6, KONOYE stated to Grew that he subscribed fully to the President's four principles. These developments seemed to justify to the U.S. to conclude that Japan might be expected to adhere to and to give application to a broad progressive program to the entire Pacific. It was, therefore, a disappointment to the U.S. that the proposals * of Japan of September 6, which Japan intended to be a concrete basis for discussion appeared to show divergence in the concepts of the two governments. In the opinion of the U.S. these proposals and their statements served to narrow and restrict not only the application of the principles, but also the various assurances given by Japan of its desire to move with the U.S. in putting into operation a broad program for establishing and maintaining peace in the Pacific.

10802 * The various assurances given by KONOYE in Japan are highly gratifying, however, as qualified, its assurances with certain phrases the need for which is not easily understood. It is difficult to conceive that it will develop presently in any territory neighboring FIC, in Thailand or in the Soviet, any aggressive threat to Japan. The inalienable right of self-defense is well recognized by all nations and there could arise in the minds of some the question as to what Japan has in view in limiting its assurances of peaceful intent with what would seem to be unnecessary qualifying phrases.

In the informal conversation a formula was tentatively arrived at on economic policy providing that the activity of both in the Pacific would be carried on by peaceful means under the principle of non-discrimination. In Japan's proposal of September 6 and in subsequent communications the commitments of the formula were restricted to the Southwest Pacific and not to the Pacific as a whole.

With respect to China, Japan states it will respect the principle of non-discrimination, but the explanation given in regard to this point would seem to be to the implication that Japan has in mind some

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limitation upon the application of this principle occasioned by reasons of Japan's geographical propinquity to China.

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It would not serve the purposes affirmed by the Japanese government or the the U.S. if either were to pursue one policy in a certain area and at the same time pursue an opposite policy in other area . The U.S. has noted Japan's views in support of its desire to station troops for an indeterminate period in certain areas of China. Entirely apart from the question of the reasons for this, the inclusion of this in the proposed peaceful settlement at a time when Japan is in military occupation of large areas in China is * open to certain objections. When a country militarily occupies another and proposes continuance of its troops in certain areas as a condition for settlement and for the withdrawal of occupational forces from other areas this procedure would seem to be out of keeping with the progressive and enlightened principles discussed informally and did not make for peace or offer stability.

A clear-cut manifestation of Japan's intent with respect to the withdrawal of troops from China and FIC would be most helpful in making known to those inclined to be critical, Japan's peaceful intention and desire to follow courses designed to establish a sound basis for future stability and progress in the Pacific.

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With respect to the European war, the U.S. notes with appreciation Japan's further step to meet the difficulties inherent in this problem. * It would be helpful if Japan could give further study to this question of additional clarification.

In this exchange of views to prepare for a meeting of the two heads of the government the U.S. has tried to make clear that it envisages a comprehensive program calling for the application uniformly of the entire Pacific of liberal and progressive principles. From what the Japanese government has so far indicated the U.S. derives the impression that Japan has in mind a program which would be limited by the imposition of qualifications and exceptions to the actual application of those principles.

If this is correct, can the Japanese feel that meeting between the two heads would be likely to contribute

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to advancement of the high purposes which we have mutually had in mind?

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* The U.S. believes that renewed consideration of the fundamental principles may be helpful in seeking a meeting of minds in regard to essential questions and would thus lay a firm foundation for a meeting between the responsible heads. The subject of the meeting proposed by KONOYE and the objectives sought have engaged the interests of the President and there is earnest hope that the discussion may be so developed that such a meeting can be held. He also hopes that Japan shares his conviction that if the two governments are resolved to give these principles practical and comprehensive application, the two governments can work out * a fundamental rehabilitation of their relations and contribute to a lasting peace of justice, equality and order in the whole Pacific.

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* After receiving the U. S. memorandum of October 2, Japan redoubled its emphasis for haste in reaching an agreement. They offered new formulas for limited and specific problems, and stated Japan had placed all its cards on the table and had gone as far as she could in making these so-called concessions. In these new formulas, there was no evidence that Japan was moving one step to commit herself to a peaceful course, * or that she contemplated retreating from insistence on attaining her declared objectives, political, economic, and cultural domination of the Western Pacific and China. After the TOJO cabinet came in on October 17, Japan became more insistent on urging a quick decision on her proposals, but showed no willingness to effect any fundamental modification of her position and no desire to practically apply the basic principles essential to contribute to lasting peace in the Pacific.

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Although Hull repeatedly made it clear that the U. S. would consult with Britain, Australia, China, and the Netherlands before entering into negotiations with Japan affecting their interests, he at no time made any statement which would have warranted Japan assuming that in these conversations Hull * was delegated to speak or act for the other powers.

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KURUSU arrived in Washington on November 15, 1941, and on November 20 he and NOMURA presented to Hull a proposal which was extreme on its face. This proposal, Exhibit No. 1245-H, proposed * that both Japan and the U. S. agree not to make any armed advance into anywheres in Southeast Asia and South Pacific areas, excepting that part of FIC where Japanese troops were stationed. Japan would undertake to withdraw her troops in FIC upon the restoration of peace with China or on establishing an equitable peace in the Pacific. Japan would declare that she is prepared to remove her troops from South FIC to the northern part on the conclusion of the proposed arrangement, which is to be embodied in the final agreement. Both countries would cooperate to secure goods and commodities which they need in NEI. Both would undertake to restore their commercial relations to that prevailing prior to the freezing of the assets, and the U. S. would

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* supply Japan a required quantity of oil. The U. S. would undertake to refrain from any action which would be prejudicial to the endeavors for restoring general peace between Japan and China.

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* Both before and after presenting the proposal, NOMURA and KURUSU pointed out the urgency of the situation and intimated that this was Japan's last word and if an agreement was not quickly concluded ensuing developments might be most unfortunate.

The acceptance of this proposal, the witness stated, would have meant condonement by the U. S. of Japan's past aggression, U. S. assent to unlimited courses of conquest by Japan in the future, U. S. abandonment of its past position on the most essential principles of its foreign policy, U. S. betrayal of China, and U. S. acceptance of the position of silent partner aiding and abetting Japan in trying to create Japanese hegemony over the West Pacific and eastern Asia. It would have destroyed U. S. chances of asserting and maintaining her rights in the Pacific and would have been a most serious threat to U. S. national security. In this Japan clung to her advantageous position in FIC which threatened the countries of the south and menaced vital trade routes.

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* The conditional offer to withdraw troops from South FIC was meaningless, since they could have brought the troops back within a day or two, and they placed no limit on the number of troops they might send there.

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On November 26, Hull replied in the form of two documents and outlined in a tentative form of the proposed basis for agreement and an explanatory statement. These two documents are exhibit 1245-1. In the statement, Hull said that the two nations had been carrying on for several months past informal and exploratory conversations to arrive at a settlement of questions relating to the entire Pacific based on the principles of peace, law and order, and fair dealing. These include the principles of inviolability of territorial integrity and sovereignty, of non-interference in other countries' internal affairs, equality, including that of commercial opportunity, and of reliance on international cooperation and conciliation to prevent and settle controversies and improve international conditions by peaceful processes.

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It is believed some progress has been made with reference to the general principles which would constitute the basis of such a settlement. Recently NOMURA had stated that Japan desires to continue the conversations, and that it would be helpful to create a favorable atmosphere if a temporary modus vivendi * could be agreed upon to be effective while the conversations continue.

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10818 On November 20, NOMURA gave to Hull Japan's proposals with respect to temporary measures to be taken by both governments, which are understood to have been designed to accomplish the purposes. The U. S. desires to contribute to the peace and stability of the Pacific and to afford every opportunity for continuing discussions toward working out a broad gage program of peace in the Pacific. Japan's proposals conflict with the fundamental principles which form a part of the general settlement under consideration and to which the U. S. is committed. Their adoption would not be likely to contribute to the ultimate objectives of insuring peace, and the U. S. therefore suggests that further effort be made * to solve the differences with respect to the practical application of the fundamental principles.

10819 With this in view, the U. S. offers to Japan a plan of a broad but simple settlement for the entire Pacific as one practical exemplification of the program which the U. S. envisages as something to be worked out during the further conversations. This plan is an effort to bridge the gap between the U. S. draft of June 21 and Japan's draft of September 25, by making a new approach to the essential problems. It contains provisions dealing with the practical application of the fundamental principles agreed upon as being the only sound basis for international relations. It is hoped that in this way progress toward reaching a meeting of minds might be expedited.

10820 * As written, the proposal stated that both Japan and the United States would enter an agreement which would provide that they both, being solicitous for the peace of the Pacific, affirm that their national policies are directed toward a lasting and extensive peace in the Pacific, that they have no territorial designs and no intention of threatening others, or of using aggressive military force, and that in their national policies they would support and give practical application to the fundamental principles of inviolability of territorial integrity and sovereignty, of non-interference in the internal affairs of others, the principle of equality, and the principle of reliance on international cooperation and conciliation to prevent and settle controversies by peaceful processes. They have agreed that they will support and practically apply in their economic relations with others, the following principles. Non-discrimination in international commerce; international economic cooperation and abolition of extreme nationalism, as shown in

eliminate any form of military alliance. It is pointed out that over a year before Japan had concluded an agreement with Vichy by which five or 6,000 Japanese were allowed to enter North Africa to protect Japanese troops.

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10820½ excessive trade restrictions; non-discriminatory access by all to raw materials; full protection of the interests of consuming countries and populations in the operation of international commodity agreements; * and that of establishing such institutions and arranging international finance as may lend aid to the essential enterprises, 10821 the continuous development of all countries and which would permit payment through processes of trade consonant with the welfare of all.

They would propose to take the following steps. The U. S. and Japan would try to conclude a multi-lateral non-aggression pact between Britain, China, Japan, Holland, the Soviet, Thailand, and the U. S. Both would try to conclude among the U. S., Britain, China, Japan, Holland, and Thai, an agreement whereby each would pledge to respect the territorial integrity of FIC, and if a threat should develop to enter into immediate consultation to take such measures as is necessary to meet the threat. It would provide that each would not seek or accept preferential 10822 treatment * in trade or economic relations with FIC and would use its influence to obtain for each equality of treatment. Japan will withdraw all military, naval, air and police forces from China and FIC. The U. S. and Japan would not support in any way any Chinese Government other than the national one with its capital temporarily at Chungking. Both would give up all extra-territorial rights in China, including rights and interests to international settlements and concessions and under the Boxer Protocol of 1901.

Both would try to obtain from Britain and others an agreement to give up their special rights in China. 10823 Both would enter into negotiations for the conclusion between them of a trade agreement based upon reciprocal most favored nation treatment, and reduction of trade barriers, including a U. S. undertaking to put raw silk on the free list. Both will remove their freezing restrictions on the other's funds. Both will agree on a plan for stabilizing the dollar-yen rate, with the allocation of funds to be half supplied by Japan and half by the U. S. Both will agree that no agreement concluded with any third power is to be interpreted as to conflict with the fundamental purpose of this agreement, that is, the establishment and preservation of peace in the Pacific. Both will use their influence to cause others to adhere to and give practical application to the basic principles in the agreement.

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* The witness stated that although it subsequently appeared Japan treated this proposal as finally disposing of negotiating a peaceful settlement, they kept up the appearance of negotiations down to December 7.

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On December 2, the President had an inquiry made at once to NOMURA and KURUSU as to the reasons for the continued Japanese troop movements in FIC. On December 5 NOMURA presented to Welles a reply to the President's inquiry, containing the specious statement that reinforcements had been sent to FIC as a precautionary measure against Chinese troops. On December 6 the President telegraphed a personal appeal to the Emperor that the tragic possibilities in the situation be avoided. At his express direction, the message was sent in the non-confidential gray code, easy to decipher. To assure prompt decoding, a brief telegram was sent to Grew in advance to prepare for the message to the Emperor. * The alerting message was sent on December 6 at 8 p. m. and the message to the Emperor at 9 p. m.

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The message to the Emperor, Exhibit No. 1245-J, stated that a century ago the President of the U. S. addressed to the Emperor of Japan a message offering friendship to the people of Japan. This offer was accepted, and in the long period of peace and friendship which followed, both nations have prospered and * have substantially helped humanity. Only in situations of extraordinary importance to both need the President address the Emperor. He felt that he should now so address him because of the deep and far reaching emergency appearing. Developments are taking place in the Pacific which threaten to deprive both and all humanity of the beneficial influence of a long peace, all of which contained tragic possibilities.

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The people of the United States have watched the conversations between the two governments. They had hoped for a termination of the China-Japan conflict and that peace could be consummated so that many nations could exist side by side without fear of invasion; that the unbearable burdens of armaments could be lifted, and that all people could resume commerce without discrimination. He felt certain that it would be clear to the Emperor * that in seeking these objectives both should agree to eliminate any form of military threat. He pointed out that over a year before Japan had concluded an agreement with Vichy by which five or 6,000 Japanese were allowed to enter North FIC to protect Japanese troops.

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10828 In the present spring and summer, Vichy had permitted further troops to enter FIC for the common defense. There has been no attack on FIC and none has been contemplated. In the past few weeks it is clear that Japanese forces have been sent to South FIC in such large numbers as to create a reasonable doubt by others that this concentration is not defensive in its character. Since these concentrations * have reached such large proportions and now extend to the southeast and southwest corners of the Peninsula, the people of the Philippines, the East Indies Islands, Malaya, and Thailand are asking whether these forces are preparing or intend to make an attack in one or more of many directions.

The Emperor will understand that this is a legitimate fear, since it involves peace and national existence, and will understand why the people of the U. S. look askance at the establishing of military, naval, and air bases, so greatly manned and equipped as to constitute measures of offense. The continuance of such a situation is unthinkable, and no nation can sit indefinitely or permanently on a keg of dynamite.

10829 The U. S. has no intention of invading FIC if every Japanese soldier or sailor * is withdrawn. He believed that the same assurance could be obtained of the governments of FIC, Malaya, and Thailand, and he would even undertake to ask for the same assurance from China. The withdrawal would result in the assurance of peace throughout all of the South Pacific.

He was writing this in the hope that the Emperor would give thought to ways of dispelling the dark clouds. Both have a sacred duty to restore traditional amity and to prevent further death and destruction.

10830 * The witness stated that at 7.40 p. m. on December 6, the White House informed the press that a message was sent to the Emperor. On December 7 at about 12 noon, Hull, in response to a request from NOMURA, made an appointment to receive him and Kurusu at 1 p. m. Shortly after 1 p. m., NOMURA and KURUSU requested by telephone that the meeting be postponed until 1.45. They arrived at 2.05 and were received by Hull at 2.20. NOMURA said he had been instructed by Japan to deliver a paper at 1 p. m. but that difficulty in decoding it delayed him, and he then handed to Hull a document.

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10831 This document, Exhibit No. 1245-K, stated Japan, desiring to come to an amicable understanding with the U. S. so that both might secure the peace of the Pacific and world peace, had continued negotiations with the utmost sincerity since last April. Japan has the honor to state frankly its views concerning the claims which the U. S. has persistently maintained, as well as on the measures the U. S. and Britain have taken towards Japan in the past 8 months. It is Japan's immutable policy to insure stability of East Asia and insure world peace. * Ever since the China Affair broke out owing to China's failure to understand Japan's true intention, Japan has striven to restore peace and exerted its best efforts to prevent its extension. It was to this end that in September 1940, Japan concluded the Tripartite Pact. However, both the U. S. and Britain have used every possible measure to assist China so as to obstruct the establishment of a general peace with Japan, and have interfered with Japan's constructive endeavors towards stabilizing East Asia.

10832 By exerting pressure on the NEI and menacing FIC, they have tried to frustrate Japan's aspiration for common prosperity in cooperation with these regions. When Japan, under its protocol with France, took measures of joint defense in FIC, both the U. S. and Britain, wilfully misinterpreting it as a threat to themselves, to follow suit, * enforced the freezing order, thus severing economic relations with Japan. While manifesting a hostile attitude, they have strengthened their military preparations perfecting an encirclement of Japan and have endangered Japan's existence.

10833 Nevertheless, to facilitate a speedy settlement, Japan proposed last August for its Premier to meet the President to discuss the important problems. However, the U. S., while accepting the proposal in principle, insisted that the meeting take place after an agreement had been reached on fundamental and essential questions. On September 25, Japan submitted a proposal based on the U. S. formula, taking into consideration past American claims and Japanese views. Repeated discussions were of no avail in producing an agreement. The present * cabinet submitted a revised proposal, moderating further Japanese claims on the principal points of difficulty and tried strenuously to reach a settlement, but the U. S., adhering to its original assertions, failed to show the slightest spirit of conciliation, and the negotiations made no progress.

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To avoid a crisis, Japan submitted on November 20 another proposal to arrive at an equitable solution of the more essential and urgent questions, simplifying its previous proposal. These proposals were set forth previously in the witness' testimony.

10836 * The U. S. not only rejected these new proposals, but made known its intention to continue aid to Chiang Kai-shek, and in spite of the suggestion, withdrew the President's offer to act as "introducer" of peace between Japan and China, pleading that the time is not ripe. Finally, on November 26 in an attitude of imposing upon Japan those principles it has persistently maintained, the U. S. made a proposal totally ignoring Japanese claims, a source of profound regret to Japan.

10837 From the beginning Japan has always maintained an attitude of fairness and moderation and did its best to reach a settlement for which it made all possible concessions. As to the China question, which was an important subject, Japan showed a most conciliatory attitude. As for the principle of non-discrimination in international commerce, * Japan expressed the desire to see these principles applied throughout the world, and declared that along with this actual practice Japan would try to apply the same in the Pacific Area including China, and made it clear that Japan had no intention of excluding from China economic activity of third powers on an equitable basis. With respect to withdrawing troops from FIC, Japan volunteered to carry out an immediate evacuation from South FIC to ease this situation. It is presumed that the U. S. appreciates this spirit of conciliation.

10838 On the other hand, the U. S., holding fast to theories in disregard of realities and refusing to yield an inch on impractical principles, unduly delayed the negotiations. It is difficult to understand this attitude, and Japan desires to call the U. S. attention to the following points. * The U. S. advocates the principles favorable to it and urges upon Japan their acceptance. The peace of the world can be brought about only by discovering a mutually acceptable formula through recognition of the reality and mutual appreciation of one another's position. The attitude which ignores reality and imposes one's selfish views on others will not serve the purpose of facilitating the negotiations.

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* Of the various principles put forward by the U. S., there are some which Japan is ready to accept in principle, but in view of actual world conditions it is only a utopian idea of the U. S. to try to force their immediate adoption. The proposal to conclude a multi-lateral non aggression pact between Japan, U. S., Great Britain, China, the Soviet, the Netherlands and Thailand, patterned after the concept of collective security, is far removed from the realities of East Asia.

The American proposal contains a stipulation that both will agree that no agreement which either has concluded with a third power is to be interpreted in such a way as to conflict with the fundamental purpose of this agreement. It is presumed that this provision is proposed with a view to restrain Japan from fulfilling her obligations under the Tripartite Pact when the U. S. participates in the European war. As such, it cannot be accepted by Japan.

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* The U. S., obsessed with its own views, may be said to be scheming for the extension of the war. While it seeks to secure its rear by stabilizing the Pacific, it is aiding Britain and preparing to attack in the name of self-defense, Germany and Italy, who are striving to establish a new order in Europe. This policy is at variance with the many principles upon which the U. S. proposes to found the stability of the Pacific. While the U. S., under its principles, objects to settling international issues through military pressure, it is exercising with Britain and others pressure by economic power. Such pressure in international relations should be condemned, as it is at times more inhumane than military pressure.

10841

It is impossible not to reach the conclusion that the U. S. wants to maintain and strengthen, along with Britain and others, its dominant position not only in China but all over East Asia. * It is the historical fact that East Asia, for more than a hundred years, has been compelled to observe the status quo under the Anglo-American policy of imperialistic exploitation and to sacrifice themselves to the prosperity of the two nations. Japan cannot tolerate the perpetuation of this situation, since it runs counter to Japan's fundamental policy to have all nations enjoy each its proper place.

Page

10842 The stipulation proposed by U. S. on FIC is a good example of this policy. Thus the six countries, excepting France, would undertake to respect FIC territorial integrity and sovereignty and equality of trade, and would place that territory under the joint guarantee of the six countries. Aside from the fact that this totally ignores France's position, it is unacceptable in that the arrangement can only be considered as an extension to FIC of the Nine Power Treaty structure system, which is chiefly responsible * for the present predicament of East Asia.

All the items demanded from Japan by the U. S. regarding China ignore the actual conditions of China, and are designed to destroy Japan's position as the stabilizing factor of East Asia. The attitude of the U. S. in demanding that Japan support no other regime than Chungking, thus disregarding the Nanking Government, shatters the basis of the present negotiation. This demand, including the refusal to cease from aiding Chungking, demonstrates clearly the U. S. intention to obstruct the restoration of normal relations between Japan and China.

10843 The American proposal contains certain acceptable items, such as those concerning commerce, including the trade agreement, removal of freezing restrictions, stabilization of exchange, and the abolition of extra-territorial rights in China. * However, the proposal ignores Japan's sacrifices for four years, menaces Japan's existence, and disparages its honor and prestige. Viewed in its entirety, Japan cannot accept the proposal as a basis for negotiations.

Japan, hoping for an early conclusion, proposed simultaneously with the conclusion of a Japan-U. S. negotiation, agreements to be signed with Britain and other countries. This proposal was accepted by the U. S. However, since the U. S. had made this proposal of November 26 as a result of frequent consultation with Britain, Australia, Holland and Chungking, and by catering to the wishes of Chungking, it must be concluded that all these countries are at one with the U. S. in ignoring Japan's position.

10844 It is obviously the intention of the U. S. to conspire with Britain and others to obstruct Japan's efforts toward establishing peace through the creation of a new order in East Asia, and to preserve * Anglo-American interests by keeping Japan and China at war.

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This has been revealed clearly during the present negotiations. Japan's earnest hope to adjust the relations and to preserve and promote the peace of the Pacific through the cooperation of the U. S. has been finally lost. Japan regrets, however, to have to notify that in view of the U. S. attitude it is impossible to reach an agreement through further negotiations.

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* The witness stated that this message was not a declaration of war with reasons or an ultimatum. It was not even a declaration of intention to sever diplomatic relations. Its allegations are contrary to fact. From the beginning, Japan's efforts were directed toward inducing the U. S. to surrender its basic policy while Japan maintained intact its policy of aggression and force. Japan's immutable policy was based upon establishing at the beginning a complete military and economic stranglehold over China, calling for Japanese control over strategic industries and facilities, which was referred to euphemistically as "economic cooperation with China". It had in mind the retention of large areas of China indefinitely, large Japanese garrisons to protect Japanese holdings, cloaked under the provision of "joint defense against Communism". These terms were embodied in the treaty of 1940 between Japan and Wang. Japan tried to obtain U. S. assent to the imposition of these terms on * China. Japan at no time budged from these terms, and for Japan to speak of making the utmost concessions is a monstrous distortion of the facts.

10846

The contention that Japan's proposal of September 25 was based on the U. S. proposal could not be sustained when one compares the two. An analysis of that of November 20 has already been presented.

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The refusal of China to come to an agreement with Japan was due not to failure on the part of China to understand Japan's true intentions, but to the fact that Japan's true intentions were clearly understood. The U. S. policy of assisting China was inspired by the desire to prevent Japan from coercing China with a peace which would allow Japan to completely dominate her. The policy of the U. S. and her friends, including the freezing measures, was one of self-defense against Japan's publicly proclaimed policy * of general aggression. The offer of the U. S., that the President would suggest to China that it enter into negotiations with Japan was made contingent upon Japan's entering into a general agreement along the lines of the June 21 proposal, and was never withdrawn.

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The U. S. proposal of November 26 was a practical application of principles which had been discussed for months, and was nothing new. It offered to Japan benefits which any other country bent on peace would have accepted. The delay was due to Japan's firm adherence to its fixed policy of aggression. It is not clear what Japan meant by her contention that the U. S. proposal for a multilateral non-aggression pact was far removed from the realities, unless it meant that the proposal conflicted with Japan's plan to establish domination of the entire Western Pacific.

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* The charge that the U. S. was scheming to extend the war was on its face preposterous, and the charge that the U. S. with Britain was exercising economic pressure referred obviously to the freezing measure, which was a measure of necessary self-defense after Japan had launched its general forward military movement into FIC so as to imperil U. S., British, and Dutch territory. The charge that the U. S. desired to maintain and strengthen its dominant position in China is absurd, since the U. S. never sought or had such a position. With respect to the charge that the U. S. sought to obstruct the new order, it is true that the U. S. was opposed to Japan's pretensions to arrogate to itself a position of military dominance throughout the Far East and Western Pacific.

10849

On reading the telegram, Hull turned to NOMURA and stated that in all of his conversations with NOMURA * he had never spoken one word of untruth, which is borne out absolutely by the record. In all of his fifty years of public service he had never seen a document that had more falsehoods and distortions on a scale so huge that he never imagined until today that any government was capable of uttering them. NOMURA and KURUSU left without comment.

This interview, it later appeared, took place more than an hour after Japan had struck at Pearl Harbor and more than two hours after actual landing in Malaya, and four hours after Japan had crossed the boundary of the International Settlement at Shanghai. This was not mentioned by NOMURA and KURUSU.

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CROSS-EXAMINATION by Mr. Blakeney,
Counsel for TOGO.

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* The witness stated that he prepared the affidavit largely by himself from the records. * With respect to the documents in "Peace and War" or "Diplomatic Relations" and Hull's statement to Congress, a number of people collaborated in drafting and preparing these documents, of which he was one. He was present at most of the conversations with Hull and Japanese representatives. * He collaborated as one of the staff in the drafting of documents. This team was under the constant direction of the Secretary of State, and the witness was the most junior member of the three principal advisers to Hull on Far Eastern matters. The other two were Stanley K. Hornbeck, political * adviser, and Maxwell Hamilton, Chief of the Division of Far Eastern Affairs.

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The witness was quite familiar with the course and progress of the conversations. The witness stated that the conversations began with the suggestion informally brought to the attention of the Secretary of State, which was followed by discussions between Hull, the President, and NOMURA. Prior to the draft proposal of May 12, there was a draft proposal brought informally to Hull on April 9. This is Exhibit No. 1059, * and the existence of this telegram explains the references in Exhibit B and the amendments to the original draft proposals. The witness did not know who prepared the original draft of April 9. However, the private individuals working on the question and discussing it with the Department of State were Mr. WIKAWA, Colonel IWAKURO, Father Drought of the Maryknoll Mission, and Bishop Walsh of that mission.

10856

So far as the witness knew, Postmaster General Walker did not participate in any drafting, but simply acted as the medium for communications. According to what Father Drought told the witness, * he and Bishop Walsh had visited Japan in the latter part of 1940, and they stated they had talks with high officials. He did not recall definitely their names, except MATSUOKA, whom they specifically mentioned. It is correct to say he did not know whether these people prepared the original draft, but they were interested in it and worked on the matter. If he recalled correctly, the draft was delivered to Hull by the Postmaster General.

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- 10857 When he stated in his affidavit on page 7, "it was represented that",* this was learned from Father Drought, who stated he got his word from WIKAWA, who was connected with the Cooperative Banks in Japan. After the draft of April 9 was given to Hull, it was discussed between Hull and NOMURA on April 14 and 16. NOMURA told Hull that he knew of the draft and had collaborated with these private individuals, but there was no suggestion that it had official standing.
- 10858 * According to the record, some time in March Hull and NOMURA agreed that the efforts to improve Japanese-U. S. relations were to be a joint initiative. The witness did not believe that one could go so far as to say that the subject was first raised by Roosevelt in a conversation with NOMURA on February 14, 1941. Normally when an ambassador presented his credentials the President would take the lead in the conversation. Whether the President invited NOMURA to initiate formal discussions with Hull must be left to the record, which speaks for itself. The record, as published in "Foreign Relations" is correct.
- 10859 * Hull made it perfectly clear to NOMURA that the proposal of April 9 was not a U. S. proposal, since he explained that there were some parts in it that the U. S. could accept, other parts which would require revision, and others which the U. S. could not accept. Hull stated to NOMURA that he could not have official conversations except on a proposal presented under instructions, and he left to NOMURA the question of whether
- 10860 he wanted to get instructions on this proposal. * When NOMURA presented the draft of May 12, he stated he had been authorized to commence discussions.
- 10861 * Whether the purports of the May 12 draft is an amendment or redraft is to be inferred from their explanatory statement. There were quite a few differences between the two. The witness stated that according to his affidavit, the essential differences fell first, with respect to the attitude toward the European war, the question of Japanese-Chinese relations, and the question
- 10862 of economic activities in the Pacific. * These were the fundamental points of difference between the two governments, and except as created by the situation of Japan moving into Southern FIC they were the subject matter of the conversations from beginning to end. One other topic was the freezing measures.

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- 10863 All of these questions represented applications of principles of peace which caused the failure to reach an agreement. * There was no clear-cut commitments by Japan, even on the fundamental principles. The U. S. problem was to envisage an agreement for peace covering the entire Pacific. One way which war might come about in the Pacific was if Japan, interpreting its obligations to the Axis, might think it had to attack the U. S. if it became involved in the European war. The U. S. wished to make clear to Japan its concept of becoming involved through acts of self-defense.
- 10864 * The differences between the parties did not turn on the wording definition of self-defense, but turned on Japan's failure to give any assurance that her obligations under the Tripartite Pact, as she interpreted them, did not require her to attack the U. S. There was no difference in the concept that each country must be its own judge of its own self-defense. He did not recall any contention by the Japanese that they dissented from the U. S. contention that each nation had a right to judge the requirements of self-defense.
- 10865 There was no difference between Hull, NOMURA, and KURUSU on the point * that each nation must be the judge of what should constitute its own self-defense. They did say, however, they could not in an agreement, give the U. S. a blank check and agree not to attack on her concept of self-defense. They said that if the U. S. became involved in the European war they would independently make their own interpretations of what their obligations were.
- 10866 *The U. S. wanted clarification from Japan as to what their attitude was and what they would do in case the U. S. became involved through acts of self-defense, and the U. S. explained clearly what it meant by self-defense.
- 10867 * Neither the right nor the scope of the U. S.
10868 * definition of self-defense was at issue. The question was whether they would give any commitments after the U. S. explained her attitude. It is correct to say that they would not give a blank check for anything which the U. S. might call self-defense. Japan came to the U. S. and asked for an agreement for peace in the whole Pacific. There was one factor which was likely to disrupt that peace. Japan was a member of the Tripartite Alliance, and it was possible that the U. S. may become involved in the war in the Atlantic.

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- 10869 The U. S. wanted from them their attitude and their obligations under the Pact as it affected that possibility. Certain acts were being taken or might be taken by the U. S. in the future in the nature of self-defense. * The U. S. was asking Japan to agree that if such acts were taken in the future and did lead to involvement in the European war, Japan would not be committed to action under the Tripartite Pact, but this is only a part of the story. The U. S. had not asked for a new agreement. Japan asked for the agreement, and the U. S. wanted clarification on this point. The U. S. volunteered at the very outset the information of how far it contended the right of self-defense extended. This right of self-defense is made clear in Mr. Hull's speech,* which is of record, and which he believed is the speech of April 24, 1941. It is the speech wherein he stated that the U. S. defense would call for resistance wherever resistance would be most effective.
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- 10876 * The witness stated that he had no present recollection of any speech made by the President on May 27, 1941, in which he defined the scope of the right of self-defense. He had no clear recollection of any speech in which the President, in the spring of 1941, stated that the U. S. would decide for itself whether and when and where U. S. interests are attacked or her security threatened.
- 10878 * The witness stated that neither Hull, nor any other U. S. official, had made any statement to him discussing the possibility of the U. S. attacking Japan. The witness stated he did not know whether the freezing assets order was taken jointly with other governments. He only knew that the U. S. action was followed or taken about the same time as those of other governments. He did not know whether the freezing by Britain and Holland brought about a virtual cessation of trade with those countries and Japan. * He had no direct knowledge that after the freezing of the assets, Japan was cut off from commercial intercourse with all parts of the world except Asia adjacent to her. He did not see any trade figures, and anything he would say would be a matter of assumption.
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- 10880 He * had made no calculation of the amount of reduction of Japanese foreign trade. The reduction might be 75%, and for all he knew it might be 55%.

When asked whether the State Department, in taking this step, knew that it would inevitably drive Japan to seek raw materials elsewhere, the witness stated

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10881 that no one could hardly know in advance what somebody else is going to do. The Department of State did not consider it highly improbable that Japan would be compelled to do so, because the President at that time offered Japan a peaceful alternative * to the course that Japan was pursuing in his offer of neutralization of FIC of July 24.

The fact of Japan turning elsewhere to secure necessary trade and supplies was only one alternative. The other was the President's offer with respect to FIC and was still pending, as the time was only two days since the offer was made. The U. S. had heard a great deal about Japan's contention that she was being encircled. There was cooperation between the U. S., Britain, China, and Holland in the situation then prevailing, and it was necessary that these countries consult with each other about self-defense.

10882 * There had been military cooperation between these nations, plus Australia, with respect to possible action against Japan. He did not, however, know that any particular plans were the only U. S. plans for defense. The Acting Secretary of State told NOMURA that the U. S. policy was the opposite of encirclement.

10884 * The witness stated that on the question of the Tripartite Pact, the position of the parties did not gradually draw closer together. The witness stated that he had omitted the May 21 American draft. The June 21 draft, up to November 26, was the U. S.' last complete proposal. It represented the end of thinking out and discussions over the original proposal of May 12, and the witness sought to save time by comparing it with the May 12 draft instead of comparing the May 21 draft. The
10885 May 31 draft is Exhibit No. 1078. * It was redrafted in the June proposal.

10886 The witness stated that he did not know the basis of NOMURA's contention on August 28 that he did not feel that there would be any difficulties about the Tripartite Pact question at the proposed ROOSEVELT-NOMURA meeting. * The June draft was then the current one. The witness stated he did not recall definitely that at that time NOMURA had said that Japan regarded her adherence to the Axis as merely nominal, but he did know that there was a great deal of confusion and conflict in what they said at one time and another.

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10887

* So far as the witness knew, the U. S. never took any position on whether Japan should formally abrogate the Tripartite Pact. She did not, however, want any situation or interpretation inconsistent with the agreement which Japan sought.

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The best answer to the question of Hull's views, is under point 9, in the steps to be taken by the two countries in the November 26 proposal. The wording speaks for itself. * The word "demand" which is used, must be considered with reference to the next to last paragraph in the explanatory statement on page 2 of Exhibit L.

10889

* The witness stated that he recollected the passage from Grew's talk in which he stated that while Japan consistently refused to undertake to overtly renounce her alliance, had actually shown a readiness to reduce her adherence to a dead letter by her indication of willingness to enter formally into negotiations with the U. S. With regard to this point, the Department felt that there needed to be something more definite and concrete. At one time KURUSU stated that Japan might do something to outshine the other alliance, but nothing more specific was ever made. The parties never reached the point in the conversation where all could construe that the conclusion of a general pacific agreement would so unequivocally fix Japan's orientation with the Tripartite Pact that it would be dead. They never reached the point on all other things so as to have to reach a decision on this question. There were too many * outstanding questions. The Japanese proposals were being successfully narrowed down. The furthest the Japanese went was to say that they would interpret the Pact independently, which would imply that they were not under German domination and that they were an independent nation and would reach their own decision without reference to Germany.

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The U. S. had no basis for reaching the conclusion that this meant Japan's desire to escape from the Tripartite Pact without formally denouncing it. At one time Hull said that the Japanese Cabinet might change, and what might go for one Cabinet might not go for the next.

The proposals of Japan were being consistently narrowed primarily in regard to commitments of peaceful intent. They were qualifications, and also in regard to qualifications with respect to non-discrimination of international intercourse.

NARRATIVE SUMMARY OF THE RECORD
(November 19, 1946)
(BALLANTINE - Cross)

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10892

The next sentence, other than the one quoted, * shows clearly that the U. S. was not satisfied with the step that Japan had taken. The general tone of the note was conciliatory and friendly as possible. The first sentence in the note of October 2 must be interpreted in the light of the atmosphere which the U. S. was trying to create. In the first paragraph, it should be noted that the U. S. was largely addressing itself to the proposal of September 6, in which Japan had gone a little further than that of May 12. In the last clause there they had stated that "if the U. S. participated in the European war, the interpretation of the Tripartite Pact * would be independently decided". While he could not state positively that the October 2 note referred to this point, he thinks that it did.

10893

On November 10 NOMURA read a memorandum to Roosevelt. This was not included in the witness' affidavit. The reason for this is that among the intercepted messages released at the Pearl Harbor Inquiry there was a telegram of November 5. In that telegram there was an instruction to NOMURA * with respect to stationing of troops in China, which showed a complete lack of good faith, because NOMURA was instructed to make specious explanation of the reasons and to be vague and indefinite as to what Japan wanted. In view of this, that had to be taken into consideration in connection with any proposals that were made from Japan at that time.

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* One could not take any one point at a time, but had to consider the whole situation as a whole. He had omitted this document from the affidavit, because in his judgement it was of lesser importance.

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* In his message of November 10, NOMURA had stated that present circumstances do not permit Japan to write down other than what is proposed in the September 25 draft, but he asked Roosevelt to read between the lines and accept the formula as satisfactory.

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The witness stated that there was a line erased by the Ambassador. No explanation was given at the time of the conversation, and if any explanation was made he did not recall it. The witness did not recall that there was any feeling in the Department of State in November that the parties were nearer to agreement on the Tripartite question. They were looking at all questions as a whole and getting slightly closer on one point without getting closer on others.

NARRATIVE SUMMARY OF THE RECORD
(November 19, 1946)
(BALLANTINE - Cross)

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10897

* They did not attach too much importance to any single point, because they were so far apart on many of the questions as a whole.

10901

* The witness stated he would not say that of all the questions the one that most concerned and interested the U. S. in the pacific settlement was the question of stationing troops in China. It would be correct to say, however, that it was a problem which loomed very large, was raised by the U. S., and in the end proved to be the chief stumbling block to an agreement.

NARRATIVE SUMMARY OF THE RECORD
(November 20, 1945)
(U.S.-British Relations, BALLANTINE - Cross)

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10905 The witness stated * that it was correct to say that the immutable policy of Japan to insure stability in East Asia was predicated upon establishing a complete military and economic stranglehold over China but they never budged from this position and for them to speak of making concessions from it was monstrous.

The question of Japanese control of Chinese industry merged into the discussion of non-discrimination in the sense that it is part of the large question. The real fact was that the special companies which were given title under the Japanese sponsored regions had monopolized industry and had frustrated the operation of competitive enterprise. As a result, American enterprise there was stifled and could operate only in narrow grooves, if at all.

10906 * The best explanation of the U.S. position is contained in its memorandum of November 15, 1941, setting forth the clear relationship of the subject as a whole. Another important question
10907 was the question of stationing Japanese troops in China * and the Japanese demand that the U.S. withdraw aid from Chiang Kai-Shek.

There were certain treaty rights that foreign powers had acquired to station troops, such as the Boxer Protocol. The U.S. was trying to gradually get away from that and had proposed it on November 26. The U.S., under the Boxer Protocol, maintained Legation Guards of about 1,000 strong, with a maximum of about 2,000. The objection of Japan's proposal against stationing troops was that Japan had made this demand since 1936 and it was one of the causes that brought on extended hostilities. If there was to be a stabilized peace in the Far East such arrangements as Japan made needed to be entered into through amicable negotiations with China. However, there was a great vagueness as to what the Japanese wanted, areas, number of troops and length of time were all indeterminable.

There was no clear cut expression of what they wanted except a blank check. It was also well known that China herself was self-opposed to accepting any such provision.

10908 * The first official intimation of the extent of Japan's claims were given by Colonel IWAKURO but two or three days later, NOMURA spoke with Hull. What IWAKURO said was never withdrawn and to the best of the witness's knowledge they never receded from their position.

One of IWAKURO's points was that troops were to remain in North China and Mongolia to defend against a communist menace * and maintain order in areas adjacent to Japan in the sense of geographical propinquity.

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The witness stated that it was true that communist activities did exist but he did not wish to pass on whether China had untrammelled opportunity to maintain order herself. There was a great deal of confusion, however, as to what were legitimate interests and what were interests acquired as a result of the forcible occupation of North China.

10911 * This matter is a very difficult one since there is a question of whether troops for protecting interests should be maintained. The Boxer Protocol only made provision for them making contact with the legations and protecting them.

10912 The U.S. position, with respect to time, was to allow Japan to have a reasonable time under existing conditions to effect evacuation of large forces. With respect to the number of troops, if the U.S. had explained to China what INAKURO wanted, China would not have been willing to accept the terms. The number of troops * was abnormally large because there was a war in progress. Hull, with knowledge of internal conditions in Japan, explained time and time again that he was prepared to be patient.

10913 The U.S. entered upon conversations because Japan had informed it that they wanted a peaceful settlement governing the entire Pacific area. On the question of troops * Japan had expressed at the outset her difficulties and it can be noted from the U.S. proposal of June 21 that this matter was subject to further discussion. The U.S. was prepared to explore the subject thoroughly and reasonably. It was not insisting on unconditional, immediate, total withdrawal. Little progress was made on this point down to the beginning of November. When he said that the draft of September 6 was much narrower he was considering the August 27 document along with it.

10915 * The witness stated that the November 10 document was the same as was referred to in the memorandum given to the Secretary of State on November 7. He had omitted from his affidavit * this statement because when they considered this document the intercept of November 5 came in, which made it clear that the representations being made on the troop question were not being made in good faith. In addition, in the proposal they injected the Island of Hainan, an entirely new question, which left the parties just where they were.

10919 * Exhibit No. 1246, the memorandum of NOMURA to Hull, November 7, 1941, stated that Japanese forces which had been sent to China and in certain specified areas in North China and Mongolia, as well as on Hainan Island, will remain stationed

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for a certain period after the restoration of peace. The remainder of the forces will begin withdrawal as soon as peace is restored and the withdrawing will proceed according to separate arrangements between Japan and China and will be completed within two years.

Japan will guarantee French Indo-China territorial sovereignty and the forces stationed there will be withdrawn as soon as the China Affair is settled or an equitable peace is established. Japan will recognize the principle of non-discrimination in commercial relations to be applied to all of the Pacific, including China, on the understanding that the principle will be applied uniformly to the rest of the world.

10921 The witness stated * that in this proposal there is no specific mention of the time of withdrawal or the number of troops to remain. * The explanation made by NOMURA had to be read in light of the instructions sent to him. Explanations were given.

10922 On November 18 NOMURA stated that possibly 90 per cent of the soldiers would be withdrawn. Hull asked him then how long the remaining 10 per cent would be stationed in China. * NOMURA gave no definite answer to that. They knew, however, if he had been pressed, what answer he would have given since they knew his instructions from home.

10923 The witness stated that access to intercepts probably began as early as the spring of 1941. In so far as the U.S. got intercepts, they knew not only what NOMURA was saying but also * what his government had authorized and instructed him to say, but the U.S. did not know what messages were not intercepted and what were received by mail.

10924 The intercepts were corroboratory of what the U.S. already generally knew from other sources and naturally they took them into consideration. The intercepts were given to the Department only in English. * Some of them were originally in Japanese but to the best of his knowledge and belief, during 1941, no member of the Department of State read them in Japanese. The witness does read Japanese but he had not seen any of them at that time in that language. * So far as he remembered in the intercept, NOMURA was instructed that if pressed on the question of the time for stationing troops to give some agreeable explanation with a reference to a vague period of years.

10926 * The witness said that he remembered when stated by course that the period was to encompass 25 years. When asked

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- 10927 whether Hull considered this of insufficient interest to ask NOMURA * the length of the period, the witness stated he did not know what was in Hull's mind but that he believed the intercepted message should be read as a whole to understand its spirit. The Department did not consider the time of 25 years individually. They considered the entire proposition as a whole. A 25-year period would have to take into consideration the total number of troops, the places of station, etc.
- 10928 * No one reached any conclusion with regard to the 25-year by itself or for that matter with regard to any other points by itself.

He did not recall that this was the first time that Japan had made mention of even accepting the principle of eventually withdrawing all troops. The principle of withdrawal except those for joint defense against communism was accepted from the beginning. This was possibly the first time that the principle of eventual withdrawal of remaining troops had been accepted by Japan. While this might represent a concession, it had to be balanced against the new element for putting in troops for the same purpose in Hainan Island.

- 10929 * The witness did not recall that Hull had raised the question of Hainan Island in his conversations with NOMURA at this time, but it does not follow that he did not regard the matter seriously. Hull raised points about the general proposition.

When asked whether the U.S. ever offered any concessions the witness said it had not asked for any agreement with Japan. It believed that existing agreements would take care of the situation if Japan lived up to them. The U.S. adhered to its principles.

- 10930 * The witness stated that it was the original Japanese position to withdraw their troops from French Indo-China upon conclusion of the China Affair. In the meantime, the Japanese advance into Southern French Indo-China occurred in July and this became a matter of most serious concern. Taken in conjunction with all the circumstances and the fact that Japan was in a position to threaten the Philippines and other countries made the matter much more serious. The Japanese made no new concessions.

- 10932 The new point added * in the proposal was the words "equitable peace in the Far East". This added nothing because there couldn't be an equitable peace without settling the China Affair. There was a clear implication that the meaning of the

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- 10933 term "equitable" was to be unilaterally determined by Japan. * There had been no reaching of any meeting of minds on the fundamental principles which were to govern peace in the Far East. It is true that if an agreement had been reached it would have constituted the consummation of an equitable peace in the Pacific but these words added nothing to the situation; the result was the same whether the clause was added or not.
- 10934 * The witness stated that the proposal of November 20 to withdraw all troops stationed in French Indo-China might be called a concession but it was perfectly meaningless. * This was so because no limit was placed on the number of Japanese troops that could be brought into French Indo-China. If they withdrew from Southern French Indo-China to Northern French Indo-China they could have brought in 100,000 more into Northern French Indo-China and taken them back to Southern French Indo-
- 10936 China in a few days. * The offer was treated as insincere because of the occupation of Hainan Island and the intercepted messages.

This point that the troops could be brought back into Southern French Indo-China in a day or two was mentioned to NOMURA but the witness could not recall that the fact that there was no limit placed on the number of troops to be stationed in Northern French Indo-China was brought to their attention. The record will show this fact.

The Department certainly felt that Japan was insincere with respect to the question of withdrawing troops from November 7 on but he did not recall that the question ever arose specifically with regard to the November 20 proposal.

- 10938 The intercept of November 4 was the one which vitiated the Department's belief in Japan's sincerity and from that point on they had no confidence in it and were on their guard. It is not correct, however, to say that the Department was not negotiating thereafter. They were on their guard. They naturally wanted to have * dependable commitments and were unwilling to accept vague expressions. It would still have been possible for Japan to have given evidence of good faith by withdrawing her troops or any other practical evidence of an intention to follow peaceful courses.

- 10939 The witness had later seen the Japanese original of the November 4 intercept. He, however, had not seen the whole of it but only the first part relating to differences or revised ultimatum. * He did not recall exactly how many parts there were to it and did not read enough of the Japanese copy so that he could not confirm or deny that the original Japanese was, in effect, a

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10939 totally different document from the intercept. It is correct to say * that with respect to the question of non-discrimination in commerce the Japanese embodied some of the wordings of the American proposals but they nullified them by various qualifications. For instance, the applicability of mutual guarantees of carrying on economic activity was at first limited in both U.S. and Japan's versions to the Southwest Pacific. The American draft of May 21 covered the entire Pacific.

10941 It is true that on November 10 Japan stated that it recognized the principle as applicable to all of the Pacific, including China, on the understanding that the principle was to be applied uniformly to the rest of the world. The witness recalled * that NOMURA pointed out that Hull had repeatedly stated that it had been his long cherished scheme to see the application of that principle throughout the world. The witness stated this was Hull's consistent position.

10942 On November 15, Hull pointed out that the last sentence of Japan's proposal set out a condition, the meaning of which is not entirely clear and stated he assumed it was not meant to bind the U.S. to responsibility * for practices outside its jurisdiction or by other nations.

The witness recalled that WAKASUGI had already stated to Hull that the principle would be applied by the U.S. and Japan and did not refer to other countries. Ballantine himself had stated that it was most important that this point be brought out clearly and authoritatively.

The real fact of the matter was that the U.S. never received a reply to her memorandum of November 15 and KURUSU, on November 18, made statements to the Secretary which threw doubt on how far Japan would go in the matter. He said that at present Japan could not do anything about exchange controls which they had imposed in China and that he could make no promises as to what Japan could do after the war and he made no definite reply when Hull asked him whether Japan would commit itself in principle to these points.

10944 * The witness stated that he would have to refresh his memory to ascertain if there were any further discussion of the
10945 non-discrimination question after November 18. * It was a matter of course that the State Department gave consideration to Japan's proposed modus vivendi of November 20 but it did not seem to offer any possibility of settlement on the current issues. He had described in his affidavit the consideration that compelled the Department to feel that the offer was extreme.

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When asked whether he thought this offer was insincere * the witness stated that the acceptance of this proposal by the U.S. would have given Japan just what they wanted and were seeking. It showed their position and there was no reason to believe it would be unacceptable to them. The U.S. had no objection to the principle or idea of a modus vivendi at that time. If there was something which could have been done that would have been practically possible, from the point of U.S. and other powers affected which would have brought Japan into line for a more peaceful course, the U.S. would have been very glad to consider what it could have done. Hull told Japan that. The U.S. had made it clear to the Japanese representative that when it thought there was a basis for an agreement it would consult with the other nine powers.

Prior to the middle of November the other powers had not been consulted with respect to the contents of any proposed agreement. They knew that conversations were taking place but they were not consulted with regard to the contents.

Somewhere between the 22nd and 24th of November he did consult with other powers. The witness was not present at the conversations and he did not know whether the November 20 proposal was discussed but the record will show the contents of the discussions. The record is published * in the Pearl Harbor record.

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The Department of State considered proposing its own version of a modus vivendi. They did not feel that one acceptable to Japan could be drawn up. They tried their best but it was thought all along that it was quite short of what Japan had been asking. Japan had indicated clearly that the November 20 proposal was its last word and that they would take nothing less. The U.S. thought it extremely unlikely that they would accept the maximum which it could offer. They made three successive drafts of a proposed modus vivendi and these were discussed among the President and the Secretaries of State, War and Navy and the Chiefs of the Army and Navy. This matter was considered up to November 25. He did not know definitely that officials in Washington understood, as late as the 25th, that a modus vivendi proposal would probably be offered to Japan but did know that the Department was considering it. All the drafts were made public in the Pearl Harbor record.

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* The November 26 proposal was a reply to the November 20 proposal. He could not agree, however, that it was the termination of conversations. The U.S. knew from intercepts that Japan regarded the conversations for peaceful settlement as over but the representatives were told to keep up appearances as if the conversations were

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still going on. They knew this from the * intercept of November 28.

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The intercept shows the date of translation and the State Department usually got them within a day or two of translation.

10952 The witness said that he could not agree that at the time of delivery of the November 26 note the U.S. knew that it constituted a rupture of negotiations. * The Department thought it was unlikely that Japan would accept the proposal of November 26 but there was always a chance and the proposal seemed to be of a character which any peace-loving nation would be glad to accept. He believes that in the record of Pearl Harbor, Hull said to Stimson that "I have broken it off. Matters are now in the hands of the Army and the Navy". He was not sure of the exact wording but Hull used words to indicate that he thought the situation
10953 had become very serious. He made statements * to the War Council and to the British Ambassador on the following day that he thought Japan might break out at any moment with a surprise attack at any point.

10954 Mr. Hull stated "within the present year" to Mr. Ballantine that he had never used the expression "I have washed my hands of it". * Mr. Hull did say the matter is now in the hands of the Army and Navy. He said it to a number of high officials, including Mr. Stimson but he said it to a meeting of the War Council. His best
10955 recollection * is contained in a letter he wrote to Justice Roberts on December 30, 1941.

10956 * In August and September there were discussions with the Japanese concerning a proposed meeting between Roosevelt and KONOYE. He did not recall Roosevelt's precise statement regarding this meeting but it is in the record. He believes he was pleased because as late as December 15 he told Congress he would have been glad to have traveled thousands of miles to have effected an agreement with Japan. No such meeting took place.

10957 * The State Department had given careful consideration to both the effects of the success or failure of the proposed meeting but had concluded that unless an agreement was reached in advance on essential principles and their application, the meeting would not produce results since months of close conversations with NOMURA had failed to produce results.

The chances of getting anywhere when the Japanese had so clearly failed to move on the fundamental points were so dim that they had to give important consideration to what the effects would be if no agreement were reached and these seemed very certain.

10958 KONOYE was Premier at the time. * What loomed largest in the consideration of the Department of State was that the

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military party in Japan was dominant. The State Department had learned the line of thought that the best way to destroy military dominance was to discourage the moderate party in some way and the unofficial American and Japanese friends, when presenting their proposals, thought that an agreement would be the best means of establishing the moderates firmly in control of Japan. The proposals, however, without considerable revision, did not seem to offer a prospect for agreement. The meeting was one of the elements in the draft of April 16. Ambassador Grew expressed great enthusiasm for such a meeting but he was only reporting from the viewpoint of Tokyo. It is proved that he reported that the good which might flow from such a meeting is incalculable.

- 10960 * The Department gave capital consideration to the views of Ambassador Grew that the U.S. had an opportunity to halt Japan's program without war and that failure to use the present opportunity will increase the risk. The Department did not see how KONOYE could give explicit commitments that would be satisfactory in light of the failure to reach agreement on many fundamental points. The meeting did not take place because of the facts stated in the affidavit and because of the many considerations stated in the communication of October 2. However,
- 10961 * the question of a meeting with the Premier was never closed and on October 2 the U.S. indicated that it was still willing to have the meeting and asked for further consideration to certain points mentioned, but nothing further was heard from the Japanese on this. It is correct to say that after November 26 the Japanese kept up the appearance of continuing negotiations right down to December 7.
- 10962 There were further conversations about December 1. * There was then the outstanding proposal of November 26 and the Japanese intimated that a reply would be received in due course. In handling them, the Department was influenced by the intercepted messages. He did not recall definitely whether the intercepts showed that additional proposals or propositions were received from Tokyo to be delivered in the effort to
- 10963 conclude negotiations but he is inclined to believe * there were none.

On December 2 the Japanese Minister suggested to Wells that they go back to the original proposals and counter-proposals. He believed that NOMURA had urged full reflection by the U.S. He had no recollection from the intercepts that Japan had arranged that in the event of successful conclusion in the negotiations the fleet would be recalled and emergency measures carried up to the time of the attack.

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- 10964 * The Department had the information of the intercepts and the Japanese by no positive act indicated that there was any change in the situation. One of the basis for Hull's conclusion that Japan was merely pretending to continue negotiations was that Japan might break out in fresh acts of aggression at any point over widely separated areas. They
- 10965 were thus negotiating * to hide fresh acts of aggression. It not to conceal military preparations but since this had been obvious since July, it was to hide the tremendous movement from Japan southward into Indo-China to await some chosen time to act.
- 10967 * The reasons for the November 26 communication are fully set forth in the explanatory statement that accompanied it. He was familiar with the evidence on the question of a delayed message only to the extent that there was a delay, but he did not know the details. The Department of State reached no conclusion as to whether there would have been a difference in the ultimate outcome if the message to the Emperor had been delivered ten hours earlier.
- 10968 The message to the Emperor * was partly drafted in the
10969 White House and partly in the State Department. * The State Department thought the chances of achieving something by the message were very slim but in view of the desperate situation it would not want to overlook the slightest chance.
- 10970 On December 6 the Japanese fleet had already sailed from the extreme south of French Indo-China and the U.S. was in imminent danger. They knew this at noon on the 6th. * At the time this message was sent, no one in the State Department or the White House was aware that the Japanese letter delivered on the 7th was on the way.
- 10971 The pilot message that the State Department had contained no hint of the contents of the note that finally came, and even then, the last part of the note contained nothing indicating a defect or rupture of diplomatic relations. He had no recollection * that the pilot note was available in the State Department by three o'clock but he does recall that the Pearl Harbor record indicates that it was received there at that time. By "pilot message" he meant a message to the effect that Japan's answer was on its way.
- 10972 From reading the intercepted message of November 28 * it would only be an assumption to say that the answer which would come would be a de facto rupture of relations and one could not take chance on assumption in a most critical situation. The

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10973 pilot message said nothing about a de facto rupture of relations. * The pilot message stated that Japan had deeply deliberated on the proposal of November 26 and, as a result, has drawn up a memo to the U.S. which is very long and in
10974 fourteen parts. * It would be received the next day.

The situation is delicate and when received, the message is to be kept secret for the time being. The time of presentation will be wired in a separate message. The Ambassadors are to put it in nicely drafted form and make every preparation to present it to the U.S. upon receipt of instructions.

10976 * Although the record shows that this pilot message was delivered by 3:00 p.m. on the 6th, no one in that Department has any definite recollection of having seen it at that time or of the exact time when they did see it. The President's message
10979 to the Emperor was sent at 9:00 o'clock in the evening. * He did know that when one officer stated that when Roosevelt received on December 6 an intercept of the message delivered on
10980 December 7, he stated "this means war". He did not know * whether the Secretaries of State, War or Navy and the Chiefs of Staff on first reading the intercept were of the same opinion. Things were moving too fast. Many of the higher offices didn't receive the intercepts in time and by the time the message itself was received Pearl Harbor had already happened.

The Department of State first received Part 14 of the intercept about 10:00 a.m. on the 7th. Part 14 was not even received or decoded until the early morning hours of the 7th.
10981 * It would be difficult for him to say that the first 13 parts of the note gave President Roosevelt the impression that war was inevitable. He could only speak for himself and when asked whether even before the delivery of the note of November 26 the President and others in Washington expected hostilities as early as the first of December, the witness stated that all he knew was that Hull had said that Japan was about to break out in an attack in any direction.

10982 It was not necessarily * certain from the intercepts received about November 2 that any note eventually delivered by Japan would probably be the last and would mean war. There was a strong likelihood that but not one hundred per cent sure. The note didn't mean war, but the general situation, the forward movement and the heavy troop movements south were all signs. It wasn't a question of a note but of a situation. The characteristics of that note were well described by the Secretary of State to the Japanese Ambassadors.

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- 10983 * In the minds of many Americans, the note was connected with the dispatch of the large armada which had sailed on the previous day and about which the U.S. had heard at noon of the 6th -- an armada sailing west towards the British, U.S. and Dutch territories. He did not know that any American official had expressed his opinion on the intercepts received on December 6 and the ship movements as constituting a declaration of war.
- 10984 Things were happening very fast. He had seen the intercept * on the morning of the 7th directing that the note should be delivered at 1:00 p.m.

(November 21, 1946)

- 10986 * It is true that NOMURA originally made his appointment for one o'clock and had stated on arriving at a later hour that he had been delayed for certain reasons. With respect to an answer to President Roosevelt's message to the Emperor, he
- 10987 isn't clear what was received * other than what Grew received.

- 10988 He identified Exhibit 1247 as the answer given to Mr. Grew in Tokyo and forwarded by him to the State Department. * This note stated that at 7:00 a.m. on December 8 Grew was summoned by telephone to call on TOGO. When he arrived, TOGO handed him the Japanese Government's memorandum breaking off negotiations. TOGO said he had been in touch with the Emperor, who desired that the memorandum be regarded as the reply to Roosevelt. TOGO then made an oral statement in which he said that the Emperor expressed his appreciation for the President's
- 10989 cordial message. He wished to reply to that message; * that some days ago the President made inquiries regarding the circumstances of increasing forces in French Indo-China, to which the Emperor had directed his government to reply. Withdrawal of these forces is one of the subject matters of the negotiations. His views are stated in this reply and he desires the President to refer to it. He has long cherished the desire to establish peace in the Pacific and the world and has made his government continue its earnest endeavors. He hopes the President is aware of that fact.

- 10990 * The drafted modus vivendi of the U.S., prepared in the days prior to November 26, contained a provision to supply a small quantity of petroleum to Japan for civilian uses. It was very small compared to what the Japanese indicated in one of their intercepts they were going to ask for. Their proposal
- 10991 had presented great difficulties for the U.S. * The petroleum question had been most serious since the time of the freezing orders. President Roosevelt made a statement on that question. He thought that the freezing orders were blanket and did not

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include any specific provisions, but prior to that there had been some restrictions on aviation gas. If Japan had reverted to peaceful courses, there would not have been any difficulty on any trade or petroleum question.

10992 * When Japan moved into South French Indo-China in a position to attack the U.S., the U.S. could not see her way clear to give Japan petroleum for that purpose. The State Department thought there was very little prospect of Japan accepting the drafted modus vivendi.

10993 Hull said that there was no more than one chance in three that they would accept. Hull did propose this matter to the Chinese Ambassador on November 25th. * He, however, did not believe there was a reasonable prospect but only a slight one. The proposal was worth while but he didn't think there was much chance of Japan accepting it since she had given a clear indication in the intercepts that the November 25 offer was the minimum one and what the U.S. was offering was chicken feed compared with what Japan was asking.

10994 It is a fact that the modus vivendi was never presented. One of the important facts was opposition of the Chinese but there were other factors. This proposed modus vivendi called for certain steps in conjunction with other countries * since it could not be carried out by the U.S. alone. The modus vivendi was part of the whole proposal and the communication of November 26 was part of too, of which the modus vivendi was to be only one part. During the life of the modus vivendi conversations would be carried on toward the objective of a permanent peaceful agreement. These conversations would have been a continuation of the conversations in progress.

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CROSS-EXAMINATION BY MR. BLEWETT,
COUNSEL FOR TOJO

- 10995 * The witness stated that in using the phrase 'the Japanese attacked against us,' he meant that in southern Indo-China Japan had placed herself in a position where she stood over the Philippines and could threaten vital trade routes and was in a position to threaten the territories of our friends who were resisting aggression. U.S. business interests were only a small part of the consideration, the main part was that the Far East is a region of great production of strategic commodities such as tin and rubber, which the U.S. uses in great quantities.
- 10996 It is certainly true * in 1905 Japan entered into an agreement with China on the leasing of the Kwantung territory and the purchase of the South Manchuria Railway.
- 10997 * The witness stated that during the period of conversations, the U.S. continued to aid China under lend lease. It is not correct to say that the U.S. agreed with Japan as to the suggestion of retaining troops against Communist activities. The U.S. had put forward the suggestion to further discuss with respect to this point. There had been discussions on this question from the beginning almost to the end. The U.S.' attitude was the same from beginning to end and did not change after Germany attacked Russia. The U.S. had knowledge of the imminence of Germany's attack on Russia prior to June 21, 1941. Mr. Welles informed Russia that he had such knowledge. This matter never entered the U.S. officials' minds with respect to the question of the removal of troops from China.
- 10998
- 10999 * The question of Germany's landing on English soil was not in the witness's own mind when they drew up the June 21 draft and he never heard a reference to it from anyone else. The U.S.' position right along was that the matter of the recognition of Manchukuo was a question between China and Japan. If China voluntarily amicably agreed, the U.S. had nothing to say. This is stated in the U.S., June 21 draft which stated amicable negotiations in regard to Manchukuo. If there had been peaceful negotiations without duress and China was willing

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11000 to agree, no one would have anything to say. This is the clear implication of the draft. However, the U.S. * consistently took the position that the Chungking government was the government of China and she never changed. Japan's economic plan for China, Japan and Manchukuo conformed to the tendency of the Axis power, which the U.S. was doing its best to change. There were other trade blocs among non-Axis nations, but the witness is not an expert on that.

11001 * The witness stated he had no prejudice against any people, including the Chinese. He had published no articles or pamphlets other than his Japanese Grammar.

He had stated that none of the formulas received from the Japanese on the question of removal of troops were thought to be acceptable to Chiang Kai-shek.

11002 * There was no pressure brought upon the State Department by any business group or individuals with regard to an agreement between Japan, China or the U.S. The witness was not Director of Far Eastern Affairs at the time. As an adviser at the time there were questions raised by trade groups with respect to Japanese trade, but these went to the economic people.

11003 They had no bearing upon the conversation * of U.S. attitude toward things governed by U.S. fixed principles. The U.S. wanted these principles to be carried out in any new agreement which Japan asked for. The U.S. was not seeking a new agreement. It was satisfied with the existing one. When Japan came and asked for a new one, the U.S. said it would be willing provided it conformed to our fixed principles. The U.S. had to consider what kind of an agreement could be presented to Congress.

11004 He called the freezing order of July 1941 a move for self-defense, because when a desperado gets in a position * to shoot you, you don't give him ammunition for that purpose. The State Department recognized that this kind of economic measure could only be taken in a very serious situation, but the U.S. was concerned then with a generally imminent and overt act which required taking steps of self-defense. This idea of self-defense overrode any other consideration in the situation.

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- 11005 * Before the freezing order Hull had already suspended the conversations and after the freezing order it was the Japanese who asked that the conversations be resumed. The U.S. did not know the nature of all the factors that went into the situation when Japanese troops came into FIC. This was between Japan, Hitler and Vichy. He understood, however, there was a formal treaty.
- 11006 * Obviously, there was an actual war between Japan and China because large scale hostilities had been going on for four years. With respect to Japanese willingness to enter into an agreement nullifying the Tripartite Pact, Father Drought told the witness orally that that is what had been told by his Japanese contacts, but there was nothing in writing from an authoritative source.
- 11007 When asked whether the Department felt that the Ambassadors were authorized to execute an agreement, * the witness stated that if the parties had agreed and proceeded to negotiate, full powers would have been exchanged between the two governments naming the negotiators. This question never arose.
- 11008 * The witness was familiar with Hull's testimony before the Pearl Harbor Committee. It was pointed out that
11009 Hull had stated in the investigation * that the policy was not to say no to Japan's ultimatum of November 20. It was not to remain silent; it was to grasp at every straw in sight to keep up the conversations and to give time to the U.S. Army and Navy and to our allies to make further preparations and also to show our continued interests in
11010 peace. * The witness stated that such a similar statement could be found in the summary of conversations in Foreign Relations. It was the U.S.' desire and hope to meet the desires of the U.S. people who wanted peace. They desired to keep the spark of peace alive until the last second and to clutch at every straw that might continue peace. There is nothing inconsistent between that and giving the armed forces and those of our friends time to prepare adequately for self-defense. Under these circumstances the U.S. was even more anxious to take anything that was possible, but not to sacrifice her principles.
- 11011 * The witness stated he was familiar with Roosevelt's Navy Day speech of October 27, 1941.

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- 11013 * When asked whether the U.S., itself, was not preparing for war, the witness stated the U.S. was not out in force on a course of wide-spread aggression and her self-defense preparation began to take place a long time after Japan's forward movement began. The U.S. sincerely and earnestly desired to work out peace until the last possible moment with anything that Japan would bring for
- 11014 * a peaceful settlement. She explored patiently until the end the possibilities for peace.

When asked whether at no time were the Japanese representatives sincere, the witness stated that the U.S. had to take into consideration Japan's past record. At the beginning there was nothing particularly that indicated insincerity, but as conversations progressed it was difficult to reconcile these assertions of peaceful desires with the specific formulas proposed for settlement.

- 11016 * The witness stated he had dictated his own affidavit.

CROSS-EXAMINATION BY MR. CUNNINGHAM,
COUNSEL FOR OSHIMA

- 11-18 * The witness stated that he was not present at any of the conferences between Hull and Stimson. Mr. Hull had used the words 'the matter is now in the hands of the Army and Navy' he believed on November 27. His
- 11019 knowledge * of what Hull said to Stimson is derived either from what Hull told him personally or from the records of the Pearl Harbor Committee and he could not give any clear sequence of these statements without refreshing his mind from the Pearl Harbor record.

- 11020 With respect to the Tripartite Pact, he stated that Japan came and asked for an agreement for peace in the Pacific. Before concluding it the U.S. wanted to make sure Japan did not attack her if she became involved in Europe. * The U.S.' position was made clear to the Japanese from the very outset of the conversations. Hull repeatedly, however, told the Japanese that he would
- 11021 leave it to them as to what they could do. * The failure to obtain clarification from Japan as to what they would do in case the U.S. became involved in the European war was one of the factors which made it difficult to reach an agreement.

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11022 * The witness stated he did not know what Germany considered the results of President Roosevelt's Navy Day speech. We still had diplomatic relations. So far as the State Department is concerned no conclusion had been reached as to what would happen in the event the negotiations failed. Japan had said that in the event of failure the consequences would be most unfortunate. The U.S. felt it would go so far and if it couldn't go any further, would take the consequences.

11023 * The standing upon our fixed policy meant that the U.S. was unwilling to surrender its principles no matter what the consequences. When asked whether it did not also mean that in light of changed circumstances the U.S. would not go beyond a certain limit, even if it meant war, the witness stated the changed circumstances were Japan's breaking away from the Nine Power Treaty. The U.S.' position was made abundantly clear in its note of December 30, 1938.

11024 * The negotiations with Japan were not made public at the time. Only in formal exploratory conversations to determine a basis for negotiations were being conducted. The negotiation stage was never reached

11025 * and the Department of State so felt.

11026 The B,C,D Powers were informed that they were informal, exploratory conversations but they were not given any information in regard to its contents except in connection with the Japanese proposed modus vivendi and the U.S. proposed modus vivendi. He could not recall whether they were even informed of the details of the exact proposal of November 20. Insofar as he remembered no representations were made to Japan or to the Ambassadors * requesting that the conversations be kept secret. It was Japan who asked or impressed upon the U.S. the desirability of keeping them secret. He did not know whether this was TOYODA's or MATSUOKA's policy.

He did not know whether the State Department gave any consideration to the fact whether Germany was within her rights in asking that Japan adhere to the Tripartite Pact if America entered the European war.

When asked whether any nation offered its good offices during the negotiations, he stated the only thing recalled was that there was a conversation between the

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11027 Australian representative and Hull in the latter part of November in which he proposed to have a talk with the Japanese representatives. Hull stated he had no objection but that nothing would come of it. * This was Richard Casey, the then Australian Minister. Casey did not claim that he was acting at the instance of Japan.

The question of whether there was any power that could have acted impartially at the time never arose.

11028 When asked whether there was any attempt by the State Department or Japan to arbitrate or submit the differences to an impartial body, the witness stated he did not know what Japan did, but as for the State Department, the Japanese came to it and asked for an agreement and the conversations ensued. * The question, therefore, did not arise.

11029 He had no knowledge that Canada, Britain and the Netherlands had given the U.S. a blank check to settle things for them in any way. The U.S. envisaged that after reaching what they thought was a basis for an agreement, that they would go to the other powers and discuss the matter with them. Hull had conferences with the diplomats of friendly powers from time to time. The witness could not recall the exact details of what he said, but so far as he knew there had been no discussion of the details of progress of conversations in regard to the points involved. * They had never gotten to the point of negotiations.

11030 On August 10, 1937, the U.S. did not offer mediation, but merely good offices, and it was for the purpose of restoring and maintaining peace. * The U.S. pursued a constant policy toward Japan throughout, irrespective of what group or party was in power in Japan. Negotiations were with the Japanese government.

When he said that Grew was giving the view from Tokyo, he meant that he was giving his viewpoint from where he was in Tokyo.

11031 He did not know if the State Department made any official determination as to when Japan's forward movement began, * but when asked how he could set the time when the U.S. began to prepare for war, he stated that in the autumn of 1940 Japan entered into an alliance with

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Hitler and Italy. If the speeches of Japanese leaders following that alliance and those of the Germans are read, there are many references to the creation of a new order, a world movement of conquest. It is perfectly clear that the U.S. is a peace-loving nation and did not covet anyone's territory and was not on a course of aggression. The U.S. did not want war as late as the summer of 1941. The Secretary of War, the Secretary of the Navy and the President were in consultation throughout the administration and the witness did not know when any particular statement by the State Department to the War Department was made that they had better get ready for war.

11034 When asked what he meant by a statement that the U.S. began to prepare a long time after Japan's forward movement, he stated that the invasion of Manchuria in 1931 was a forward movement. The League of Nations had something to say about that matter. * The intercepted messages were communicated to the State Department when they were translated. The War and Navy Departments received them and sent them to the State Department. It was understood by State Department officials that if an agreement was not reached by Japan, that a state of war would ensue. * The witness stated he did not ask to be sent here as a witness.

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CROSS-EXAMINATION BY MR. WARREN

The witness stated that when he stated that late in the year of 1941 the U.S. did not want war, he was speaking both of the people of the U.S. and the men in high positions such as the President, Mr. Hull and their advisers.

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* The witness said he had no recollection of the President saying on October 8, 1940 that if Japan attacked Thailand or NEI, the U.S. would not enter the war and even if they attacked the Philippines, he doubted whether the U.S. would enter the war, but they could not always avoid making mistakes and as the war continued and area expanded Japan would make a mistake and the U.S. would enter the war.

When asked whether he knew of a conference attended by Hull, Knox, Stimson, Marshall and Stark on

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11037 November 25, wherein the question was placed how the U.S. could maneuver the Japanese into firing the first shot without allowing too much danger to the U.S., the witness stated * in 1941 he had no knowledge of any such meeting. The witness said he had no knowledge of any discussions of this nature other than what he had read in the Pearl Harbor report. As an adviser he was
11038 informed that it was the aim of these men * that they should strive for peace to the very last.

11039 The witness stated he was acquainted with Stanley Hornbeck. The witness stated he could not testify as to his relation to Hull any more than he was in the State Department. When asked whether Hornbeck was more in the confidence of Cordell Hull than any other person on Far Eastern questions, the witness stated that Hull made his own decisions * and in conferences Hornbeck, Hamilton and the witness were treated as equal, although the witness was the junior of the three.

11040 The witness stated he was familiar with the numerous memoranda prepared by Hornbeck, which were rather widely circulated throughout the State Department on U.S.-Japanese relations. These memoranda dealt with a great variety of subjects. The witness did not concur that these memoranda refused to credit Grew and Dooman's advice on the situation in Japan in the Far East. * It would not be a fair statement even on major issues without a considerable amount of thought and review of the memoranda. He did not recall any memorandum written about strangulation by economic sanctions in Japan to force Japan to do what the U.S. wanted. He did not know what happened to Hornbeck's memoranda. He did not know of any mad scramble to recover them and keep them from the knowledge of the people of the U.S.

11041 The witness believed that the questioner * had failed to distinguish between official records and personal memoranda. The official memoranda are still there on record. Memoranda in which the Pearl Harbor Committee was interested were made available to them. He distinctly recalls that a number of Hornbeck's memoranda were mimeographed by the Committee. He had no recollection of their contents.

11042 The witness stated that Hull was 99.9% of the State Department * and his attitude is clear in the record.

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He felt as they all did, that some clear commitments by Japan on general principles and their application should be arrived at prior to a meeting. Both the President and Hull had the same attitude on the proposed meeting. The witness did not attend any discussion which the President had with NCMURA and he only knew what is of record.

11043 * Mr. Grew's recommendations are in the record
and Mr. Hull's position from the beginning and that of
11044 the President are crystal clear. * When asked why Hull
abandoned the modus vivendi that Hull had explained in
his Pearl Harbor testimony, the witness stated that the
Chinese were very much opposed to it. Hull felt that it
would discourage the Chinese who were hard pressed and
might cause their resistance to collapse. The other
powers were lukewarm to it and Hull felt that a strong body
in the U.S. would be opposed to it.

11045 * The President felt that it was useless to
meet with KONOYE without preliminary negotiations because
it was felt that whoever happened to be the spokesman for
Japan was not likely to yield from the course which it
11046 was pursuing. * Further than this he did not know the
contents of any conversation which Hull may have had with
the President other than what is in the record. In the
record is what the President said to the Japanese.

He did not know of any instructions sent by the
Department of State of a nature which would say that the
U.S. did not believe that any agreement made by KONOYE
would be backed up by the Army and Navy other than the
statements given to the Japanese. All telegrams to Grew
were official and all were made available to the Pearl
Harbor Committee and he did not know of any such message.
11047 * The Japanese told the U.S. that it had a ship under steam
in Tokyo with high Navy and Army officials ready to accompany
KONOYE whenever the U.S. said the word. Generally, Grew
reported that KONOYE had stated that failure to bring
about the meeting would draw down his Cabinet and that he
was the last person in Japan who could bring peace, and
he also reported that he believed KONOYE was telling the
truth. He stated the situation was grave and that action
should be taken.

11048 * The witness stated that the matters relating
to the conversations were not matters of common knowledge

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11049 but were confined to very few persons. When asked whether there had been full disclosure to the people, the witness stated that there is only one person to make a statement of action by the Department of State--the Secretary of State. He believed Mr. Hull had made a very complete statement which is printed in 'Foreign Relations' * and also in the Pearl Harbor record. The 'Foreign Relations' contains all material affecting Japan and the U.S. alone. The conversations with Third Powers were not included at that time because of the war, however, in the Pearl Harbor record all the material was made available to the Committee even that which had not been put in before.

The Division of Publications of the State Department edited the material in 'Foreign Relations' and in the Pearl Harbor record. The question of selection was left entirely to the joint committee.

11050 * To the best of the witness's knowledge Dooman never testified in the Pearl Harbor Committee and the witness did not know anything about what action the joint committee took with respect to his giving testimony. He did not know Mr. Dooman was subpoenaed. Dooman has retired from the Foreign Service. If he ever told him the reason why, the witness did not recall it.

11051 Hull was not cross-examined by the joint committee, * but Senator Ferguson sent him a questionnaire of over 100 questions to which he gave written replies.

The witness said he knew nothing of any report supposed to have been prepared by Grew and Dooman during their internment which was their last report to the State Department and which Hull refused to accept.

CROSS-EXAMINATION BY MR. SMITH,
COUNSEL FOR HIROTA

11052 * The witness stated he was not in Tokyo in
11053 April 1944. * He had stated in his affidavit that the Amau
statement was an official statement. The marking at the
top of the Exhibit, in his opinion, shows that the English
document was an unofficial statement in English of a state-
ment that had been made by Amau. The exact wording of his
11054 affidavit was his own. * While his words may be like Mr.
Hull's, he wrote his own wording independently of Hull's
statement. He does not even recall now that Hull had a

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similar statement in his testimony. In 1936 the witness was temporarily in Japan on duty for four months.

11056 When asked whether he had Grew's statement on his meeting with HIRCTA in 1936 in mind when he wrote his affidavit, the witness stated * that he had that in mind, but also the subsequent manifestations of Japan's policies and action in China.

11057 When asked whether the Amau as the spokesman of the Foreign Office occupied a position analagous to the Chief of the Press Section of the U.S. State Department, * the witness stated that in the U.S. the chief of the Press Section is never spoken of as the spokesman of the State Department, the spokesman of that body is the Secretary of State. He would certainly agree that Amau was not the Foreign Minister of Japan.

11058 He had read Grew's book "Ten Years in Japan" when it first came out, but does not recall definitely what it said about the Amau Statement. Even after a portion was read * he stated he had no recollection of it. When asked why he accepted Amau's statement in preference to what HIRCTA, as Premier, stated on the subject to Grew, the witness stated that Amau's statement was never publicly repudiated by Japan. HIROTA's statement was a private one. Subsequent developments bore out Amau's statement and it seemed to represent more clearly Japan's policy.

When asked whether he did not know that on April 21, 1934, Amau made another unofficial statement expressing surprise on the interpretation given to his statement, the witness said, nevertheless, subsequent developments and manifestations of Japan's policy in China bore out the interpretation that was made.

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11064 * The witness stated he did not know the approximate number of Japanese residents living in China in 1936, although he lived in China from 1932 to 1936.

11066 * The witness stated that in 1911 Japan and the U.S. made a treaty of commerce and navigation. It was a replacement of a previous commercial treaty made sometime in the '90's.

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- 11068 * When asked whether when the U.S. terminated the treaty as of January 26, 1940, Japan took any action by way of retaliation, the witness stated he didn't know what could be retaliation to the lapse of a treaty. When pointed out by counsel that Japan did not take any special action to exclude U.S. citizens from Japan and occupied territory or other actions, the witness stated that in the U.S. note of October 6, 1938, there was a long recital of the way in which Japan had discriminated against and violated the rights of Americans in occupied China, * and these questions of Japanese violation continued before, during and after the lapse of the treaty.
- 11069
- 11070 * The witness stated he did not know of any laws or ordinances that were passed by Japan following the lapse of the treaty affecting the rights and interests of Americans in Japan or occupied territories. * At the time of the lapse of the treaty there were somewhat over 100,000 people of Japanese descent living in the U.S. and the bulk of them lived in the three Pacific states. It is probably correct to say that about 65% were native born and citizens of the U.S.. There were about 40,000 who were ineligible for citizenship. The witness also knew that in California, Oregon and Washington since 1913 * there had been alien land laws which had been strengthened up to 1923 against alien Japanese having any land rights and the treaty of 1911 limited the laws of the states. He, however, did not know whether the state laws were vigorously enforced against alien Japanese after the treaty of 1911.
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- 11073 * The witness stated that he did not know that the Panama Canal was closed to Japanese shipping. In July 1941 there was some delay in shipping because precedence had been given to clearing the channel to ships carrying strategic commodities that the U.S. needed for self-defense. Some representation was made by Japan to the State Department in 1941 which he had not read for a long time and the facts were not very clear. He knows nothing other than what appears in the official record the volumes 'Foreign Relations'
- 11074 * and before he could give details he would have to have his memory refreshed. Japanese shipping was restricted for only a short period before Pearl Harbor because all Japanese shipping was being recalled to near-sea waters from overseas and there was not much Japanese shipping in the Atlantic after July. The State Department knew that Japanese

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shipping had been recalled early in July 1941. It did not refresh his memory at all to say that U.S. put restrictions on Japanese shipping as early as October 1940. The question of the use of the Panama Canal, whereby the U.S. gave precedence to vessels carrying strategic commodities, was a part of self-defense.

11075 * He was referring not only to U.S. ships, but to ships of countries resisting the world-wide movement of aggression and the American Republics. The witness did not know to what extent Japanese shipping used the Panama Canal in trading with South America. He had never heard that one of the reasons the Japanese could not use the Canal was to keep them from getting oil from Mexico and Columbia.

11079 * When asked when the U.S., Holland and Britain embargoed the shipment of oil, gasoline and scrap iron and aircraft designs, the witness stated that this was on the record and these steps were taken at different times and he did not know what steps other governments took.

11080 * The Department of State made no estimate of how long it would take for an economic blockade to bring Japan to its knees. The measures were taken in self-defense and no conclusion was reached as to how long or what the precise effect would be on Japan. Everyone knew that Japan was not self-sustaining in oil, cotton, wool and food.

11084 * The witness stated that the American complaints filed with Japan dealt with the whole range of American rights and interests in China.

11087 * The witness stated that the proposal that the President suggest to China that it enter into negotiations for a settlement with Japan arose at the very outset of the conversations and the U.S. agreed to subject to an agreement on a general Pacific settlement. This offer was never withdrawn.

11088 It is not correct to say that in the proposal of November 26 the U.S. was no longer to act as introducer of peace but was to settle the whole China war for China without China being consulted at all. * A careful reading

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11087 of the explanatory statement accompanying the November 26 proposal makes the situation abundantly clear. The U.S. proposed going ahead with the conversations on the basis of the proposal and when a tentative agreement was reached then the subject would be taken up with other governments affected. The fact that no mention was made of it on November 26 does not mean it was ruled out. * The offer was not withdrawn. There was a provision in the offer of November 26 calling for binding raw silk on the free list, but the witness is no authority on American tariff policy or tariff legislation.

11090 * The witness stated that if it was a fact, he did not know and the State Department did not know, that on December 6 or the early morning of December 7, 1941, that some 24 hours previously an American destroyer had sunk a Japanese submarine some distance from Pearl Harbor.

11091 The witness stated that he had never heard, except what he read in the Pearl Harbor hearing, that on November 28, 1941, Stimson had said to Roosevelt that he felt that the warning given in August by the President against Japan's further moves toward Thailand justified an attack without further warning, since the new southward movement indicated * they were going to violate the warning, but on the other hand he realized the situation could be made more clear-cut from the point of view of public opinion if a further warning were given. The best defense would be an offense. He had read Stimson's testimony in the Pearl Harbor investigation.

CROSS-EXAMINATION BY MR. BRANNON,
COUNSEL FOR NAGANO

11092 * The witness stated that the fleet as well as
11093 all agencies of the U.S. government, so far as they can be instruments of foreign policy are utilized. The fleet is an agency of national policy. * So far as the witness knew, there was no fleet movement in response to any suggestion of the State Department.

11094 The President, as Commander-in-Chief of the Navy, attached importance to the movement of fleets at all times * but the witness did not know whether the President had stated to State Department officials that he had ordered the movement of the fleet for its effect on Japan.

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CROSS-EXAMINATION BY MR. BROOKS

11094 * The witness stated that it was correct to say that the State Department had taken into consideration the background of the political situation and it is essential to an understanding of a true significance of the conversations to bear that well in mind.

11098 * The witness stated that the Nanking Government was the government that was recognized by the U.S. as well as all other governments at that time when dealing with the Manchurian situation. * The U.S. was well informed on the situation throughout China and took into careful consideration all the circumstances involved.

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When asked whether he knew that the widow of Sun Yat Sen had denounced the Nanking Government, the witness stated that he did not think any unofficial person's views would have effect on the position of the U.S. with regard to its attitude toward China to a large extent.

11100 * The U.S. did not consider that there had been any circumstances that would call for revision or reconsideration of the Nine Lower Treaty. Japanese rights in Manchuria came from certain treaties dated certain times. The 1905 treaty with China was one of them. * The witness stated that in the dealings between Japan and China he knew there were claims and counter-claims by both sides. The U.S. did not undertake to pass upon the merits of these. It advocated adjustment by peaceful processes by both countries. The U.S. was informed by diplomatic representatives of what was going on on both sides.

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11102 * When asked whether China evaded settlement of these diplomatic issues, the witness stated the U.S. did not undertake to pass upon the merits of the claims. He did not know how many instances had been cited by Japan as outstanding on September 18, 1931. He did not recall that there was any particular discussion of Japanese investments in Manchuria during the conversations. * The Japanese Ambassador advanced many reasons * why they wanted these items that they asked for, such as stationing troops and they also spoke of the sacrifices they had made in four years fighting with China. He did not recall,

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11107 however, that the Manchurian situation was discussed except that there was a point about recognition of Manchukuo in their proposals, but he could not recall that there had been any discussion of the subject. The subject of Manchuria and Japan's claims in regard thereto had been considered by the Department of State * for years. In considering the problem the U.S. used official channels which seemed adequate. Had they not been adequate, the U.S. would have increased them.

The U.S. gave most careful consideration to the Lytton Report and in addition they had their own consular and diplomatic reports. He does not recall any other at the moment.

11108 * He did recall that General O'Ryan had been engaged by the Japanese and went out to make an investigation for them. If he was engaged jointly by some American business interests in New York, the witness knew nothing about it. He didn't recall whether any member of the Department ever had a discussion with members of the commission, but he did believe that O'Ryan did come to the State Department and see somebody down there. If O'Ryan made his report available to the State Department, he couldn't recall ever having seen it.

11109 * The witness stated that the State Department did consider the views of journalists. * However, 11110 State Department opinions were determined by consideration of consular reports, other reports and reports of journalists. They were not determined, however, by the reports of journalists or by any particular thing. The conclusions were not determined by any one set of reports. The State Department tried to give full consideration to all facts and it has the files of all leading papers of the U.S. He could not recall any report by a Mr. Abbott of the Christian Science Monitor in December 1931.

11111 * It is not true to say that all U.S. conclusions on Manchuria were based entirely upon the Lytton Report. The U.S. gave consideration to all the facts, including the facts connected with the circumstances of Japan's invasion of Manchuria. They had full reports from consular representatives of pertinent facts prior to the incident and they were given careful study and consideration.

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11113 These reports dealt with all aspects of these questions. The witness had no recollection * that Japan had tried to negotiate a settlement originally with the young marshal.

CROSS-EXAMINATION BY MR. LOGAN,
COUNSEL FOR KIDO

11115 * While he did not know the exact time or exact wording of references made by Grew, Grew did state that when embargoes went into effect that the relations between the U.S. and Japan would probably go down hill and in all probability lead to war. The conversations, however, had been suspended when the freezing measures were adopted. After that the Japanese came around and asked them resumed.

11116 * When asked, therefore, did not the State Department know that when they put on embargoes that it would be more difficult to continue or reopen negotiations with Japan and that the problem had become more difficult, the witness stated that the Japanese move into South Indo-China had also created another problem for consideration. The embargo did create another problem.

11117 The witness could not recall the exact wording, but about October 9, 1941, Grew did say something to the effect that the freezing of credits by the U.S. was driving Japan into national bankruptcy and she would be forced to act. * His early representations, however, did not say that Japan would be driven into national bankruptcy. Japan always had the opportunity of reverting to peaceful measures.

11118 When asked whether Hull abandoned his modus vivendi because of the advantage it would give the U.S. to have the Japanese army occupied in China, the witness stated that one of the paramount considerations * in fixing U.S. national policy was to aid nations resisting aggression.

11120 * The witness stated that he selected practically all, if not all, the passages used in his affidavit from
11123 Mr. Hull's statement. * The witness said he had no thought whatever of suppressing the truth. He received no suggestion from counsel as to the omission or inclusion of any

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of these portions. He tried to make his affidavit as concise as possible and he used his best judgment in selecting as to what would be most appropriate for the occasion.

- 11124 * When asked about certain things in his affidavit, the witness stated he had not only Mr. Hull's statement but also the statement contained in the conversations in the State Department summary of conversations prepared shortly after Pearl Harbor. He had no particular motives in using one instead of the other. He does not remember now what considerations he did use. He had no reason for omitting the Secretary's statement and he had both before him and leaned toward the other statement taken from the summary of conversations and didn't see any need to use both. The second statement * follows pretty closely what appears in the summary of conversations in 'Foreign Relations.'
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When asked with whom NOMURA and KURUSU had the talks referred to in the second statement, the witness stated that they were with Hull.

- 11126 * The witness stated that he took full responsibility for the contents of the affidavit. He had shown the affidavit to associates of the State Department but they never officially cleared it.

CROSS-EXAMINATION BY MR. OKAMOTO,
COUNSEL FOR MUTO

- 11127 * The witness stated that he knew Mr. Dennison,
the man who had been employed by the Japanese Foreign
11128 Office as an adviser, personally. * He did not know the exact years that Dennison worked in the Japanese Foreign Office, but he did know he was there a long time. He knew that he had been held in great respect by Foreign Ministers MUTSU and KOMURA and that he had participated in drafting the Sino-Japanese Peace Treaty. He did not know that the Japanese ultimatum to Russia before the outbreak of the Russo-Japanese war had been solely the responsibility of Mr. Dennison.

He did not know that John Hay, in 1899, enunciated the open door policy.

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11130 * When asked whether the Japanese did not feel suppressed by the treaties of the Washington Conference and the Naval Limitation Treaty and others, the witness pointed out that the Japanese government entered into them voluntarily.

11131 * The U.S. knew that the Japanese government had not declared war against China before 1941, but the U.S. had to take into consideration that large scale hostilities were going on. The provisions in the Neutrality Act were not put into effect. * It was the U.S. policy to assist China and she assisted in sending such materials as she could.

The witness did know that for three months the Burma Road had been closed by the British.

11133 * The witness stated he didn't know of any consideration entering into the abrogation of the Commercial Treaty other than those stated in his affidavit.

11134 * The actual, initial proposal for sending troops to Siberia did come from the U.S. It is correct to say that in January 1920, the U.S. withdrew her troops without considering Japan and merely sent notice to Japan.

He did not recall that SHIDEHARA, as Ambassador, had protested by saying that the unilateral withdrawal of troops was uncalled for and that thereafter Japan would be at liberty to decide whether to remain or withdraw her troops.

11136 * The witness stated that with respect to internal conditions, they had reports from unofficial Japanese representatives and they had reports made to them about liberal forces ready to come forth if the U.S. would only be patient.

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- 11146 * The only differences existing in Japan that
11148 he heard about were political differences. * The witness
stated that the U.S. felt it had taken care of legitimate
feelings of the Japanese press by keeping in mind at all
11149 times, offering * Japan a peaceful alternative that was
communicated to the Japanese negotiators.
- 11150 * The President spoke at great length with
the Japanese Ambassador on the neutralization of FIC,
pointing out especially that by that proposal the Japanese
would get all they wanted in the way of materials
which they required. The witness recalled that President
Roosevelt, in his speech the day before the freezing act,
11151 * stated that hitherto the U.S. had permitted Japan to
import oil, which was to prevent Japan from moving into
the Dutch East Indies, but the witness could not speculate
whether the U.S. would or would not have been in
war with Japan if they had prohibited the export of oil
a year earlier.
- 11153 * The witness stated that the opinions stated
in his affidavit were the opinions of the State Department
at that time.
- 11154 * The U.S. had no intentions of carrying on,
or conducting, or entering into an aggressive war. By
use of the words "definite and clear move" was meant
that the U.S. had to be increasingly ready with her self-
11155 defense because of the actions Japan was taking. * Mr.
Hull stated that the Japanese note of November 20 was an
ultimatum.
- 11156 * When NOMURA used the words 'that ensuing
developments might be most unfortunate' there was an impli-
cation that we felt that Japan might break out with fresh
acts of aggression at any time. When asked whether the
November 20 Japanese note was in the nature of a modus
vivendi, the witness stated that Japan suggested that
acting on its offer, they could go further with the con-
versations. Hull brought that out clearly in his conver-
sations with NOMURA. KURUSU and NOMURA implied that a
modus vivendi would make possible the continuance of con-
11157 versations. * The Japanese position was such that Japan offered no concessions from the course
she was pursuing and asked the U.S. to make all the con-
cessions. There were not material concessions that the
witness could recognize.

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11158 * They did not regard the time limit set in the November 20 note for withdrawal of troops as a material concession, especially in light of the instructions which NOMURA had received from the Foreign Office in regard to the explanation of the matter.

11159 With respect to the Tripartite Pact, the witness stated he had nothing further to add. When asked what concessions the U.S. made to the Japanese, * the witness stated that at the beginning of the conversations the U.S. told Japan that everything must conform to her fixed principles. The U.S. had not asked for an agreement and there was no talk in terms of concessions that the U.S. would make from her principles. The U.S. was ready to come to an agreement if Japan wanted to go out on all-out peaceful courses.

11160 * The witness stated that he was one of those who participated in the drafting of the proposal of June 21.

11162 * The witness stated that he knew nothing about President Wilson sending Secretary Bryan, in 1913, to Sacramento to try to get the California State Legislature not to pass a law prohibiting unnaturalized foreigners from buying or renting land. * He had no occasion to go through the Department records to study that subject.

DIRECT EXAMINATION OF JAMES O. RICHARDSON,
ADMIRAL, U.S.N. (RET)

11166 * The witness stated that he was an Admiral, Retired, on duty in the Office of the Chief of Naval Operations, U.S.N., temporarily assigned to duty with the Supreme Commander for the Allied Powers in connection with the Tribunal. He had prepared on the basis of Navy records a statement on the plans and preparations made by the Japanese Navy leading to naval hostilities which the Japanese initiated and waged at Pearl Harbor on December 7, 1941.

11167 * He had been in service with the Navy since 1898 and graduated from the Naval Academy in 1902. His first duty was with the U.S. Asiatic Fleet and thereafter in the Philippines. He was in Japan from September to December in 1903 and later was stationed in Yokohama in

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11168 1904. * He was in Yokohama in May, 1904 when the Russo-Japanese war broke out and saw the departure of the Russian Minister and the mobilization of the Japanese Army.

He commanded a ship on the Asiatic Coast from September 1922 to March 1924 and part of the time he was with the South China Patrol. From June 1931 to May 1933 he was in command of the U.S.S. Augusta and then was with the Naval War College in 1933 and 1934, where he made a special study of Japanese political policy and naval strategy and wrote a thesis entitled "The Relationship between Japanese Policy and Strategy in the Chinese and Russian Wars, and its Lessons to Us," which he personally selected as a subject because of his interest in the matter. He had stated his conclusions as they existed at that time.

11170 From 1935 to 1937 he held various other jobs with the Navy. * The five highest positions of command in the Navy are the President and the Secretary of the Navy who are responsible for determining U.S. policy. The principal adviser to them is the Chief of Naval Operations, who is commanding head of the Navy and responsible for execution of naval policy. At that time, next in command were the Commander-in-Chief, U.S. Fleet and under him there was the Commander, Battle Force, U.S. Fleet.

11171 The witness was Assistant Chief of Naval Operations from June 1937 to June 1938. * From 1938 to 1939 he was Chief of the Bureau of Navigation, now called Bureau of Personnel. In 1939 and 1940 he was Commander, Battle Force, U.S. Fleet and from January 1940 to February 1, 1941, he was Commander-in-Chief of the U.S. Fleet, 11172 * and during that period from later April 1940 until February 1, 1941 the fleet was based at Pearl Harbor. Since February 1, 1941, the witness had not had any naval command or any other official responsibilities in connection with U.S.-Japanese relations before or during the war.

11175 The Admiral then read his prepared statement, Exhibit 1249, and stated * that he was not testifying as an expert witness stating opinions or as a witness stating facts within his own knowledge, but simply presenting information contained in official records of the Navy

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Department on Japanese Navy plans and preparations for naval hostilities which began on December 7, 1941. For these reasons, and to avoid any contention that a few words in his statement are statements of opinion, he will omit those few words from oral testimony.

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* On July 25, 1946, he had been designated by the Secretary of the Navy to appear as a witness before the Tribunal to present this information. He considered official naval reports, records and documents made or kept by officers in the course of official duty under established naval procedure in investigating, recording and reporting facts which are of concern to the U.S. This statement is a report of the witness's investigation of these records. He will present his report under four headings: (1) The plans and preparations concerned with naval construction, particularly construction of aircraft carriers; (2) The plans and preparations concerned with the establishment of naval bases and the erection of fortifications in the Mandated Islands; (3) The plans and preparations concerned with consular espionage as an aid to naval attack; and, (4) The plans and preparations for secret attack by Japanese aircraft carrier task force upon the U.S. naval personnel and ships at Pearl Harbor, Hawaii, on December 7, 1941 without notification to the U.S. that war would be begun.

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With respect to plans for naval construction, particularly aircraft carriers, the aircraft carrier, as early as 1934 was recognized by Admirals YAMAMOTO and NAGANO as the best type of naval arm for expansion and aggression as is seen from Exhibit 1250, a memorandum of conversations between the U.S. * and Japanese delegates, October 29, 1934.

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The official Japanese position that the aircraft carrier was offensive was stated by YAMAMOTO and NAGANO at meetings of the London Naval Conference of 1935. YAMAMOTO, who at the time of Pearl Harbor was Commander-in-Chief of the Japanese Combined Fleet took the position * that Japan should not be suspected of having aggressive designs in the Far East. He supported this by stating that Japan was willing to abolish the aircraft carrier upon terms the Japanese would consider satisfactory to them. He stated that if Japan had aggressive designs in the Far East, nothing would be more useful than the retention of the aircraft carrier.

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NAGANO, the leader of the delegation at the conference and later Chief of the Japanese Naval General Staff at the time of Pearl Harbor, on January 15, 1936, at an official session of the London Conference, stated that aircraft carriers were the principal type of aggressive naval arms. He stated that to establish as complete a state of non-aggression and non-menace as possible, Japan advocated the abolition of the aircraft carrier and a drastic reduction in capital ships. This is stated in Exhibit 1251-A.

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* The official naval leadership and personal cooperation of NAGANO and YAMAMOTO are shown, not only by their joint efforts in connection with the naval conference, but for a considerable period in 1936 and 1937 they served together as Navy Minister and Vice-Minister, and in 1941 to 1943 as Chief of the Naval General Staff and Commander-in-Chief of the Combined Fleet, in which they took the lead in working out plans and issuing orders for the Pearl Harbor attack. NAGANO and YAMAMOTO and their associates made the construction and use of aircraft carriers a central principle of Japanese naval policy. This policy had three steps: (1) the abolition of existing treaty limitations on the construction of aircraft carriers, both quantitatively and qualitatively and the removal of barriers to secrecy in naval construction; (2) the construction of carriers and the supporting units until Japan had carrier supremacy over the U.S.; and (3) the use of aircraft task force for making secret, sudden attacks * to destroy, before war began, the men and ships of the U.S. Fleet while they were anchored at Pearl Harbor.

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The first step, the abolition of the treaty relations was carried out under YAMAMOTO and NAGANO at the London Naval Conference. The treaty of 1922 had limited Japan to a total carrier tonnage of 81,000 tons. Japan demanded abolition of existing treaty limitation on naval construction and demanded in place of existing ratios a treaty limitation based on what they called the common upper limit. The other nations thought that would result in the abolition of any limitation and did not agree. On December 29, 1934, Japan gave notice of her intention to terminate the treaty effective December 1, 1936 and on January 16, 1936 Japan, lead by NAGANO, withdrew from the Conference refusing to join * in the new treaty.

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Under the provisions of the treaty of 1922 and the London Treaty of 1930, Japan, U.S. and Britain had exchanged reports on naval construction. When she was no longer bound by the treaty Japan, in letters exchanged between Grew and HIROTA in 1938, rejected the various proposals for reciprocal exchange of information on naval construction. However, Japan continued to obtain extensive information in regard to naval construction in the U.S. by methods including consular espionage.

In the second step of her policy, Japan, between 1936 and 1941 proceed with an expanded program of constructing aircraft carriers. In 1936 she had four with a tonnage of 68,400. By December 7, 1941 she had ten with a total of 178,070 tons.

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* In addition between 1931 and 1941 Japan increased heavy cruisers from eight to eighteen, destroyers from 52 to 102 and submarines from 44 to 74. During the same period the U.S., for two oceans, increased its heavy cruisers from 10 to 18, while its destroyers dropped from 225 to 171 and submarines increased from 81 to 112. In 1934 and 1936 both the U.S. and Japan each had four aircraft carriers. On December 7, 1941, while Japan had 10, the U.S. had only 6 and only 3 were in the Pacific.

11186

Japan's third step in her policy was her use of aircraft task forces as to attacking force in the Pearl Harbor attack. * The six aircraft carriers used were Japan's most powerful ones and they constituted 75% of her entire carrier strength and from them they sent to the attack 360 planes, 75% of carrier plane strength. The maximum number of carrier based planes which the U.S. could have mustered from the two carriers in the Hawaii area if they had been at Pearl Harbor would have been 180. Japan was able to send, because of her construction program, against the U.S. one of the most powerful task forces ever assembled up to that time with overwhelming carrier airforce supremacy. The principal target moreover was to attack and destroy the two U.S. carriers at Pearl Harbor and increase Japan's predominant strength.

11187

In summary, Japan's plans and preparations on naval construction from 1931 to 1941 * were characterized by the express recognition of NAGANO and YAMAMOTO that aircraft carriers were the principal type of naval construction for conducting aggressive naval warfare and by

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terminating existing treaty limitations on construction of carriers and other naval arms. Japan's naval plans featured the construction of aircraft carriers until in 1941 she had decisive supremacy over the U.S. and other nations. As a climax to her naval policy, Japan, on December 7, 1941, used an aircraft carrier task force to make a sudden secret attack to annihilate U.S. naval power in the Pacific before war had actually been declared.

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* The documents indicated that Japan's naval policy for the Mandated Islands was characterized by the same objectives as those with respect to the aircraft carriers, to develop and use them for naval expansion and

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* aggression. The execution of the policy followed the same lines of activity as the execution with respect to aircraft carriers: (1) the termination or direct violation of treaty limitations; (2) the construction of fortifications and naval bases in the islands; and, (3) the use of these in initiating and waging war against the U.S. and her allies.

The limitations were established by the treaty of Versailles in 1920, the mandate of the Islands to Japan and the Mandates treaty between the U.S. and Japan. The limitations were that no military or naval bases were to be established or fortifications erected in the Mandated Islands.

Numerous documents show that Japan established naval bases in the Mandates, but only one is presented.

11191

* This is the Combined Fleet Top Secret Order Number One.

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* This document, Exhibit 1252, according to the certificate

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* stated that the cruiser Nachi was sunk in Manila, November 5, 1944. The wreck was located and buoyed and several officers were sent as an intelligence team to obtain the ships papers. On April 2, 1945, a bundle found in the chart house of the Nachi was brought up. The bundle was taken to Manila and delivered to the intelligence team

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headquarters. * When the bundle was opened an analysis of the documents were made. The documents were transferred to the 7th Fleet Intelligence Officer who had them micro-filmed. The papers and the microfilm were sent to Atis in Australia where they were translated. Atis later forwarded

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the papers and microfilm to the office of Naval Intelligence in Washington where they remained * until April 1946 when they were transferred to the Washington Document Center.

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11196

* The witness stated that YAMAMOTO issued this order on November 5, 1941. This order stated that Combined Fleet operations in the war against the U.S., Britain and the Netherlands will be conducted in accordance with a separate volume. The separate volume has 151 pages and provides for preparations of war, communications, supply, allocation of forces and other details.

11197

The Mandated Islands appear in many places in this order. The order establishes an allotment of supply bases. The supply bases allotted to the South Seas Force and the Advanced Expeditionary Force were the islands of Saipan, Kwajalein, * Wotje, Jaluit, Taroa, Truk, Ponape, and Palau comprising more than half the total number of naval supply bases thus allotted.

The boiler oil allowance to five of the 8 bases totaled 46,500 metric tons and there were great quantities of aviation fuel, bombs, machine gun ammunition, torpedoes and mines. Allotted rations are for 36,000 persons per month at the 8 bases with large replenishment allowances. Aircraft material is to be replenished at Truk and submarine material at Kwajalein.

Order No. 1 is accurate in applying the term 'bases' to the Mandate installations. The materials, quantities and areas involved indicate that these bases and their equipment for storage, transport and communications and guns and ammunition had been put there on a large scale over a long time. Other documents are available.

11198

* The Mandated Islands also appear in this order in tables of allocations. The South Seas Force is allocated for rendezvous in or near the Mandated Islands. From these bases it is ordered to aid in covering the withdrawal of the Pearl Harbor striking force to attack Wake and Guam and to cooperate with the striking force in occupation. The Commerce Destruction Unit is based on the Mandates to destroy sea traffic. Japanese submarines will regularly use the Mandates and submarines en route from Japan to Pearl Harbor rendezvoused at Kwajalein.

Before December 7, 1941, Japan had established naval bases in the Mandates.

Page

11199 Many other documents show that Japan erected fortifications in the Mandates. * Two of them are aerial reconnaissance photographs taken in January 1942, less than two months after the war began. The third is a Japanese blueprint of Wotje, dated August 10, 1940, captured by U.S. forces in February 1944.

11200 * An examination of the photographs show that Wotje before January 31, 1942 was a fortified and equipped island as a fortress and naval base. The blueprint map shows that before August 10, 1941, Japan had already created extensive fortifications. The size of each installation at Wotje is indicated by the tables. The

11201 photograph of Wotje * shows that the center of the Island has two intersecting paved runways 300 feet wide, one more than a mile long and the other 3,900 feet long and suitable for large land based bombers and lesser aircraft; two or three large hangars and two shop-like buildings are there. North of these is a large seaplane ramp with a large hangar suitable for the largest seaplanes.

Many gun positions are there, including a north and south anti-aircraft and coastal defense battery with adjacent equipment and barracks area. Numerous blockhouses can be observed. Storage tanks for heavy oil and ammunition storage are shown on the map and the photographs show the same thing. One can also see trenches, pillboxes, machine gun emplacements, wire entanglements, connecting system of roads and more than fifty buildings.

11202 * There is a two story radio transmitter building with three radio towers. These pictures and maps show that Japan had been engaged in establishing the bases and erecting the fortifications at least prior to the middle of 1940 and perhaps during the entire year 1940 as well as 1941.

It would appear that the documents prepared by the Navy Combined Fleet Top Secret Operation Order Number One and the Map of Wotje are sufficient to show that Japan before December 7, 1941 established naval bases and erected fortifications on the islands.

11203 * Numerous documents show that Japan, particularly the Foreign Office, between 1931 and 1941, was engaged in the policy of surveillance, reconnaissance and espionage with respect to the U.S. Navy.

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The U.S. Naval Court of Inquiry on Pearl Harbor found that Japan's espionage system used civilian, consular and diplomatic nationals throughout the world and enabled her to keep constantly informed of the U.S. naval building program and of the location and movement of U.S. vessels. An extensive continuous espionage was conducted under the Navy and Foreign Office at Honolulu through Consul General KITA and his 200 consular agents.

11204 * There are authenticated copies of the messages exchanged between the Consul General at Honolulu and the Japanese Navy and Foreign Office at Tokyo sent as coded messages through commercial communications. These messages
11205 were introduced into evidence as Exhibit 1254 * and are to be considered in connection with the sketch map of Pearl Harbor after the December 7 attack, showing four areas, Exhibit 1255.

11207 The first message from TOYODA stated * that on September 24, 1941, henceforth, they would like to have the Consul make reports concerning vessels along the following lines: The Pearl Harbor waters are to be divided roughly into five sub-areas, Area 'A' to include the waters between Ford Island and the arsenal; Area 'B', the waters south and west of Ford Island; Area 'C', East Loch; Area 'D', Middle Loch; and Area 'E', West Loch.

11208 With regard to warships and carriers his is to report on those at anchor, tied up at wharves, buoys and in docks, designating types and classes. They would like to have mention * of the fact when there are two or more vessels alongside of the same wharf.

Exhibit 1256, a message from TOGO to Honolulu, stated that as relations between Japan and the U.S. are most critical, he was to make his 'ships in harbor report' irregular, but at least twice a week. He was to take extra care to maintain secrecy.

11210 * Exhibit 1257, telegram from KITA to Tokyo gave a report and stated the war ships at anchor in the Harbor on the 15th by areas. Exhibit 1258, telegram from TOGO
11212 to Honolulu stated * that in view of the situation, the presence in port of warships, carriers and cruisers is utmost important. He was to let them know daily and wire whether
11214 there were any observation balloons above the harbor or indication that they would be sent up. * He was to advise whether the warships were provided with anti-mine nets.

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11214 * The witness stated on December 2, 1941, Bernard Julius Otto Kuehn, according to his confession, delivered to ~~KIDO~~ ^{KITA} at Honolulu requested information and documents for which he was paid not less than \$10,000 for services in providing such information. The information delivered included full details of U.S. ships with their birthing locations in the harbor and a comprehensive code of signals by which this information could be communicated to Japanese submarines or other naval units en route to Pearl Harbor. The Kuehn code, repeated as Kuehn had delivered it, was transmitted by ~~KIDO~~ ^{KITA} to Tokyo on December 3, 1941.

11216 * This message, Exhibit No. 1261 stated that they desired
11217 * to change the signals according to the schedules annexed. It
11218 stated * that if the signals and wireless messages could not be
11219 made from Oahu, then they would be made on Maui Island at a specific location * by bonfire.

A message from Honolulu to Tokyo, Exhibit No. 1262, December 5, 1941, gave specific mention of the movements of ships in and out of the harbor.

11221 * A message of December 6 from Honolulu to Tokyo gave direct information for the surprise attack and dealt with important subjects of barrage balloons and torpedo nets. This
11222 document, Exhibit No. 1263, stated * that in the U.S., in October, the army began training barrage balloon troops. They have ordered four to five hundred balloons and they are considering using them in the defense of Hawaii and Panama. So far as Hawaii is concerned, they have not set up mooring equipment near Pearl Harbor and have not selected troops. There is no indication that there is any training for maintaining balloons and there are no signs of barrage balloon equipment. It is difficult to imagine that they actually have any. Even though they have made preparations since they must control the air over Pearl Harbor, Hickam, etc., there
11223 are limits to the balloon defense of Pearl Harbor. * There is, in all probability, considerable opportunity to take advantage for a surprise attack on these places. Battleships do not have torpedo nets. The details are not known but there will be a report of the investigation.

11224 * Exhibit No. 1264, December 6, 1941, stated a message
11225 was sent from Honolulu to Tokyo giving the location of ships in the harbor and * that no air reconnaissance was being conducted by the fleet air arm.

11226 With respect to the attack on Pearl Harbor and the preparation therefor * the witness stated that the consummation of the plans heretofore discussed lay in the attack on Pearl

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Harbor. The attack will be considered as to objectives, plan and execution.

The documents to be considered are combined fleet top secret operational order No. 1, Exhibit Nos. 1252 and 809, Japan's decision to fight and the ATIS report entitled "The Pearl Harbor Operation, Exhibit No. 1265.

11228

* The objectives of the Pearl Harbor attack were stated by NAGANO to be to render the U.S. Pacific Fleet impotent to gain time and maintain freedom of action in the South Seas and the defense of Japan's mandates.

The Chief of Staff of the Combined Fleet, Admiral ITO, stated that the fleet at Pearl Harbor would be crushed with one blow at the beginning if they insure their strategic supremacy at the outset by attacking and seizing all key points while the U.S. is still unprepared the scales of later operations can be swung in Japan's favor.

11229

In the combined fleet order No. 12, the objectives were stated * to be as follows: In the east, the U.S. Fleet will be destroyed and supply and operations lines to the Orient will be cut; British Malaya will be occupied and her lines, as well as the Burma Road, will be cut; enemy forces in the Orient will be destroyed, bases seized and natural resource areas occupied; strategic areas will be seized and developed and defenses strengthened; enemy forces will be intercepted and annihilated and victories will be exploited to break the enemy's will to fight.

11230

This plan, according to NAGANO, was conceived by YAMAMOTO early in January 1941 and was worked out by operations officers beginning in September 1941. NAGANO and YAMAMOTO knew the whole plan in advance * and SHIMADA and OKA knew part of the plan. Prior to the final formulation, war games were held from September 2 to 13, 1941, with NAGANO acting as umpire.

11231

The problem to be solved was how to attack most effectively the U.S. Pacific Fleet in Hawaii. It was stated that a torpedo attack against anchored ships was the most effective to put the main strength out of action. They considered two obstacles - the fact that Pearl Harbor is narrow and shallow and * it is probably equipped with torpedo nets.

As to the first point, they planned to attach stabilizers and launch them from a low altitude. With respect to the second obstacle, since success could not be counted on, a bombing attack was also employed.

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Additional problems were refueling and surprise. These, the officers stated to be the keys to the operation. If either failed, the execution was impossible. Refueling at seas was made a matter for special training. To insure surprise, a little travelled route was used with screening destroyers sent ahead and complete radio silence at sea while deceptive radio activity was conducted in the Inland Sea and Kyushu.

11232

* The plan provided for organizing a select task force under Admiral NAGANO of 6 aircraft carriers, 2 battleships, 2 heavy cruisers, 1 light cruiser, 11 destroyers, 3 submarines and 8 tankers. There were, in addition, both regular size and midget submarines. There were 360 attack planes, including 135 dive bombers, 104 horizontal bombing planes, 40 torpedo planes and 81 strafing planes. Targets were aircraft carriers, air bases and grounded airplanes, although in execution battleships received special attention because there were no carriers.

11233

On November 5, 1941, NAGANO issued an order to YAMAMOTO * under which YAMAMOTO, the same day, issued Order No. 1 putting the plan into effect. On November 7, YAMAMOTO issued Order No. 2 fixing Y-Day for December 8 and thereafter X-Day. On the same day, YAMAMOTO directed the task force to assemble at Hitokappu Bay in the Kuriles and to take on supplies until November 22.

11234

On November 25 he ordered the task force to move out on the 26th and to proceed without being detected to the rendezvous point set for December 3. At 0600 on the 26th the task force moved out. * On December 2 the task force received a combined fleet order fixing X-Day for December 8. On December 2, YAMAMOTO gave the order to proceed with the attack. On the night of 6-7 December the task force made the run-in south at top speed.

11235

Early December 7 the carriers went 230 miles north of Oahu, launched the planes of the first attack at 0130 and when 200 miles north of Oahu, launched the second attack unit at 0245. They rendezvoused to the south of the carriers and then flew to the attack. Torpedo planes and dive bombers attacked from 7:55 to 8:25 a.m., horizontal bombers from 8:40 to 9:15 a.m. and dive bombers from 9:15 to 9:45 a.m.

The task force withdrew at high speed to the northwest where the planes returned * between 10:30 a.m. and 1:30 p.m. The task force retired to Kure, arriving on 23 December.

The attack killed 1,999 men, including Rear Admiral Isaac Campbell Kidd, all of the Navy, the Marines had 109 killed and the Army lost 234 men. The U.S. lost 188 planes

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while Japan lost 29. The U.S. suffered severe damage to, or loss of, 8 battleships, 3 light cruisers, 3 destroyers and 4 miscellaneous vessels. Japan lost 5 midget submarines.

11236 This shows the great secrecy * with which the plans had been kept. It shows the extent to which NAGANO and YAMAMOTO had succeeded in maintaining secrecy and in attaining surprise in their plans between 1931 and 1941, reaching a successful climax on December 7, 1941.

By repeated emphatic warning for complete secrecy and surprise for the success of the attack, they had succeeded in achieving complete secrecy and surprise.

11236 The witness had been unable to find in any U.S. record any information regarding any Japanese document or communication by which Japan gave to the U.S. warning that Japan was about to commence hostilities against the U.S. A notice from Japan's Foreign Office announcing a state of war had arisen was received in the Office of Mr. Hull * at 2:35 a.m. on December 10, 1941, 66 hours and 40 minutes after the attack. The statement was thereafter admitted in evidence.

CROSS-EXAMINATION BY MR. BRANDON,
COUNSEL FOR NAGANO

11239 The witness stated that it was correct to say the Supreme Commander requested the Secretary of the Navy to produce a witness to testify to certain documents. * This was forwarded through the War Department, with a request to the Navy to designate a senior officer. The Admiral's name was not mentioned.

He had been designated for the duty by Secretary of the Navy, Forrestal. For the two months preceding his first appearance in Tokyo, the witness did not see the Secretary of the Navy. He did not see him until a few days before he came for his second visit. At that time he told the Secretary he was returning and he received no instructions.

11241 * When asked whether he drafted the report personally the witness stated that a man of his age and experience seldom does the actual spade work. The project was his. He supervised its preparation and its final rewrite is his own work. He did not personally bring the documents with him. They were in custody of his subordinates who accompanied him. All his information *
11242 came from official naval files. He had made an earnest effort to state facts only and avoided stating opinions and all his

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facts were supported by official documents.

He had included NAGANO, with respect to the 1934 statement on the value of the aircraft carrier, because of the statements made in one of the documents presented.

11243 * In these documents the words "non-aggression", "non-menace", "offensive armament" and "offensive character" are used. There is no use of the word "expansion". The words of Admiral YAMAMOTO should not appear in an exact quotation because it is a copy of the record of conversations that took place and does not presume to be a direct quotation.

11246 * When asked about a direct quotation the witness stated that part was not presented by him but it does appear in the document which was introduced. * The witness stated that NAGANO 11247 stated that Japan advocated the abolition of aircraft carriers and a drastic reduction in capital ships and Class-A cruisers in the memorandum which was the official opinion of the Japanese Delegation in order of offensiveness was aircraft carriers, capital ships and Class-A cruisers. He could not state NAGANO's position in clearer terms than he had stated them himself.

11248 * He attributed no significance to the fact that NAGANO and YAMAMOTO, at two different periods, were delegates to the naval conferences except that they were probably considered the best able to represent the views of those who selected them. Accord- 11249 ing to records NAGANO * was Minister of the Navy from March 9, 1936 to February 2, 1937 and YAMAMOTO was Vice Minister from December 1, 1936 to August 30, 1939 and the witness thought that was a considerable period of time.

11250 He attached no importance to their serving together but pointed out that no officer can rise to be Minister of the Navy and another to be Vice Minister * without having been associated together for a long time. This is not misleading to anyone who knows the Navy.

11251 When asked whether Japan did not abolish the treaty limitations of 1930, rather that they expired, the witness stated that in so far as they were binding on Japan, they ceased to have any meaning * because of Japan's denunciation of the treaty. Their effectiveness was abolished. Japan proposed a treaty limitation based on what she called the common upper limit.

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- 11256 * In comparing U.S. and Japanese carrier strength the criterion laid down by the treaty is defined as treaty tonnage. He used that basis. He had not expressed his own opinions in the statements. He gave the facts as disclosed by the records of the Navy and the figures were based on treaty tonnage. He himself would place the real strength, under some conditions, on the number of ships and under others on the size of the ships. This depends on the purposes for which the ships are to be used.
- 11257 * As to Pearl Harbor, the total would be the total number of planes that could be put in the air and normally, the size of a ship or its displacement is closely and highly coordinated with the number of aircraft it can carry.
- 11258 * Attention was called to Exhibit No. 916, which showed the total tonnage as of December 7, 1941, as 152,970. When asked how he could explain his own figure of total tonnage of 178,070 tons the witness stated when the statement was prepared he relied upon the best information available in Navy records. Those records showed 178,070 tons. After the termination of the treaty, Japan built three carriers and the Navy had no accurate information on the displacement of these ships. After the statement was delivered to defense counsel, the witness had received Exhibit No. 918 and he realized that Japan had absolute information which was better than that available to the U.S.
- 11259 Navy. The Navy did not have * the information in Exhibit No. 916 until the witness delivered it in person but since the difference was inconsequential from his point of view, he did not deem it worthwhile to correct the statement that had already been given to the defense. The gist was contained in the wording that "only five years later Japan had more than doubled the carrier strength". He did think * that the difference of 26,000
- 11260 tons was relevant.
- 11261 When asked with respect to destroyers, later information showed that the figures, instead of being 52 in 1931 and 102 in 1941 should have been 110 in 1931 and 112 in 1941. * With respect to submarines, the figures the witness had given were based on the best information available to the Navy, at the time the statements were prepared, as 44 in 1931 and 74 in 1941. Exhibit No. 916 shows that there were 67 in 1931 and 65 in 1941. He was quite willing to accept these new figures. He had accepted them when they first came to his attention due to the fact that he had prepared his statement based on Navy Department records.
- 11263 * The witness said he did not inquire of the Navy Department as to how the decrease in U.S. destroyers was determined. He accepted the figures as given to him. If newspapers are correct, he saw that 50 destroyers had been given to Britain. * The drop

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was in part due to lending 50 destroyers to Great Britain. On December 7, 1941 the Navy had the following aircraft carriers: Ranger, Yorktown, Wasp, Saratoga, Lexington, Enterprise, and Hornet.

The Hornet was commissioned in October 1941 but her airplanes did not embark until December 23, 1941. By commissioning a ship is meant that the personnel go on board, the pennant is hoisted, the flag is hoisted and the crew start working. The ship is fully built except for some minor installations but is not ready for service.

11265

* In any combatant ship a considerable period must elapse between the time the ship is commissioned and the time she is ready for service, depending on the urgency of her need. No carrier is ready for service until her planes are on board and trained. As an example of the use of the naval expression that the ship is in the fleet when she joins the fleet, the Japanese Shoho was commissioned on 22 December but was not included in the list of Japanese carrier tonnage. It would be correct to say that the U.S. had seven aircraft carriers fully completed so far as construction is concerned in speaking to an informed audience. If they would eliminate the words "not yet put to sea" and substitute "not ready for service" the statement would be correct.

11267

He had no information on the length of time which elapsed between the commissioning of the Hornet and the time when it was ready for service. * The Ranger was able to carry 82 planes, the Yorktown 72, the Wasp 72, the Saratoga 90, the Lexington 90 and the Enterprise 90. He did not know the capacity of the Hornet but had been informed it was a 19,900 ton carrier. His pure guess would be that it carried 90 planes. The figures, as of December 7, showed all carriers of the U.S. added up to 496 planes. The witness did not have the faintest idea * of the total number of planes the Japanese Fleet had at the time.

11268

* The witness stated that according to Exhibit No. 918 the Hosho had a displacement of 7470, the Akagi 26,900. Since he was not informed on Japanese naval practice and took no part in the war, his figure as to the total number of planes they would carry would be a pure guess and might be absurd. The information of the strength of Japanese aircraft carriers as to plane capacity was not available to him in the Navy Department and he was unwilling to hazard a guess.

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* The figure that 75 per cent was used in the attack on Pearl Harbor is warranted on the size and number of ships

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involved and a slight variation is taken care of by the word "probably". The witness said he did not have any accurate information on the average cruising distance or range of the respective carriers but it has been the fundamental policy of the U.S. to have her ships have the maximum cruising radius of any combatant ships in the world.

- 11271 The question as to cruising radius of a ship * depends on the speed at which she proceeds. Undoubtedly at economical speeds most, if not all, of U.S. Navy carriers could have proceeded to the coast of Japan and returned but even if they couldn't the ability to refuel at sea had been so developed that they could
- 11272 have done it twice without returning. * One of the major problems confronting the Japanese was the question of refueling. He believed that it was a warranted assumption to conclude that Japanese aircraft carriers were not built or constructed for long range cruises.
- 11275 * The witness stated that he was not thoroughly familiar with the various Vinson proposals and plans for the increase of the navy. He had never heard of the so-called Stark Plan.
- 11276 * If he remembered correctly, the First Vinson Plan visualized an increase of ten per cent, the Second of twenty per cent but he did not remember the Third. The U.S. did embark on a great shipbuilding program between 1936 and December 7, 1941.
- 11277 According to his records at the end of 1941 * the U.S. had under construction in major combat vessels, including battleships, carriers, cruisers, destroyers and submarines, a total of over two million tons. Japan had under construction, according to best information available to the U.S., secretly guarded, less than 500,000 tons of major combat vessels.

The witness stated that he did not know whether at the Conference of 1941 the U.S. argued that in computing a nation's strength and naval arms one must consider the number of ships being constructed. On December 7, 1941, in the Pacific, the Japanese Navy was far superior to the U.S.; while it would be a pure guess he would say the superiority was somewhere between 10 and 50 per cent.

- 11278 * In 1940 he had his impression that the vast majority of the combatant fleet of the U.S. Navy ready for service was in the Pacific. The Langley was an old fuel carrier which was converted in the early days to an aircraft carrier. She had no combatant worth but was of inestimable value because pilots were trained on her. She could not be used for anything other than transporting planes. He had not subtracted it from U.S. aircraft carriers because it was a training ship. When the figures were

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11279 given neither Japan nor U.S. Navy figures * included seaplane tenders and the Langley was then a seaplane tender.

11280 * He did not know when it was converted from a seaplane tender. The keel of the Hosho was laid on December 16, 1919.

11281 He had no idea whether the Hosho was used in combat during the war. * Even if he knew that the Hosho was used only for training purposes he would not subtract it from the list of Japan's aircraft carriers as of December 7, 1941, since Exhibit 918 is a Japanese document about which he knows nothing and he would not alter it. That ship was not over age at the time of Pearl Harbor but of course it certainly is now.

The witness stated he had testified before the joint committee investigating Pearl Harbor and he had there exhibited a series of letters between himself, as Commander-in-Chief of the U.S. Fleet to Admiral Stark, Chief of Naval Operations.

11285 * The witness stated that he attended some of the Pearl Harbor hearings and was a witness. He had read some of the record but not the whole book. In his opinion, the record contains references to American naval war plans but only slightly.

The witness stated that Exhibit No. 1252, Combined Fleet Order No. 1, did not contain the order for the attack but the plan for conducting the attack. The order, as executed, was given elsewhere. The plan itself provided for establishing Y and X Day. He had no explanation to give for a translator's note of the words "this portion cut out". He thought that the words "the advance expeditionary forces will reconnoiter and make a surprise attack on the American Fleet" visualized an attack on Pearl Harbor. For the details of the Pearl Harbor attack he went to another document.

11287 He relied mainly * for that on Exhibits Nos. 809 and 1625 as well as other documents.

NARRATIVE SUMMARY OF THE RECORD
(November 26, 1946)
(RICHARDSON - Cross)

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- 11288 * The witness stated that he did not think Exhibits 809, 1265, and 1252 contained an accurate and comprehensive statement of the results of the attack.
- 11289 * However, he did not know anything which he considered important that has not been presented. Document 1265, complete secret operation order No. 1, was prepared entirely from the recollection of the Japanese warrant officer, and contains the language of "the Japanese Empire will declare war on the U. S."
- 11290 * Exhibit No. 1252 starts out with the words "In case war with the U. S." When asked whether order No. 1 might not possibly be an order to be used in the eventuality of war, he said that in his opinion it was an order to be used however the war was initiated. It was a plan for the conduct of operations in a war that might be started in any way. It has been an established naval procedure in recent times, however, to have prearranged naval war plans against potential enemies. * It would be quite normal in the case of Japan to have among its naval plans the Pearl Harbor attack, because its success depended upon surprise.
- 11291
- 11292 General Order No. 1 was more than an attack on Pearl Harbor--it was an over-all attack on naval planning throughout the entire Pacific. When asked whether the words in Paragraph 53 of his affidavit were in fact in the words of Admiral NAGANO spoken by Japanese naval officers, according to the document itself the witness stated * the statement quoted was based on the recollections of the Operations Section, Naval General Staff. He did not know that they were the words of Admiral NAGANO--they may have been or might not have been. He was unable to produce sufficient authority to warrant attributing the direct statement to him.
- 11293 He said that in 1940 the American fleet moved from the west coast of the U. S. to Hawaii, in accordance with the long established practice of having fleet exercises annually in the spring of the year. * The movement had been planned by the witness' predecessor long before he became Commander-in-Chief. The fleet was kept in Pearl Harbor by orders from higher authority to remain there. The only reason he knew was that given by the President of the U. S. in October, 1940, * in which he stated that in his opinion it exercised a restraining influence on the action of the Japanese.
- 11294
- 11295

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CROSS-EXAMINATION by Mr. McDermott,
Counsel for SHIMADA.

11296 * The witness stated it was true, except as to degree, that all nations indulge in checking and counter-checking the activities of nations, not only regarding the waging of war, but in establishing peaceful practices. The U. S. has always made it possible for foreign representatives to see more of what she is doing than Japan has ever permitted any U. S. representative to learn what they were doing.

11297 * There are no records to disclose that the U. S. ever carried out a plan of espionage successfully against Japan. They might have attempted it, but this is beyond the witness' knowledge. The Navy records do disclose that the movements and concentration of the U. S. fleet in Hawaiian waters would be a matter of political and naval concern to Japan bearing on the question of world peace and war.

11298 * The witness says he did not know what the Japanese meant by star boat, although he supposed it meant something to the Japanese. Inasmuch as the text of the message shows that the boat was to bear a star at the head of the sail, * he assumed that they called it a star boat because it had a star on its sail.

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He knew that the Japanese fleet was superior to the U. S. fleet in the Pacific. He did not know why the flash of naval power was made in the face of strained relations between Japan and the U. S.

REDIRECT EXAMINATION by Captain Robinson.

11300 * With respect to the 4 to 5 million tons of naval construction in 1941, the witness stated that in 1939 the tonnage of combatant vessels under construction in the U. S. was approximately 450,000 tons, while Japan's was less than 200,000 tons. The U. S. rapidly increased its construction in the year 1939. He believed the U. S. felt it was confronted with a serious world situation, where it must be prepared to defend itself.

11301 * With respect to the Langley, he stated that the Hosho was built as a carrier in 1922. The Langley was built as a collier and experimental ship, commissioned in 1911. Later she was converted into a carrier. He had last seen her in 1936, and her forward flight deck had

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- 11302 been removed and a large mast had been installed with a boom to hoist a seaplane. Japan was informed when the change was made in the * classification, and when the war started the ship was in the Philippines as a seaplane tender.
- 11304 Exhibit No. 1266, Meeting of the Privy Council, December 10, 1941, stated * that TOJO, SHIMADO, TOGO, MUTO, and OKA were present. The matter of a no separate peace treaty was being considered. When the question was asked whether this treaty should not be deferred until Germany and Italy had actually entered the war, TOGO and TOJO answered that it had been arranged with Hitler to announce German participation as soon as he had signed the agreement and they could trust the Germans.
- 11305 TOGO stated that the draft of the agreement had been carried on mainly in Berlin, but there was complete understanding with Italy. * The agreement was approved as it stood.
- 11305 Exhibit No. 1267, Privy Council Minutes of
11306 December 10, 1941, on the no separate peace treaty, with TOJO, SHIMADA, TOGO, KAYA, and SUZUKI present, stated that * as soon as the difficult situation between Japan and the U. S. was known, Japan * fathomed the attitude of Germany and Italy and ascertained their intention in case of a conflict between Japan and the U. S. When the situation became more threatening, Japan proposed to Germany and Italy a draft pertaining to no separate peace between the three and opened negotiations. On the declaration of war, Japan notified Germany and Italy without delay and proposed that Japan would expect prompt participation in the war by both powers. Both replied that they had no objection to participating in concluding a no separate peace, and Japan continued negotiating to settle a definite plan.
- 11307 * The draft states that the three countries conclude the agreement with the firm resolution not to lay down arms until the common war had been achieved completely. All three would wage war, forced by the U. S. and Britain, with all available measures, until complete victory is achieved. None of them would suspend hostilities or make peace with either, and they would collaborate with the utmost intimacy after the war terminated to establish a new order in accordance with the tripartite Pact.

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This agreement would become valid on signature for the period of the Tripartite Pact, and the powers would arrive at an understanding on the forms of collaboration before the termination of the treaty. The treaty was approved unanimously.

11308 Exhibit No. 1268, KIDO Diary, December 16, 1941, stated * that Prince KONOYE visited him and expressed his feelings about his political responsibility. KIDO asked him to be prudent.

11309 Exhibit No. 1269, KIDO Diary, December 18, 1941, stated * that the Chief of the Naval General Staff reported to the palace and reported on the war results at Hawaii. KIDO conferred with TOJO, who mentioned the need for control of discussion about KONOYE.

11315 Exhibit No. 1811-A, a Report of Study Concerning Hostilities on the Outbreak of War, stated * that concerning the time for hostilities to open on the outbreak of war, one must consult the Third Treaty of the Hague Conference, which prescribes that hostilities must not start without a preliminary notice in the form of an ultimatum wherein a declaration or conditional declaration of war is included. It is to be questioned whether the present hostilities were commenced in compliance with this treaty. Although Britain says that first hostilities were in the Malay area on the evening of December 7, the reports could not clarify the actual time. There is no ground for doubting that hostilities were commenced earlier than 7.30 a. m. when the U. S. Ambassador was invited to the Foreign Office and received the memorandum which stated that continuance of negotiations is useless, or than 8 a. m. when the British Ambassador was so notified.

11316 * The outbreak was earlier than 11 a. m. when the Tokyo diplomatic representatives of Britain, U. S., Canada, and Australia were notified of the war in Hawaii. There are two problems, first, whether the memorandum delivered at 7.30 a. m. can be called a declaration of war, and second whether or not the treaty was violated if the hostilities started earlier in practical time than 7.30 assuming that the memorandum could be regarded as a declaration of war, or if it could not be so recognized if the hostilities were opened prior to 11 a. m.

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11317 As to the first question as to whether the first note was actually a declaration of war, * it was pointed out that in the Russo-Japanese war the Japanese Minister notified Russia, saying that Japan would retain the right to take independent action, and declared his wish to leave. Professor Westlake regarded this as a declaration of war. The recent notification, delivered after 7.30 on December 8, can thus scarcely be regarded as a declaration, because it included no primary notice of the independent action as being taken or that hostilities are to be opened, although it does state that continuing negotiations is useless.

11318 As to the second problem, if there is to be * an explanation that there was no violation of the Hague Treaty, the five points must be considered.
1, to take into consideration not the relation of the practical time, but of the nominal time; 2, to regard as hostilities all or part of the encirclement measures taken by the A.B.C.D. group on military preparations for economic rupture and preparedness for war; 3, to pick
11319 flaws in the Hague Treaty by pointing out that it is a sort of bluff and unable to attain its aims as regards the outbreak of war, or to state that the rules are unreasonable and hypocritical and have no real reason considering present day war; 4, to explain that it has no application and can be disregarded wherein rights of self-defense or self-preservation is exercised.

11320 With respect to the first point, that taking into consideration the relation of nominal time and the day when the war broke out, gives places different nominal differences, and they are treated as different hours. If the difference of time * between Tokyo and Hawaii is five hours, between Tokyo and Singapore 2 hours, the nominal hours are 3 a. m. in Tokyo, 8 a. m. in Hawaii and 1 a. m. in Singapore, while they are all the same in practical time.

If Japan declares war at 8 a. m. in Tokyo and she desires to assert that, using nominal time as a standard she has not violated the Hague Treaty, it must be recognized that hostilities may be commenced in Hawaii five hours before the practical time of delivering the declaration of war, while in Singapore it cannot be opened until two hours after the delivery.

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11321 If the hostilities are to be opened in a place 180 degrees east of Tokyo, it is extraordinary for hostilities to begin a half day before the practical time of making the declaration of war without violating the Treaty. On the other hand, if the spot is 180 degrees west of Tokyo, the hostilities cannot be opened until after a half day had passed from the practical time of
* delivering the declaration of war.

This cannot be weighty enough to be an interpretation of the treaty, when the treaty aims to prevent hostilities opened suddenly without preliminary notice. It is noteworthy that Britain claims that Japan planned to land on the coast of Malaya and bombarded Singapore and Hong Kong on the evening of December 7. It would be too hard to plead non-violation by taking into consideration nominal time instead of practical time.

11322 * Taking up the point of explaining non-violation by regarding the military encirclement for economic rupture and preparedness for war as hostilities, all of these actions may be regarded in a vague sense as hostilities, since they were taken with enmity toward Japan. But the word "hostilities" has many meanings, and the word in this Treaty can be interpreted completely different from its use in Hague Treaty No. 5.

11323 In the latter case it can indicate either an act of war as prescribed in international law, or a military and harmful act which can be recognized as bringing about a state of war, but in the former it is understood in a broader sense as compared to harmful
* military measures, regardless of whether there is a state of war. A more far-reaching conception, though vague, permits Japan to regard economic rupture or large-scale preparedness wherein incidents of international strife are involved, as hostilities, because they are harmful acts performed with inimical intent. Hostilities in this sense is not the same as in Hague Treaty No. 111. If they were the same, the commencement of the act without a previous notice, as prescribed by the Treaty, would be a violation of the treaty, but the interpretation is practically absurd. It is impossible to recognize practically the stage at which economic measures or preparedness need preliminary notice before war begins.
11324 * It is therefore difficult to argue for non-violation of the Treaty on this theory.

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11325 The third point is to find fault with the Hague Treaty. This should be stated in two parts. First, the Hague Treaty, which concerns the opening of war, prescribes that hostilities cannot be begun without primary notice in the form of an ultimatum, including a declaration or conditional declaration of war. The main purpose was to prevent a country from suffering a sudden unexpected action, but it could make no prescriptions concerning the time to elapse between the time of preliminary notice and first hostilities. * Since it does not prescribe the place where the declaration is to be delivered, it is sufficient to present it to the diplomatic representative of the other country in one's own country, regardless of whether his government has notice of it before hostilities begin. The original aim has therefore proved unattainable, leaving open the interpretation that it is not a violation to open hostilities in a far-off land only 20 or 30 minutes after delivery to the other representative in one's own capital. It is therefore not implausible to say that the Treaty is nothing but a bluff and that there is no need to respect such a childish treaty at the outbreak of the war in which a nation's fate is at stake.

11326 Secondly, while the first hostilities in such a war will often have a grave influence on the war as a whole, the Treaty prohibits beginning war without notice, * thus giving time to prepare resistance and counter-attacks. This original purpose is unreasonable and quixotic, and it is so impossible and hypocritical that it is unable to claim a real reason in actual relations. Sudden hostilities must be a form of violation, but it is not implausible to explain that it is not so blamable to open hostilities when the war would break out at any moment, both nations being well-prepared.

11327 There are some faults in these explanations. In the case of the first, the aim of the Treaty may not be attained without a formal violation, but it cannot be concluded that the Treaty may be disregarded and violated formally, * although hostilities are usually carried out prior to the proclamation of war. But the Treaty does not make it unlawful to open hostilities as soon as the proclamation is delivered, either directly or through diplomatic channels. As to the second point, the action could not escape being branded as a Treaty violation from the point of view of actual international law even though the Treaty be unreasonable and hypocritical and not conformable to the actual situation.

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11328 From the standpoint of international law, these reasons have no power to justify hostilities initiated in violation of the Treaty. Such an explanation may give some sense of satisfaction, especially the second, which is concerned with the rights of self-preservation and self-defense, and might provide useful supplementary reasons when one insists that he has a right to ignore the Third Article of the Treaty, * provided that one's existence is in danger.

11329 * Lastly, they must consider the claim of self-preservation and self-defense, since he right there did not believe that they could show a non-violation with respect to the present war. The right of self-preservation was formerly almost universally recognized by international lawyers as one of the fundamental rights of a nation, but the present theory is that it has no right of self-preservation, although self-defense is recognized. Some jurists use the term self-preservation, but recognize it as coming within self-defense. Others recognize the right, but say that it is nothing more than the right of self-defense. However, more recent jurists, including the American scholars, recognize the existence of such a right. Some
11330 recognize in addition * an act of urgency similar to the right of self-preservation.

The theoretical basis of recognizing the two rights jointly is to be acknowledged in present international relations, but since they are not considered separately in international conventions, they will be referred to later and at present he will discuss only the theoretical differences between the two, but it must be noticed that they are not only scarcely considered together in convention, but the thought of absolutely denying the right of self-preservation prevails.

11331 According to the simple theory recognizing the two separately, the right of self-preservation in the narrow sense takes precedence over the ordinary rights of other countries, belonging to the rights of necessity * like that of self-defense. This right is to be recognized only in case danger threatens the rights or other legal interests protected by it. In the case of self-defense, it is to be exercised to protect one's rights and legal interests in case of attack by another nation. It is not to be used against the attacker until the attack is actually made or its possibility impends, while the right of self-preservation is to be active when

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the existence of a nation or its important interests equal to its existence, are in immediate danger. This right is exercised even against a third power. The right of self-defense, interpreting it as falling in the same category as the right of self-defense in domestic law, should be recognized as becoming active in case of danger threatening rights which are not extremely trifling, without restriction necessary to cases of danger threatening existence.

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* In the present war, interests for the important existence of the country were in imminent danger. If the narrow right of self-preservation is recognized, Japan can say it is entitled to disregard the Treaty, insofar as it is necessary to protect the right. From the standpoint of the right of self-defense, it is doubtful whether Japan could claim a basis for saying that the situation at the outbreak of war implied an attack against her. It may be said that Japan was not responsible for the violation of the Treaty even if she disregarded it, because the right of self-defense has priority over all treaties. Germany justified her aggression against Belgium in the first great war under the plea of self-defense. Her justification was that an attack was made against her by Belgium or France. Comparing this with the situation before the outbreak of the present war,

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* it goes without saying that there is more reason to recognize the existence of an attack in the former case.

The U. S., despite negotiations, was planning not only an economic break with Japan, but was also devising a scheme of zealous oppression, together with England, and was furthering the A.B.C.D. plan. Together with her enormous naval construction program, she was proceeding to strengthen her naval and air bases in the Pacific. In the Philippines she was making many preparations for starting war from August on, such as building airdromes, sending troops, dispatching submarines, the importations of planes, arms, munition and equipment, the installation of anti-aircraft guns, and mine laying in Manila Bay. The U. S. was going to propose to Britain

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* the dual use of Singapore and to demand recognition from the Dutch Indies and Australia for the use of military bases. She also intended in China to prevent the Burma route from breaking down, and declared she would insure land transportation by sending air patrols.

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11335 The Governor-General of Malaya had declared a state of emergency, and organized the East Asia fleet. He had received reinforcements, and more warships had been sent from the Indian Ocean and South Africa. By assembling thousands of soldiers on the Siam frontier and Malaya under the pretext of defending Malaya, he showed that the time was near when Britain would invade Siam. The U. S. reinforced British air forces. There were several military connections between Britain and Chungking in the Burma area, and the actual state of affairs was that British, U. S., and Chinese military preparations against Japan were daily proceeding. * The A. B. C. D. federation had added Australia, and Russia seemed ready to join. Closely connected, they were trying to check Japan's development to the south, and it was recognized that the blockade was being strengthened daily in preparation for war.

11336 These conditions showed a pressure against Japan, and it involved an immediate threat endangering the vital interests of Japan's existence. If the right of self-preservation can be recognized to exist, Japan may consider that it may be argued that she could disregard the Hague Treaty, since it was a case when the rights of self-preservation was active, which right is superior to that of other countries. It is also possible to argue that it is a case of when the right of self-defense could be active, because the blockade was carried out with the realization that war would begin and pursued with inimical intent could be regarded * as a sort of attack or threat of an approaching attack, to decide Japan's fate economically and militarily.

In conclusion, there are various considerations of the Hague Treaty referring to the outbreak of war, and Japan in the last analysis can explain being not responsible for violation only by explaining that the treaty is an impossible one, as well as by claiming the rights of self-defense and self-preservation.

11337 In reading the Imperial edict, it stated that there was no other alternative for Japan except to spring up and crush all obstacles for the sake of its self-preservation and self-defense. This recognizes the co-existence of the two rights. The group therefore felt that with mature reason the propriety of Japan's explanation * for disregarding the Hague Treaty is self-evident

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- 11339 Exhibit No. 1271, report by Ott to Berlin, January 29, 1942, stated * that Diet discussions in the past week have brought forth several important declarations by leading Japanese, particularly the Prime and Foreign Ministers, concerning Japanese aims * and the execution of the war. The declarations were noteworthy because of their systematic character and the time at which they were given shortly before the attack on Singapore after the successful attack on Burma, the beginning of operations against the NEI, the progressive conquest of the Philippines, and the first action against the outer defensive ring of Australia. According to confidential information TOJO desired a systematic determination of Japan's policy and carried it through in the face of opposition. This shows TOJO to be a politically leading statesman, more than a mere exponent of the army. He clearly wishes to establish Japan's war policy on a line equidistant from the wishes of circles which earlier hoped for an understanding with the Anglo-Saxons, and from the over-extended expansion tendencies of certain radical groups. From TOJO's and TOGO's statements, the bases of the future Greater Asia under Japan's leadership are as brought out, and secondly the government's program for future policy and waging of the war.
- 11341 * As to East Asia, Japan, Manchukuo, and Nanking-China is to form the inner core of the new organization. Thailand and Indo-China, cooperating freely, will be included. Other areas will crystallize under various forms of government around this core. The remaining countries are to fall into three categories. The previous bulwarks of British imperialism which served to suppress and rule East Asia, such as Hong Kong and Malay, are to be transformed into a bulwark for protecting East Asia, and must be under the immediate control of Japan. In furtherance of this, General ISOGAMI was appointed Governor General of Hong Kong.
- 11342 Second, there are areas whose independence is to be preserved if they loyally collaborate with Japan. * These are the Philippines and Burma. Their independence is to be formed according to Manchukuo's pattern.
- The third areas are to be conquered by force if they resist Japan, namely NEI, Australia, and Chungking China.

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TOJO and TOGO both felt that the original hope that NEI would yield without a fight does not exist, and military action is considered essential. Both speeches had an appeal for China to turn away from the Anglo-Saxons and come to an understanding with Japan.

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The speeches of TOJO and TOGO, and the declarations of TOJO and SUZUKI before the Budget Commission on January 23 contain a few interesting points. The program is moderate. The new areas are not to be exploited after the defeat of the Anglo-Saxons. Instead there is to be economic collaboration, * no war of races, religious tolerance, no economic exclusion, but there is to be guidance and regulation of production, and if necessary restriction of individual branches of production, in accordance with the needs of the Sphere managed by Japan.

The aim of the present measures is to secure raw materials necessary for waging war, and the founding of the later autocratic Greater Sphere order.

The present program is to acquire important sources of raw materials; to prevent their flow from the South Seas to the enemy; to secure the self-sufficiency of the army in areas of operations; and for existing industries to cooperate with Japan in occupied areas.

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* With respect to future policy and warfare, both TOJO and TOGO emphasized the indivisibility among the powers of the Tripartite Pact and their close cooperation. The NEI and Australia was set as the military goal in the south. Port Darwin is to be conquered first, and Japan can be contented first in Australia with possessing that base. This explains why India is not mentioned. In connection with India, great restraint can be evidenced here. They maintain that Japan cannot proceed against both Australia and India at the same time, but must pause after conquering Singapore and Burma, since the push toward the south is more important and of greater use. The Indian Congress is opposed to Japan, and the Indian nationalism, even if successful, would not be able to establish an independent orderly state. * Japan could not control such a huge area with four million inhabitants along with her other difficult tasks. The danger therefore exists that India will fall prey to Bolshevism.

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As to Soviet Russia, TOGO emphasized that relations were unchanged, and were based on the Neutrality Pact. He also stated that the annual renewal of the Japanese-Russo Fishery Treaty is at hand.

However, military preparations in Manchuria against Russia are in operation. Influential circles state that Japan must turn on Russia after conquering Port Darwin, and must seize Vladivostok, the coastal province, and North Sakhalin, to secure herself in the north.

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* Exhibit 1272, telegram from Ott to Ribbentrop stated Japan's army was approached by the military attache, recommending certain Japanese to receive German decorations on the occasion of the Tripartite Pact. Since Japan has been hesitant with respect to decorating Germans and since Ribbentrop had advised that the German decorations to Japanese will not take place until after Japan bestows decorations on Germans, Ott had refrained on principle in passing on the Japanese desire and from making proposals.

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But in the meantime since war has broken out a number of Japanese have been mentioned who have made * important contributions to German-Japanese cooperation and joint waging of war and they occupy key positions so that even without reciprocity, their decorations seem suitable. This concerns men immediately surrounding TOJO, who will be retained for some time for decisive influence on Japanese policy. Italy is planning a number of decorations. Ott, therefore, suggests the following to the Fuehrer:

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Teiichi SUZUKI, Minister of State and President of the Planning Board, who as President of that Board, wields decisive influence on reorganization of Japan's inner administration and controls economic planning in Japan, as well as organizing economic and administrative construction in Southern territories. He is also General Secretary of the Board for the Construction of Greater East Asia. Because of this and his connections with the Army * and his relations to TOJO his position is that of a Vice-Chancellorship. This is shown by his order of rank at official events. While formerly ambiguous in his attitude toward Germany, recently he has supported cooperations and had an important share in deciding Japan's entry into the war.

Toshio SHIRATORI, who for a long time was the principal advocate of intimate cooperation with Germany, will probably again play an important part in foreign and home politics.

General SUGIYAMA, who, in all positions, has always openly advocated cooperation with Germany and wielded great influence in concluding the Alliance.

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* Lt. General Heitaro KIMURA, Vice Minister of War, as Chief of Staff of the Kwantung Army from October 1939 to October 1940, he especially worked in behalf of Germany as Vice Minister of War as one of the principal advocates of German-Japanese military cooperation.

Lt. General Akira MUTO, has always advocated the conclusion of a German-Japanese Alliance in a most important position.

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Major-General Kenryo SATO was definitely pro-German as a representative adviser and, at present, successor of General MUTO. The importance wielded by him * during the last three months before Japan's entry into the war has increased.

Lt. General Yukio KASAHARA used his important influence and worked as a leader for the Anti-Comintern Pact and German-Japanese cooperation.

Colonel General Kenji DOHIMARA, who by constant close and friendly cooperation with the Air Attache, has in a leading position, contributed in the true sense of the Pact to the extension and deepening of the military alliance.

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* SUGIYAMA had been previously recommended because of pro-German attitude and has continued taking a leading part in working for cooperation with Germany.

KIMURA has closely cooperated with TOJO in the Kwantung Army. His personal relationship with TOJO, as well as the leader's preoccupation with his job as Prime Minister have enhanced his influence on the leadership of the War Ministry, as well as his position with regard to the other Vice-Ministers.

MUTO, in view of the political influence wielded by the Army, his attitude was and is of great importance. The same is true of SATO, who has cooperated in a friendly way with the Germans as MUTO's representative.

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DOHIMARA and KATAGIRI, because of the successes of the Japanese airarm * have risen in position among Japan's military and political leaders.

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- 11,359 * Exhibit 1273, KIDO Diary, September 1, 1942, stated that TOJO came and spoke about the circumstances of establishing the Greater East Asia Ministry. He stated that TOGO objected in principle to the establishment and there was no agreement. TOJO was unable to persuade TOGO. When TOJO asked him to resign, TOGO answered that he could not do so at once. TOJO asked that he let him know by four whether he would resign or not.
- 11,360 * If TOGO does not resign, the Cabinet will be forced to resign in bloc. KIDO let the matter ride, but reported it to the Emperor. The latter desired to avoid a resignation in bloc in view of the situation at the present stage of war when America has begun to show considerable signs of counter-offensive action. KIDO advised the Emperor to call in SHIMADA as an intermediary and KIDO arranged for SHIMADA to appear. SHIMADA came to the palace and KIDO explained the reason for his visit. The Navy Minister was received in audience by the Emperor. Thereafter KIDO received a telephone call from SHIMADA that TOGO, having understood TOJO's position had decided to resign. A mass resignation was thus avoided. That evening TOJO reported
- 11,362 * that TOGO had resigned and that TOJO would be responsible for the position of Foreign Minister in addition to his own and the Emperor installed him as Foreign Minister.
- 11,363 * Exhibit 1274, KIDO Diary, May 13, 1943, Foreign Minister SHIGEMITSU visited the palace and talked with KIDO about the world situation. SHIGEMITSU spoke about the meeting with Stahmer, whom, he said, is seriously afraid of the situation in Germany. The power of the army has gained strength and the Nazi Party is apparently overwhelmed. If this becomes stronger, some violence will occur both in politics and diplomacy and Germany will be confronted with a situation similar to the last stage of the first great war. * Some powerful person should be sent from Japan to Germany to establish liaison between the two countries.
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Exhibit 1275, meeting of the investigation committee of the Privy Council on the treaty between Japan and Thailand, showed that MINAMI, TOJO, SHIGEMITSU, SATO and OKA were present.

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When the question was asked whether Burma had shown any dissatisfaction to Japan's approval to the annexation of the two Shan states by Thailand and whether Thailand * had requested the * re-acquisition of certain territorial losses in Malaya but not included in the present plan, TOJO related the circumstances when he had made the proposals in his interviews with Ba Maw during his trip south. Although Ba Maw had shown no signs of dissatisfaction, uneasiness might be entertained by the natives and, therefore, nothing should be left to be desired in Japan's future policy. He explained that it was only a few years since Thailand ceded the territories she was about to re-acquisition. It was for this reason that Japan was trying to recognize Thailand's re-acquisition and the present measures toward the four Malay states seemed to be a surprise to Thailand.

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Then MINAMI asked what meaning this action would have under international law. MORIYAMA of the Bureau of Legislation, replied that under international law * occupying nations had no territorial rights in occupied areas and, therefore, such treaties should not be concluded. However, since an occupying nation was conducting administration for occupied areas and since there was no special regulation stipulating Japan should continue this condition forever, it was perfectly all right to agree that there would be no objection to Japan's abolishing the military administration in the occupied area and letting a third power annex it. The treaty between Japan and Thailand would be concluded in this spirit. TOJO replied that the Japanese Army already firmly believed that this was Japanese territory and that this measure should be taken according to this firm conviction.

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When HAYASHI asked whether the government intended to consider * the measures provided in the treaty as not being contrary to international law, TOJO answered that the international law should be observed so long as the enemy observed it, but it should be interpreted from the viewpoint of carrying on the war according to Japan's own opinions. He considered the present measure as being perfectly justified by international law.

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Exhibit 1276, KIDO Diary, January 6, 1944, stated that he had had a talk with his Chief Secretary concerning Germany's fate and measures Japan must take. He was wondering about the progress of the war during the coming year. The fate of Germany * is the most important problem. If she has the power to fight through the year and to assume the initiative it will relieve the situation, but if she should be defeated during the year, it will be critical for Japan. It is necessary to prepare for the emergency. Japan must consider whether she must take measures to bring the war to an end in case Germany is beaten or surrenders. Japan will, of course, take actions based on decisions independently arrived at. It is reasonable to suppose that the enemy will attempt to intensify their political offensives. Japan must take the greatest care to devise counter policies lest traitors like Badoglio appear.

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The TCJO Cabinet will, no doubt, become quite difficult to continue in such an event and the problem is whether the mere recommendation of a successor through the elder statesmen's council, as usual, will be enough or not. If things come to this pass * it is worthy of consideration whether the council should not further determine beforehand Japan's diplomatic course and recommend the execution of such policy.

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In the second place, he believed that there would be no hope in setting up such a plan unless it includes very considerable concessions by Japan. From the Imperial proclamation of war the aim was the breaking of the so-called encirclement by the ABCD. Japan can regard it as a conclusion if this object is accomplished. It is possible, therefore, to outline a plan whereby the problems of the Pacific will be dealt with by the principal nations bordering the ocean; Japan, Russia, China, U.S. and Britain shall organize a commission; the regions occupied by Japan and the islands in the Pacific will be non-fortified; with the exception of Manchuria * the independent nations other than the principal ones are to be made permanent neutral countries similar to Switzerland. The remainder will be under the administration of a joint commission; and, the economic policies are in principle to be based on freedom, reciprocity and equal opportunity.

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The timing of the plan should be studied most carefully. It should not coincide with the collapse of Germany, but should be prior to the time when the U.S., Britain and the Soviet unite in hostilities against Japan. Measures may be taken with the Soviet as a go-between.

11,371

The plan may seem too conciliatory and weak-kneed, but KIDO believed that Japan must nurture and cultivate her actual powers within the state for a century due to the experience gained as a result of the China Incident and the German-Soviet war and due to the actual strength of the U.S. and Soviet and in view of the terrible * attribution of Japan's national power.

If this judgment is correct, Japan should avoid being isolated and attacked by all as a colored race and he believed the best way is to cooperate against the U.S. and Britain with Russia and China essentially oriental and prepare an organization to meet the changing circumstances and quietly save Japan's real strength.

11,372

* Exhibit 1277, KIDO Diary, July 17, 1944, stated that at the Senior Statesmen's Council held that day persons present were WAKATSUKI, OKADA, HIRANUMA, HIROTA, ABE, KONOYE and YONAI. This matter was reported to KIDO by OKADA.

11,373

WAKATSUKI became Chairman and he stated that the Cabinet had lost the sympathy of the public and the present situation is serious. YONAI stated that since the 13th he had been asked to join the Cabinet, but had declined. Since OKA * had come and asked the general opinion of the Navy he had stated that he could return to active service and serve as a Supreme War Councillor or any other capacity, but even if he entered as a Minister, he could be of little service and he had no intention of joining the Cabinet.

ABE stated that even though the people did not like this Cabinet, the situation would be more difficult if it was replaced by a weaker one. He had to decide his views in accordance with the attitude of IRAPS.

HIRANUMA stated that these questions were all unimportant, the point is they must make up their minds to do something.

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11,374 HIROTA said he would not join the Cabinet even if he were asked. * The meeting decided that in order to find a way through the difficult situation it is necessary to renege the popular mind. All people must rally and cooperate to build a powerful national Cabinet which will surge forward unswervingly. A partial reorganization will be useless.

11,375 TOJO called and explained the Cabinet policy and stated in accordance with the Emperor's intention * on the three points to which KIDO had called attention, the Cabinet had decided to carry out the consolidation of the Supreme Command. Things have reached a point where this had to be taken into consideration since it was feared that a state might arise where there would be insufficient unity between Army and Navy. For this reason they had changed the policy on reorganization of the Cabinet and other problems.

 He believed that the liaison conference should be renovated and strengthened to consist of two ministers of the Premier class, besides both Chiefs of Staff and Ministers of War, Navy, Munitions, Finance and Foreign Office. Specific recommendations were made.

11,376 * General ABE and Admiral YONAI were to be asked to join the Cabinet as Ministers of State to reinforce Imperial Headquarters. If it pleased the Senior Statesmen, the Cabinet was ready to consider the revival of the Cabinet Advisory system, but the Cabinet members will always keep close contact with the Senior Statesmen and reflect their intentions. He recommended a change in the IRAPS.

11,377 * Exhibit 1278, KIDO Diary, July 18, 1944, stated KIDO reported these matters of the previous day to the Emperor. TOJO reported and told KIDO that he had decided on a resignation en bloc. KIDO asked if he had a succeeding Prime Minister in mind. TOJO replied that the Senior Statesmen have a heavy responsibility for the * present change and he supposed that they had a plan in mind and he would not venture to give his opinion. In case a Cabinet headed by an Imperial prince were considered he hoped that none of the Army royalty would be considered. KIDO was shown the written resignation of TOJO.

11,378

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11,379 The Senior Statesmen, including WAKATSUKI, OKADA, HIROTA, KONOYE, HIRANUMA, ABE and YONAI, HATA and KIDO, conferred on who should be recommended as the succeeding * Premier. At the meeting KIDO gave a detailed explanation to the circumstances leading to TOJO's resignation. The meeting closed and KIDO reported to the Emperor. He asked the Emperor to inquire of the High Command whether the appointment of Field-Marshal TERAUCHI would affect the military operations since he was commander of the Southern Area Army. This question was asked of Chief of General Staff TOJO when his successor UMEZU was being installed and he replied that the reason that it was not good * since the enemy's counter-offensive is at its height and it is impossible for TERAUCHI to leave the front line and to allow the domestic political situation to affect the front line is bad for morale and would have serious repercussions in the East Asia Co-Prosperity Sphere and among neutral powers. This must be avoided.

11,380

The Emperor was asked to summon KOISO. The Emperor thought that TOJO might resume the post of War Minister. KIDO stated that this would have an unfavorable effect on the political situation.

11,381

* Exhibit 1279, KIDO Diary, July 19, 1944, stated SUZUKI and others visited with KIDO. He was also visited by KAYA about the monetary policy toward China. * KONOYE called and asked KIDO's opinion on making the next Cabinet a coalition Cabinet between KOISO and YONAI to form a true national unity. He stated that HIRANUMA had agreed to this. KIDO agreed to this and asked for the views of the Senior Statesmen.

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Exhibit 1280, KIDO Diary, July 20, 1944, * stated that the Senior Statesmen met again and KIDO fully explained the development regarding the coalition. KOISO immediately came to the palace from Korea and KIDO explained the situation to him. KOISO and YONAI were received by the Emperor and they were both given an order to form a Cabinet * in cooperation with instructions to observe the text of the Constitution, and handle the affair so as not to irritate the Soviet so that the war might be accomplished.

11,384

KOISO and YONAI were brought to the meeting of Senior Statesmen. KOISO called on KIDO and told him about the discussion with TOJO and UMEZU.

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11,385 Exhibit 1281, KIDO Diary, April 4, 1945, stated that KOISO came * and told him that in his opinion in the present war situation the present organization and character of the government are by no means good. This is why he was admitted to Imperial Headquarters and he had given his opinion on the direction of the war, but to no avail. There must now be an Imperial Headquarters' Cabinet, which will direct the war. He had discussed the matter fully with YONAI. Neither believed that a Cabinet could be strengthened by reform. He also was thinking of opening the second Greater East Asia Conference in the middle of the month. Also, in view of the war situation in Okinawa, he had been thinking of deciding on his step at about the end of the month, * but it seems that this will take several months.

11,386

In the meantime SUGIYAMA and HATA have been decided upon to go out as Commanders-in-Chief to strengthen the defense structure. The Army is going to recommend General ANAMI to the Throne as War Minister by about the 6th. It would not be fair to recognize this change now and then carry out a mass resignation at the end of the month.

Therefore, KOISO and YONAI had decided to resign en bloc because of reasons stated in a separate sheet. KOISO stated that he intended to resign that day, but KIDO suggested that he postpone it until the next to give the Emperor time to consider and KOISO agreed.

11,387

KIDO reported to the Throne and asked for permission * to see the Ministers of the Army and Navy and the two Chiefs of Staff prior to the Senior Statesmen conference and received permission.

In KOISO's reasons for resigning he stated that the situation of Japan is getting more and more urgent and there should be no discrimination between battle front and the home front and between the Supreme Command and Civil Government and a fundamental change should be made in the Cabinet so that it can cope with the situation and so that the Cabinet, together with the whole nation with renewed resolution may be powerful enough to go straight forward for the accomplishment of the great task of assisting the Throne.

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11,388
11,390

* Exhibit 1282, KIDO Diary, April 5, 1945, stated * KOISO tendered his resignation and it was agreed to announce it at seven p.m. at night. KIDO conferred with UMEZU, YONAI, SUGIYAMA and OIKAWA. He later conferred with Admiral OKADA. In the evening there was a meeting of the Senior Statesmen with WAKATSUKI coming late. * The Senior Statesmen affixed their seals to the decision. The Imperial Mandate was issued to Baron SUZUKI who conferred with KIDO. KIDO conferred with UMEZU and told him that KOISO had resigned because it is necessary to organize the Cabinet to make it more powerful. It should be an Imperial Headquarters Cabinet or a War Directing Cabinet. He asked * whether the Supreme Command had any opinions to express. He also asked his opinion on the forecast of the war, the collapse of Germany and the political aggression of the San Francisco Conference.

11,391

11,392

In regard to the war, the battle of Okinawa does not seem favorable, but Japan must fight it out to the bitter end and regardless of whether the enemy can be routed or not. It is difficult, but not impossible to uplift the morale of the people. The Army is steadily making preparations. He hoped that the Cabinet will be formed which will be in conformity with this desire. One plan would be to adopt a war-time Cabinet or minority one such as was adopted by various countries in previous wars.

An Imperial Headquarters Cabinet or War-Directing Cabinet are worth considering, but it is difficult to link the Supreme Command and State Affairs.

11,393

Petroleum is the chief source of worry, * but there is enough to last several months. There has been special permission granted to organize a special corps to dig for oil in Japan proper.

Exhibit 1283, KIDO Diary, August 9, 1945, Premier SUZUKI called at KIDO's office and reported that the Supreme War Guidance Council has decided to accept the Potsdam Declaration on the conditions of preservation of the Imperial Dynasty, independent evacuation of troops, handling in Japan of persons responsible for the war, and no guarantee occupation.

prisoners. The beds were of course
at Mergui.

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DIRECT EXAMINATION OF ALBERT ERNEST COATES,
By Mr. Justice Mansfield.

- 11403 * The witness stated that he was a Lieutenant-Colonel in the Australian Army Medical Corps, and was a member of that body on March 17, 1942, when he was at Padang, Sumatra. He was captured by the Japanese on March 17, 1942, and left Sumatra in May, 1942. At that time 500 British survivors from sunken ships left with
- 11404 him for Mergui, Burma, * on the England Maru, where they were confined in very small spaces between the decks and where conditions were bad, ventilation poor, and food was the usual rice and radish soup. The journey lasted seven days, and when they arrived at Mergui they were joined by a thousand Australians, making a total of 1500, and were confined in a small school which would accommodate children to a total of one quarter of the 1500. This space was totally inadequate, and as a result "jail fever", or dysentery in the fulminating form broke out. The Japanese doctors advised him to use charcoal from the kitchen as a medicine.
- 11409 * Drugs were not supplied, charcoal was. As a result there was quite an epidemic of dysentery. At first the serious cases were confined in part of the school, but due to the kindness of a Japanese doctor use of some coal huts in a local civil hospital was obtained. The patients were in a serious condition, had no clothing other than what they wore, and when their clothes were washed the patients would lie naked on the floor. There were only about twenty deaths. These deaths would not have occurred with proper medical supplies. The disease was found to be amoebic dysentery, by local microscopic tests.
- 11410 * Emetine, a specific, would have cured them, but the Japanese doctor told him that this was available only for the Japanese. Many other patients subsequently died from the infection, which is a slow one after the initial outbreak.

The witness stated that two men who went out of camp were summarily executed, and one mentally unbalanced man was also executed for walking outside the hospital grounds. They were charged with attempting to escape. punishable by death.

In August, the witness went to Tavoy, where he worked in a POW hospital serving two to three thousand prisoners. The conditions there were a little better than at Mergui. The beds were of concrete and could be kept

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cleaner. A little more drugs were supplied, particularly after the witness had helped save the life of a Japanese soldier. They had some ancient bottles of old-fashioned medicine and three or four gynecological instruments. From Tavoy he went to Thanbyuzayat, and from there he went to the 30 kilo, where railway construction was under way, where they had accumulated 2,000 of the recent railroad casualties, all of whom were POW. These men showed the earlier signs of avitaminosis, or lack of vitamins, that is partial blindness, burning feet, sore tongue and mouth, inability to swallow, diarrhea. Many had chronic amoebic dysentery and malaria in a relaxing form.

11412 * There were no drugs nor medical orderlies. All medical orderlies that came up there were being employed in the construction of the railway. Having only four medical officers for 2,000 men, he had to recruit volunteer orderlies from the convalescents. General SOSA went through the camp, saw the patients, many still standing, ordered the hospital closed and all dying patients to be put to work. These orders were carried out. A great number of them died in the next month or so.

11413 * He next was sent to the 75 kilo camp in Burma, as a free-lance medical officer, where there were over 3,000 men in very poor condition. All but 300 of these were sent to the 105 kilo camp. Of the last 1300, a thousand were inspected by a Japanese doctor, who hastily walked past them, and he decided that 1,000 were sick. When the witness pointed out their feeble condition and asked that they be left to be cared for, he was told that the railroad must be finished, after which they would have a long rest. The witness remained alone with the 300 very ill patients, of whom a number died, but whom the most in July were transferred to the 55 kilo camp.

11414 At the 75 kilo camp the huts were not occupied by white POW's, but were filled with natives with various diseases, particularly cholera, * who died at the rate of 15 per day. In the earlier stages they received no medical treatment, but later a Japanese doctor came and did something for them. In July the witness went to the 55 kilo camp to take charge of the hospital. This was an abandoned work camp consisting of just eight bamboo huts, floored with bamboo. Hygiene was bad, latrines having to be dug near the edge of the woods because of the high instance of dysentery and lack of bed pans.

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11415 There were 1800 patients, 500 of whom had large and medium ulcers on the leg. There was bacillary and amoebic dysentery, and since they had no specifics they had to put the patients in the so-called dead house. If the dysentery was infective the patients were isolated, and they rarely came out of the area. Malaria was a big element in the camp. * The quinine supplied was only sufficient for those admitted on a Japanese primary diagnosis. Quinine was supplied for 300, but 1800 had malaria. The witness protested, and the Japanese pointed out that a man could only have one disease. If he had malaria he could not have an ulcer. There were many men who had three or four diseases, and quinine was the only drug supplied in any quantity. The rest were infinitesimal. The fortnightly issue of drugs other than quinine would consist of a box neatly packed with straw, having at the bottom a few cakes of sulphur, a pound of epsom salts, and six small bandages, for 1800 seriously ill and segregated men. Malaria was a great cause of anemia, and as a result seriously afflicted men suffered from other diseases.

11416 * An even more important factor was the lack of food, resulting in malnutrition, avitaminosis, and nutritional edema. All other diseases were based on lack of food, particularly meat, and vitamin-containing substances necessary for the body.

He had seen tropical ulcer in Malaya in the year before Japan's attack, and in Sumatra, but the new disease with the ulcer on the leg was quite different from this. There was no inflammation, but only local death of the limb.

11425 * At kilo 55 the huts were in bad repair. Many leaked, and there were not sufficient well men to keep them in repair. The rain frequently came through the roof, but this did not matter much. The men had no clothing, and they were so obsessed with their other sufferings that the rain did not affect them a great deal.

11426 In July, 1943, the Senior Japanese Medical Officer for Burma visited the camp to find 300 more workmen. He allowed the witness to help him make the selection, * so that the least sick men were sent to work. Of the men taken, there were many who suffered with medium size ulcers of the leg, six inches covered with leaf and bark. There was recurring malaria, which

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could not be regarded as an ordinary disease because there were so many other overwhelming problems. In between attacks of malaria the man was to all intents and purposes to be regarded as a fit man for work.

11427 At this camp the witness rose at daylight and supervised the work of four other medical officers, segregated the sick, and worked particularly on leg ulcers, inspecting the bad cases that were likely to be amputated that day; curetting some 70 or 80 ulcers during the morning and supervised the dressings by a team of volunteer orderlies. In the afternoon he amputated nine or ten legs. * As to an operating theater, after much persuasion the sergeant camp commander allowed the witness to put up a 6 x 8 bamboo lean-to, which he used as an operating theater. While the method of operation is technical, it was of interest to know that they had only a tiny amount of cocaine as a spinal anesthetic. As instruments he used a knife and two pair of artery forceps and a saw such as carpenters and butchers use.

11428 * Following a strongly worded protest through Brigadier Varley, Lieutenant Colonel NAGATOMO visited the camp and promised to take away men needing amputation or who had been amputated to Moulmein. Nothing further was heard of this, but a Japanese doctor was sent to the camp to act as camp commander. Colonel NAGATOMO was the Japanese officer in charge of POW in Burma. There were the usual daily beatings of the men by well-nourished, strong and healthy Korean guards. A few men lost an odd tooth, etc. These Korean guards did not suffer from a lack of vitamins.

11429 * The POW doctors were in poor condition, and the witness himself weighed only 7½ stone and suffered from at least three diseases. In the later stages the witness visited the 50 Kilo Camp, POW's from Siam, and the H. & F. Forces at Changi. The 50 Kilo Camp was worse than the 55 kilo, because the men had come on a long march and they had not been able to amputate. They did not have even primitive facilities. At this camp the men who had cholera, while marching in Siam about 700 of their patients died within two or three months, while at 55 camp they lost only about a fifth of the population at that time, but many more died later.

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11430

* At Changi, which he saw later, exactly the same conditions prevailed for some 8-9,000 POW. The Japanese Chief Medical Officer for Burma POW simply obtained labor. He would never give a diagnosis or make a suggestion for treatment. The doctor sent by NAGATOMO, while he did nothing active, was not hostile, and as a result there was a lower mortality, because they obtained clandestine food without which they would have lost 75% of the population.

11431

The witness made reports on conditions both in Burma and in Siam in which he described the camp conditions, stating that the spectacle of emaciated skeletons of men on the one hand, * and the edematous water-logged wrecks on the other, many with rotting gangrenous ulcers of the legs, emitting a nauseating stench, lying in pain and misery, were such as he never wished to witness again. The daily procession to the graveyard was a reminder to those still alive that death would soon end their sufferings. The memory of it is not easily obliterated.

He was quite sure that the deaths in camp 55 could have been avoided by adequate feeding and drugs, particularly quinine if used as a preventive, by the recognition by the Japanese of the special diseases they had, and the provision of simple specifics. This, together with adequate feeding, which was possible because of the cattle in the neighborhood, and even in the absence of beds, bedding, towels, and soap, could have saved most of the lives.

11432
11433

* The witness had conducted over 130 post mortems while at 55. * In many cases there were perforations of the bowel from dysentery, with fatal peritonitis. In other cases they found watery clogging of the tissues, with all organs shrunken. There were gross evidences of pellagra. The rice which was not eatable was used by the men as a poultice to encourage inflammation, and some of the men were able to overcome their conditions and were persuaded to eat a little more and were pulled around. By recognizing the appearance of laudable pus, they were forced back to primitive methods of medicine of one hundred years ago. In that camp they lost 330 out of some 1600 there. In December 1943 the men were evacuated from kilo 55. The men were divided into two groups, the light and the serious.

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11434

* The term light of sick was not necessarily applied to a man who was not going to die, but to a man who had a disease which he could recover from or die within a period. This was a Japanese classification. The sick were moved by box truck to a place near Bangkok, the light sick to Canberry and the heavy sick to Nakompaton. The witness was appointed senior medical officer at Nakompaton. He was told to take no medical equipment, but this was meaningless since there was none, and he was told that everything in a modern hospital would be provided.

11435

At Nakompaton he found a few bamboo huts, and no medical equipment. The first group of patients was about 1,000, and in the next three months there were * 8,000 in the camp. These were the remains from the whole of the Burma-Siam railway, excepting the men sent to Singapore. These men were very ill, a great number being stretcher cases that could not move at all. Many had ulcers, and very many suffered from avitaminoses. 1500 had amoebic dysentery, and the remainder had all kinds of diseases. There were also permanently disabled men with amputated legs and badly damaged ones which were slowly healing. Medical orderlies were allotted at the rate of ten per thousand, and three POW doctors per thousand. The doctor allotted was the camp commander at the later period at 55 Kilo. This man was rather ashamed of the accommodations.

11436

* The witness was asked to make a report by the Japanese medical authorities, and he wrote giving a full report and unabridged description, and a list of the requirements to make it an appropriate place in which to treat the sick. He never received any more orderlies, but they did prevail upon local authorities to allow them to use convalescents as volunteer orderlies. He was informed that that proportion of medical orderlies was ordered by the authorities in Burma, and that these had to work in ordinary working parties for the Japanese. It was impossible to carry on an efficient hospital with the number assigned, but fortunately a number of sick doctors and orderlies came in from time to time, * and they were able to help until sent from the camp.

11437

In the first six months food and drugs were bad. One of the first things after their arrival was to cut the rations down to the Japanese hospital scale for POW's. The scale was sufficient to sustain a healthy man but when meat was cut to one-third, rice to one-half, and vegetables to two-thirds, it is obvious that it is not enough for a sick or convalescent person.

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11438 * He also applied for beds, bedding, as well as drugs and equipment. There were no beds or other equipment supplied until May, and then in small consignments. In July 1944 there was a much larger consignment of American Red Cross goods. During the early days the doctors were at their wits' end on how to treat a large number of sick without drugs and on reduced rations. The very sick were nourished at the expense of the others, and blood transfusions became routine. Many other medical measures, such as taking of bodily secretions from one man and giving it to another, were used. Patients who recovered became more like milking cows for the benefit of those who hadn't. The Red Cross drugs * saved the lives of a great number. The mortality rate had risen until their arrival, and from then on dropped.

11439

At the camp there were epidemics of beatings in which the patients, medical orderlies, and occasionally doctors were beaten by the Korean guards, and from time to time by the Japanese officer in charge. The witness pointed this out in one of his reports, in which he stated that the hospital still resembled a prisoner's camp, and that the beatings were not justifiable and were not to be considered on a humanitarian basis. From time to time there was improvement, and he thought his contacts with the Japanese officers were effective, but a sudden outbreak would occur at an unspecified time.

11440

* The guards were not, to his knowledge, punished at Nakompton, but in Burma a good sergeant inflicted corporal punishment on a Korean guard for beating a prisoner. In all the camps the prisoners were from Britain, Australia, Holland, and a few Americans from Java. In September, 1944, at a neighboring camp, there was bombing of a railway siding by allied planes, and a large prisoner camp was partially destroyed with 100 persons killed and over 100 wounded. The witness requested that they should send assistance to the camp, since they had only one surgeon and a few doctors, while he had a number, but this request was refused.

11441

* No markings of the camp were allowed, and no slit trenches could be dug. After the bombing, the Japanese senior officer filled the bombed camp up again with more men than before, and told them that the bombing was very good. He did, however, permit them to build some shelters and slit trenches.

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In December 1944 one of the recovering patients left the Nakompaton camp to visit a neighboring village. He was arrested and the camp authorities were called upon to account for him. Although they knew nothing about it, the whole camp of 7,000 was put on parade for 36 hours. Only protests to the Japanese doctor lifted the ban.

11442

* In July, 1945, one of the men in the office informed the witness that he and three others would like to have letters from him to be found on their dead bodies after the war, since they proposed to tell what was happening and to try to help the POW to do the best they could in the coming massacre. They had observed machine gun nests all around the hospital and a hut full of grenades in the Japanese compound, and he stated that they were to be used when a landing occurred in Japan and attempts were made for POW release. He said he had seen a copy of the secret orders to this effect. The machine guns covered every hut, and the grenades were to be used to kill the men in the huts and the machine guns to kill escaping POW's.

11443

* At the end of February, 1945, all officers were removed to work camps, including men dying from tumors, cancers, and all kinds of infective conditions. Some of them did die. A paralyzed American with a brain tumor, after a preliminary operation, was taken. After the removal of the officers, the discipline of the Japanese was extreme. Beatings became more common, turning men out became daily occurrences, and there were sudden parades, alarms, and excursions. At the time of the Japanese capitulation, the Japanese colonel called the witness in and announced the armistice.

11446

* The witness, in connection with Exhibit No. 445, the Japanese report on the Burma-Thailand Railway, thought the Japanese have made no adequate preparations for proper feeding or treatment of POW employed on the railway.

11447

* The witness stated that with respect to malaria control, in late 1943 a body of Japanese medical men visited the camps and took blood specimens. In October to December, 1943, in the more remote camps, a number of men oiled and sprayed the camps, using POW for the work. In the earlier months there was no such organization. It did function, and function well in S. Oiling or water was generally done.

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11448

* 95% of the POWs contracted malaria. In July 1943, between 3 and 4,000 out of 10,000 POWs were in hospital camps, but there was a large number of seriously ill men still in the working camps. In Thailand, Siam, the figures varied from 30 to 40%.

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CROSS-EXAMINATION BY MR. LOGAN, COUNSEL FOR KIDO

11,449

* The witness stated that there are a number of diseases called 'deficiency diseases' or avitaminosis produced by the lack of certain substances normally found in a rich and healthy diet. In olden times before anything was known about this men on ships suffered from scurvy and rickets. These two diseases he did not see in the camps. * Pellagra was one of the main deficiency diseases caused by the lack of nicotinic acid found in meat and certain vegetable proteins. With sufficient meat or its equivalent in cheese, fish and vegetable proteins pellagra would not have occurred.

11,450

11,451

The witness never examined any Japanese soldiers and he did not know whether they had Pellagra. Some of the Japanese soldiers suffered from ulcers and some from dysentery, particularly in the later stages in Siam. * He presumed that some suffered from malaria but he had no knowledge of the figures for the Japanese Army. He presumed that the Japanese soldiers had nets and quinine, spray guns, etc., to combat malaria because he was told that there were only enough drugs for the Japanese Army and that was one of the reasons why he could not have any. While the Japanese contracted malaria, their incidence was low. He did not know the exact percentage, but he did know the Japanese had a hospital at 60-kilo camp, which was not full. They seemed to work well on the railway and they did have prophylactic quinine.

11,452

* He had some little familiarity with the transportation facilities available in building this railway. There were roads. There was one in which he was driven on to the 75-kilo camp in May 1943, which was quite passable and Japanese officers came up from Bangkok by car. The rainy season lasted from May to September, 1943.

11,453

The witness could speak with certainty only for the 75 and 55-kilo camps from which he had communication by roads. For two or three weeks at the end of May and early June at the 75-kilo camp * they could not get rations by trucks. He had never traveled on the road to the 105-kilo camp, but patients from it were brought from there to the 55-kilo right through the rainy season

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11,454 by truck. He was never at 105 camp. He had testified with respect to the 75 camp. The railway was constructed principally through the jungle. * There were roads and villages used by the natives, ox tracks and so on before the Japanese constructed their road which preceded the railway.

The witness did not know whether FOW's assisted in building the road which preceded the railway. He did not know whether the Japanese could get food into the country by way of ship.

The guards who beat POW's were Koreans, but to his certain knowledge, protests to Japanese officers were not effective except in one case, the man in Burma he had previously mentioned.

(November 29, 1946)

11,458 * The witness was beaten four times in Burma and he saw at least 30 to 40 other beatings in Nakompton, Siam. The total he had seen would run into hundreds.
11,459 * He actually saw the assaults take place. Once or twice he saw assaults by sergeants and corporals on Japanese, mostly by Koreans.

The England-Maru was a troop ship and it carried some Japanese officers in good quarters. He could not say that it had been used to transport Japanese soldiers.

11,460 It is true that they received a little more drugs, as he stated, at Tavoy than they had received in Mergui. * They received a few drugs at Mergui. The hospital at Mergui received no drugs, however. No drugs were received while the 1,500 prisoners were at the school. The organization was not such as to permit the supply of drugs.

11,461 * They did get drugs, as he stated before, from the working camp, more particularly quinine, but he did not recollect any other drugs.

He did not know how many classrooms were in the school and couldn't guess. He was there only five days when he was taken ill by amoebic dysentery. The

Page

school had a few small latrines and he knew of no other building in Mergui which could have been used, but he had never had an opportunity to look around.

11,462 * It is good medical practice to segregate serious cases of dysentery.

With respect to the three men executed, some form of inquiry was held and the executions took place soon after the arrests. He could not say whether the men had been tried. He was only the medical officer.

11,463 * He was at the 30-kilo camp for six weeks from about the middle of April to the end of May. He knew that a large number of patients ordered out of the hospital there had died. They were men he knew since Malaya. He left with them since the camp was completely closed down as a hospital. He then went as an ordinary POW to a working camp at the 75-kilo camp, where he remained until the 12th of July.

11,464 * Mergui is a sizeable trading port marked on the map. He had no definite knowledge whether there were any other large buildings in the town. He never could visit and investigate. He was a POW and subject to all restrictions as a POW. He did not know the population of the town and could not estimate.

11,465 At the 75-kilo camp they received about five grains of quinine per man per day through the Quartermaster's Department. He also received about once a fortnight a box containing * some bandages, a little sulfa and a pound of epon salts, the same size box as he received at the 55-kilo camp. The contents were less but the number of men was six times as great. The issue of drugs at the 75-kilo camp were such as would be issued to a small section of healthy men for regimental aid post purposes. * The drug issue was carefully calculated on the basis of numbers in the camp and the supply was not the kind needed for 300 d-dolicts.

11,466

The witness was only in one working camp, the 75-kilo, for a short time before the 3,000 men were divided up and sent away. During that time he assisted the local medical officers in the hut set apart for the heavy sick. He had access to the other huts and w the men and conditions under which they were living.

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He lived then, not in the hospital, but with the senior POW officers.

11,467 The other camps he was in were the 55-kilo
in Burma, * Nakompaton in Siam and Thanbyuzayat from
February to April, 1943, Mergui and Tavoy. He also
visited the camp in Burma where F and H forces were
and Changi. On two occasions he visited hospitals set
aside for treating Japanese soldiers, once in Tavoy
where he helped with a serious case and the morning
11,468 following the Armistice when he visited the neighboring
camp at Nakompaton and offered his services. * He
visited before the Armistice the Japanese hospital
for three days. At Tavoy he could observe that the
Japanese had all the facilities of a local British Civil
Hospital with a good dispensary, good operating theater,
11,469 and good store of drugs. This was in 1942. * He did
not know whether that supply of drugs continued during
the entire period. This also applies to the other camps.

11,470 At 55-kilo camp the amoebic dysentery patients
were isolated only insofar as they were put together
in one hut only a few yards away from other huts. It
was good practice to so isolate them. While at 55 the
witness protested * in writing and the letter was re-
ceived. After the letter was received Brigadier Varley,
the senior Vankampaton officer in the Burma-Siam Rail-
way, POW, wrote and told him that he thought the witness
was exaggerating. The witness replied that the figures
were even worse and that he would like to have someone
come and see for himself. Brigadier Varley was a POW
who went down on a ship going from Siam to Japan.

11,471 The witness's medium of protest was Dr.
SUGUCHI who visited the camp and to whom he violently
protested. The witness's method of protest was through
POW control through Brigadier Varley who handed it on
to Colonel NAGATOMO. NAGATOMO * inspected and a few
weeks later sent Dr. ACNUMA to replace the sergeant camp
commander. The protests did have this result.

The temperature in this area is more humid
than warm. In some parts of the year it is rather cool
in the dry season so that men lit fires at night. At
55-kilo in July the temperature was the usual tropical
one.

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11,472

* It is not quite correct to say that the non-possession of clothes was of no moment since clothing had some other value as a cover against mosquitoes and bamboo slats. Many of the men had only a pair of ragged shorts in which they worked, their shirts having disappeared a long time ago. The statement that the men had no clothing was a little exaggerated in the sense that it was not a nudist colony.

It is correct in both Malaya and Sumatra there were ulcers before the Japanese came in, but these were quite different from the ulcers which the men had. Tropical ulcers seen before the war occurred in well men. There was no deficiency of vitamins. It was a mixed infection and the ulcers were superficial.

11,473

* He was at kilo 55 from July 12 to December 24. The witness stated that bare skin exposed to abrasion in the jungle by bamboo scratches and by bits of stone flying up from the area worked certainly was the primary cause of the ulcer.

11,474

* The Japanese soldiers were well clad and and their legs well protected. When he saw them they wore puttees and trousers which covered the knees completely. The only Japanese he saw wearing shorts were officers not engaged in heavy work. Some of the Japanese got ulcers because from time to time they were exposed to slight scratches.

11,475

* In all, the witness took off 114 legs and his colleagues amputated a few others. This was not done all the time. He did have cocaine for a spinal anesthetic given to him by his own dental officer which he had brought from Singapore.

11,476

There was no cocaine at the other camps. He spent a day in November at the 50 kilo camp and he had an opportunity to examine the entire camp * which had about 1,800 patients.

A typical meal was rice for breakfast and rice and vegetable soup for lunch and dinner. There was something to drink twice a day, either tea or boiled water. When meat was received it was made into a stock for the vegetable soup. If one cut up the meat to give each man

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a piece they would each get a little cube about a centimeter in size.

11,477 * On many occasions the witness observed what Japanese soldiers ate, but only on three occasions was he a guest, having been ordered to be one. At the 55-kilo camp, because he was ordered with all his medical officers, he ate with them. On many occasions Japanese guards would give a little rice to a POW. They were not willing to share in a general sense. They did share sporadically when the spirit moved them.

11,478 * The Japanese diet differed materially from that of the POW's. It had more seasoning and fish and meat. On the whole they received the same kind of food but also received special things such as onions and sweet potatoes. They were valuable vegetables. He could not speak of other camps. He could recall that in going from Southern Burma to Tavoy he was invited when he arrived by a Japanese sergeant to spend the evening around a fire and they had quite a nice meal. In spots the Japanese soldiers were quite friendly. * He did not know whether the sweet potatoes and onions continued to be served to the Japanese soldiers during the entire time. In May 1944 they received a small quantity of Red Cross supplies and in July they received quite a consignment of such supplies. These were not adequate to treat the sick.

11,479

There was enough emetine to give a half course to 250 out of 1,500 amoebic dysentery cases. At that time they also received from the Red Cross some bootmending apparatus, rubber tubing, large ampoules of glucose and saline, several barrels of Epsom salts and a large number of bandages.

11,481

* It is all written down in his diary. There was some mepacrene used for malaria. This was used up after six months even though it was used with great care in bad cases only. There were sulfur drugs and some invalid food which had been destroyed. There were no surgical instruments although the witness had to sign for them. The Japanese doctor told him they had been lost.

When the witness was captured he was a survivor from a sunken ship and had nothing but his boots, shirt, hat and trousers.

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The witness was in the first world war for four and a half years. When the war broke out he was in private practice, but he held an appointment in connection with the military repatriation defense hospitals. Regulation dress in the tropics for Australian troops is long trousers with gaiters and boots, a shirt with long sleeves and a hat. Short pants are used only for walking-out dress and not for work in the tropics. Some of the men wore long pants, others shorts, depending upon their duties.

The Japanese could have withheld from the POW's the Red Cross supplies.

11,483

* Machine gun nests were only built around the camp in May, June, and July 1945. There were no machine gun nests of a comparable nature around any other camp he was in. He had never seen any sort of machine gun nests before. There were guards who worked around and were the sole protection.

11,484

After a severe epidemic of beatings when protests were made there would be periods of improvement. Then there would be similar outbreak again. On the whole, knowing that the Japanese generally used physical violence as a means of correction, he was not surprised. * He saw not only the Korean officers doing this, but also two Japanese officers. The beatings were sporadic. In most of the cases he did not understand why they occurred. He did see Japanese beating their own soldiers. Beatings depended on the individual personality of the one inflicting the punishment and the camp commander. He had not seen orders issued by camp commanders for punishment. Frequently he received orders for circulation to POW's that under all circumstances * they would salute which was sometimes impossible for a sick man.

11,485

The guards were given a free hand by the Japanese to beat. Such orders were published in Japanese, which the witness could not read, but he was informed that there were such orders and he had heard Japanese officers addressing the POW's and telling the men that that was so. To some extent this depended upon the camp commander. He did not know that any such order had been issued by KIDO. * It is true that when complaints were made to some camp commanders steps were taken to alleviate conditions.

11,486

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11,487 The purpose of digging slit trenches is to give protection from air raids. * The clerk in the Adjutant's office, towards the end of the war, told the witness that the machine gun nests and guns were set up to kill the POW's in case of a landing in Japan or an attempt to effect the POW release. They did not carry this out. He did not think that this was a rumor. It is not much like a rumor when one sees a number of machine gun nests surrounding a camp and pointing towards one's huts.

11488

CROSS-EXAMINATION BY MR. BLEWETT,
Counsel for TOJC.

11489 The witness stated that Mergui was a place of disembarkation and staging area for POW being taken to Burma, and there was an airdrome and other things built by POWs during their stay. * At Mergui the witness functioned as senior medical officer. The witness stated that the word hospital was hardly the proper term. They were depots for the very sick, and there were no hospitals in the true sense of the term.

11490

* The witness had no knowledge of any of Japan's plans for the care and maintenance of victims of accidents and diseases. The witness knew by reliable reports that the 1,000 prisoners reached 105 Kilo Camp and were actually put to work.

11491

* As for scientific safeguards, in a few camps there was quinine to be given at 5 grains a day to prevent malaria. Later in the year the Japanese did take some POWs to join their sanitary corps to oil in one camp. At the end of the year they took both blood and rectal smears from the survivors.

There was a series of huts at Tambesi which received the sick brought up from Tavoy, but there was no hospital. All that was used for the sick were the abandoned working huts. He had not seen any large projects there or in his own country, or in any other country but having served in the first World War he knew something about medical conditions.

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- 11492 * He did not wish to infer that when he said that on board ship they had rice and radish soup but refused to serve it. The Japanese did have medical and other supplies on hand which were actually refused to the witness and his assistants. There was no high
- 11493 ranking medical officer * of the Japanese army in Burma. The senior medical officer was a first lieutenant. The witness had no contact with other officers, such as the lieutenant-colonel in charge. He could not comment generally about the Japanese army standard of medicine and hospitalization because he did not see a great deal of it, but only the few camps that he saw.
- 11494 * He based his opinion that the Mergui Camp was overcrowded on the fact that when men lay down to sleep at night there was not a square foot of space in the camp, and this despite the fact that many men were still up and on duty.
- 11495 * Nakampaton was about 35 miles from Bangkok. 30 Kilo is in Burma. Nakampaton was established as an asylum for the sick at the eastern end of the line in the early part of 1944, after the railway had been completed and the rest of the serious sick were withdrawn from the area. * The patients that came were the serious chronic sick, who would take more than six months to recover and who had been at work on the line after it was completed. Nakampaton was not in use in 1943. There was an asylum to receive the casualties after the railway had been built.
- The total number that passed through the hospital was about ten thousand, and the static population of the sick was roughly five thousand.
- CROSS-EXAMINATION by Mr. Cunningham,
Counsel for OSHIMA.
- 11498 * The witness stated he had never appeared for examination before any other Tribunal. He had not testified in atrocity cases, except in a general way. At the end of the war he gave a picture to the Supreme Allied Command generally on the affairs in Burma and Siam, for historical purposes. He had no knowledge whether his report had been used in any trial. Under interrogation in Melbourne * he had given names of certain Japanese officers whom he thought were responsible for bad conditions, and he could remember
- 11499 a. He had mentioned NAGATOMO and Dr. SUGUCHI, but he had no knowledge that they had ever been tried.

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11500 The purpose of the interrogation in Melbourne had been to obtain a general picture of conditions in POW camps from which they had just been released, and this was confined to Australian POWs. He had no information or report on the results or inquiries later conducted because of his testimony. * He had mentioned certain names, particularly of guards and junior Japanese underlings who had conducted themselves badly, but he did not consider it his duty to lay specific charges. This was a matter for other officers who had more intimate relations. It was his duty to paint a general picture and give the Commission in Australia an idea of the actual conditions, not with any purpose of retribution, but in historical fashion. He did not give a report paralleling the information given in this courtroom.

11501 * He had only mentioned in the court one or two instances of a little kindness, but there were statements he had made showing that immediately after the capture the POWs were not treated uncivilly. At the time of capture the medical officer in Sumatra permitted him to carry on the treatment of the wounded. When a number of Japanese raided the hospital in which the witness had a large number of wounded, the same Japanese doctor protested and had the place put out of bounds. When the local commander insisted that all seriously wounded should be moved into the prisoner camp, this same doctor worked it so that he could retain the POWs there for another two weeks.

11502 * At Tavoy, the Japanese doctor, while admitting he could not do anything to get drugs, was not unsympathetic. The witness stated that in the 55 Kilo Camp in Burma, when supplies were short and he had made representations to Dr. AONUMA, AONUMA stated that he was not permitted to allow the POWs to buy any food in the local village or establish any canteen, but when he caught some of the men who carried on business to obtain food he did not punish them in the manner expected. The witness had with AONUMA a certain fraternal association. They mutually respected each other.

11503 * In Burma there were few medical orderlies because such were employed as laborers, and the organization was only a skeleton. At Nakampaton the Japanese allowed one doctor and ten orderlies per thousand, plus three NCOs. They permitted the witness to organize the orderlies for a specific function, and to hold clinical meetings for discussion. This was appreciated.

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11504 In the early stages the Japanese doctor was present, but later he was not permitted to attend, and the relations became purely formal. * Some of these men he believed would have liked to have made closer contact, but the iron machine of POW did not permit it. The witness stated that there was organized interference by Japanese to prevent him from alleviating the situation. In building of beds, they could have constructed some with camp material, but this was not allowed. There were many restrictions and petty interferences, and sometimes serious ones, so that they militated against effective treatment. At the end of 1944, in a report to the Japanese, he pointed out that though the hospital was the best in Nakompton it was far from what could be expected of a country of the status of Japan. It had too much the appearance of a prison camp, * that beatings were far too frequent and various restrictions prevented them from doing their work, which he knew the Japanese medical authorities desired.

11505 A Japanese colonel visited the camp for inspection about October 1944. The witness wanted to put some of the needs before him, but his request to do so was refused. By stratagem he managed to speak with this colonel, and he told him that the patients were not recovering for want of fat, protein, vitamins, and drugs. As a result of this the diet improved and the camp became better. This colonel was a medical officer, he was informed.

11506 He could only infer that at this particular time it was the policy of the Japanese Medical Corps to help POWs, but it is his personal opinion that many would have liked to have done something to help. He had, however, no knowledge of the relationship between the Medical Corps and the General Staff. This was the highest ranking officer with whom he spoke, but he had walked within twenty yards of General SADA * at the 30 Kilo Camp in early 1943. He saw the Colonel in late 1944.

11507 From late 1944 till the end of the war food conditions improved. There were many reasons for this. One was that there was a canteen permitted, and the POW were able to purchase food with money earned. The diet, however, was still below a normal one in proteins, fats, and vitamins, but those of the POW who had been accustomed to a light Oriental ration did not look or feel ill.

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11508

* While the Nakompaton hospital had many faults and was far below what one could expect, it was quite an improvement and the facilities allowed indicated that the Japanese Medical Staff wanted to see as many men recover as possible. Two men were extremely helpful, Doctor MATSUSHITA and Lieutenant WAKAMATSU.

The first news the witness received from home was three and a quarter years after his capture. The first Red Cross material was an ounce of butter per man in October 1943. The next lot of Red Cross stuff, for 13 men, was in the middle of 1944. The witness repeatedly applied for books, papers, and something to help the intelligent men, but they never came.

CROSS-EXAMINATION by Mr. Hanai.

11510

The witness stated that when he said rations of meat were decreased one-third and rice to one-half, he meant that prior to that the regular rations in meat were three times and that of rice two times more. In April, 1944, at NAKOMPATON, they were told * that the camp would no longer be regarded as a workmen's camp, but one for sick men and that the appropriate ration scale would be adopted, which he believed was one-third of the amount of meat, two-thirds rice, and two-thirds vegetables. He had no knowledge what the Japanese troops received in meat, as they lived in separate compounds.

11511

There was abundant meat in the neighborhood, because the POWs could buy with money they secured, and at the end of the war the witness was able to buy large quantities of meat the day following the armistice. He was able to buy food for a short period at the 55 Kilo camp in 1943 in Burma. As some of the patients recovered they made little trips outside the camp at night, making contact with the Burmese and purchased food with money supplied by POW officers. * Without this food a great number more would have died. He believed that the Japanese doctor was aware of this and did not act for the sake of humanity.

In Nakompaton and Kamburi recovered patients became the source of blood supply. Some of the recovered were allowed to stay in the hospital as workers, and many of the workers had to be used many times to give their blood. Fifteen hundred transfusions were given in the camp in a few months.

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- 11512 He was aware that the punishment of Japanese soldiers was not carried out in the presence of POWs. * However, he had seen one Japanese sergeant beat up and punish a guard for maltreatment of POWs, and he had seen many guards beaten by officers, and some punishment was carried out in sight of the POWs. He knew nothing, however, of the rules and internal arrangements of the Japanese Army.
- 11513 * Malaria is fairly common in Burma, as is dysentery and tropical ulcer. However, they can be gotten over by inoculation, proper preventive measures, and the proper use of drugs for treatment. This is true when there are facilities--without them it is hazardous to live in the jungle.
- 11514 * Charcoal was used for dysentery, but it has no value in killing germs. All it does is absorb the water and smell, and is not a specific curative. It is an absorbent of toxins, and it is wise in the tropics to have a little charcoal in case of diarrhea, but it does not kill the germs. The charcoal the witness used
- 11515 consisted only of crushed ashes. * His orderlies used to go to the kitchen and rake out the ashes from under the fire and grind them up. Vegetable charcoal was used, that is, the wood which was used to cook the food and the ashes which remained. As a doctor, he does know that charcoal is a good absorbent and is used in Australia
- 11516 for a variety of diseases. * There was no other charcoal other than that obtained in the kitchen available.

CROSS-EXAMINATION by Mr. Brooks.

The witness stated there was enough charcoal from the kitchen to give all the prisoners in Burma an adequate dose.

- 11517 With respect to the Red Cross supplies, in 1944 when he received some he had no knowledge of any difficulties of transportation of the Japanese. In 1945 he was told by a doctor that supplies had been sent out that they were held up by the Japanese in Bangkok for some months * as a reprisal for the U. S. sinking of a Japanese ship, but he stated that out of the kindness of the Japanese he got them they would allow him to have some. They gave him 35 boxes of ampoules of salt water. At this stage they could make all these things themselves. He has knowledge only this incident.

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11518 He believed that in previous hearings he had
only mentioned one person who was a peculiarly objection-
able interpreter. In the primitive camps in Burma, the
11519 witness lived with the men. * The Japanese had house
rules for POW camps, and the witness had a copy of them
at all camps. * In Burma in 1943, they were the same in
all camps, because they were issued by Colonel NAGATOMO,
who was in charge of all POWs in that area. These rules
provided only for detailed affairs in regard to camps,
such as saluting of guards, the matter of washing, minor
domestic matters, and had nothing to do with large control
of POWs. They did not set out the food, clothing, housing
and medical supplies.

11520 * He did not have a copy in his possession, but
he does have one. He did not know if he could make it
available, but would try. He had not seen the army
regulations prohibiting the beating of prisoners. Other
rules he had to make known to his men, such as if a man
tried to escape he would be shot.

11521 When he referred to orders being disobeyed in
previous testimony, he was referring probably to the
11522 orders of NAGATOMO. Soon after the doctor arrived * at
the camp, the witness discussed the problems with him.
The witness asked him to see if there could be made
available, if not more rations, facilities for purchasing
them from the natives. He stated he would submit the
request to headquarters, and later informed the witness
that the request was refused. This was sent to the POW
Headquarters at Thanbyuzayat. He reported that the POWs
were not permitted to make any contact with the Burmese.

11523 The Japanese medical officers preferred not to
talk about the reason for the lack of medical supplies,
* and said so. They stated that there were no supplies
available for them to give to the POWs. They did not
say, however, whether or not they had them.

11524 * In speaking of camp commanders, he used the
term regardless of rank. The best camp commander was a
sergeant, for whom the witness had a high regard. It
would not be possible to compare this fellow, who inter-
11525 preted his regulations in the correct spirit, bearing in
mind the nature of his POWs, with the arrogant, strutting,
sword-carrying fellow who imagined that he was interpreting
the same regulations. Punishment of prisoners depended on
* disposition of the guard more than in the observance.

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CROSS-EXAMINATION by Mr. Levin.

The only rules the witness stated which he saw were the house rules and the rules issued by the camp commanders. They applied to the conduct of the POWs and had nothing to do with what the Japanese were supposed to do. He knew nothing of this.

11526

* The only high officers with whom he had communicated were NAGATOMO in 1943 and the colonel he spoke about earlier, late in 1944.

The camp commanders varied in grade. At Tavoy it was a sergeant, at 30 Kilo camp a sergeant, at 55 Kilo a sergeant and then a lieutenant. At Nakompton there was a lieutenant-colonel in charge.

DIRECT EXAMINATION OF ARTHUR SEAFORTH BLACKBURN
BY MR. JUSTICE MANSFIELD

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- 11529 The witness stated that he was a Brigadier of the Australian Imperial Forces. In March 1942 he was in Java and was the senior Australian officer in that area and the general officer commanding all Australian troops there.
- 11530 March 12, 1942 he was captured by the Japanese forces in Java and remained a prisoner until Japan surrendered in August 1945. During his internment he was frequently informed by Japanese officers that the Japanese policy was to treat prisoners under the principles of "Bushido"; that the principles of the Geneva Convention would be applied when it suited them and that prisoners of war had no rights.
- 11531 April 13 1942 the witness was taken to Batavia and put in Cycle Camp where he assumed command of the 2600 Allied POWs there including U.S., British and Australians. They were housed in Dutch barracks suitable for 1000 native troops. The number of prisoners varied but reached a maximum of 4900. There were never any extra buildings or kitchens or sanitary arrangements provided. Shortly after his arrival about 500 men, survivors of two ships, were brought to the camp in a pitiful state of neglect and ill health. Most were semi-naked and a large number were unable to walk without aid. They had received no medical attention since captured March 1st and all were suffering from malaria or dysentery or both. Everyone had to be put into a camp hospital. He applied to the Japanese for blankets, clothing, towels and soap but it was refused.
- 11532 The food was always completely inadequate and the prisoners began to lose weight. They never received the quantity of food approved for POWs by the Japanese. There was practically no medicine issued and after drugs on hand were finished they were without drugs until they got some into camp from outside sources. The witness made frequent written and verbal protests about food and drugs but never received any satisfaction. Sickness was frequent including at least two severe epidemics of dysentery. The health of the men steadily deteriorated and a large number died.
- 11533 Discipline was very harsh in camp and physical beatings and brutalities were frequent. He made constant protests in writing and orally to the camp commander and to headquarters officers but never received any satisfaction or lessening of brutalities.

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11533 In June 1942 the witness was ordered to get the signature of every prisoner to a form promising instant obedience to every Japanese order. Each man refused to sign unless the words "subject to the oath of allegiance we have already taken" were added. July 3 the witness with Col. Searles, the senior American officer in the camp, informed the camp commander that they would get the signatures if these words were added. They refused and demanded that the forms be signed and they had an order issued that day imposing severe mass punishments on the whole camp and a large number of officers and men were beaten. The witness was sent for by an officer from Imperial Japanese Headquarters in Java and informed that unless everyone signed food and medicine would be progressively decreased until they did. The next day notices were posted that POWs lives would no longer be guaranteed. Machine guns were posted and a large number of guards brought in. Col. Searles and the witness and all hut commanders were locked in the guard house and every other officer was marched out of the camp.

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11536 On his way to the guardhouse the witness ordered the men to sign. The men were forced to sign and were beaten with rifle butts and heavy sticks. Later that day Col. Searles and the witness signed. The following month there was an orgy of beatings of all officers and men. The witness lodged frequent protests against these beatings and other breaches of international custom but never received any satisfaction. He left Java December 28 1942. About the middle of 1943 certain officers who had been in Cycle Camp joined up with the witness in Formosa. He personally interviewed about ten or fifteen of these men and they told him they had been forced to take part in the manufacture of a propaganda film in Cycle Camp. After his return to Australia he was ordered to conduct an inquiry into the making of the film and interviewed some twenty or thirty men who had been forced to take part. The Japanese had picked the healthiest looking men and had ordered them to take part in the film to depict POW life. Everyone refused and was subjected to extreme brutalities and punishments and finally threatened with death. They still refused and were told that unless they did participate the food ration of each POW in Java would be reduced until they did take part. They then agreed to take part. They raked the POW camp to get the cleanest and best clothes and gave them to these men to wear. They then took part

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- 11538 in the manufacture of the picture which gave an utterly untrue picture of camp life.
- 11539 This film was captured by the allies when they went into Java and the witness saw it in December 1945. It was then decided to have the actors gather together if possible and have them give a true version, side by side with the Japanese film. Certain photographs taken by Allied cameramen after the capitulation when conditions had considerably improved were available and they were put into the picture made in Australia as a contrast to the Japanese film. When he left Java his party included a number of senior British and Dutch officers, the Governor-General of the Netherlands East Indies and Col. Searles. They left in a dirty 5000 ton ship and were
- 11540 carried in the lower holds. A shelf had been built in the middle about seven feet wide and the prisoners were kept in two layers, lying down. There were no lights, portholes or ventilation except an open hatch way above. The prisoners could not lie side by side but had to lie alternately. The heat was intense. There were no washing or bathing facilities and all latrines were on the top deck. There was only one stepladder leading to the top with an armed sentry to allow only one to go up at a time. Food consisted of very thin soup and a small quantity of rice. (Occasionally they were allowed one quarter hour exercise.
- 11541 They arrived at Singapore January 5th and left January 10th for Japan. There were about sixty prisoners in the party. They traveled to Japan on the "Ake Maru", a ten thousand ton ship. Conditions were identical except as they came further north the days became shorter and they were held in the holds in absolute darkness for twelve or thirteen hours per day. They landed at Moji and then were taken to Formosa which they reached Jan 30 1943. Conditions on the third transport were identical except that they were more crowded and some had to sleep on the open hatchway with the rain beating down on them. None of the transports had any medical arrangements and the POWs were unable to obtain any medical assistance or treatments for the sick except what their own medical men with their medical drugs gave them.
- 11542 * The witness reached Karenko Camp in Formosa February 7 1943 and he and the others were immediately addressed by the camp commandant who stated they were regarded as criminals for having fought against Japan and it was only

- Page by the kindness of the Japanese Government that they were given their lives which would depend upon their future behavior. He then demanded that all sign a form promising on their honor that they would obey every order and would never make any attempt to escape. The witness refused stating it was against his honor since it was his duty to escape if he could and asked what penalty would be applied for refusal. He directed that the witness should sign at once and aimed a blow which the witness dodged. The witness was taken to the guardhouse and directed to take off his clothes. The Japanese guards ripped off his clothes.
- 11543 *The Japanese officer then came into the room and two guards placed themselves one on each side of the witness. The officer struck the witness and the witness fell to the
- 11544 ground where the officer kicked him. * The guard then ripped off the rest of his clothes and took him to a small 12 x 6 cell absolutely bare except for a concrete slab which served as a latrine. The witness had a bad cold at the time and the cold in Karenko in February is very intense. He coughed constantly and was shivering violently. About an hour later they gave him his trousers with all the buttons hacked off. For about six hours he alternately had to stand or sit at attention for about an hour. He was refused a drink of water. After six hours he slept. When he awoke he was again refused water and food. He was then asked whether he would sign the form which he said he would do only under protest and again ask for food and water. At 11 o'clock an officer came back and
- 11545 again asked him *to sign. When he repeated he would sign under protest he was told that he must stay there without food sleep or water. About an hour later he was given a small mug of cold water and then after a handful of cooked rice. He remained in the cell all day being made to stand and sit at attention. By evening he was feverish and by nine o'clock he was allowed to go to sleep. Next morning his clothes were given to him and he was told he was going to sign the form. None of the clothes had buttons. Later he was taken to the guardroom and the form put in front of him. He said he was signing it under protest and duress and his signature was then accepted. He was then taken to his quarters in a long room with 26 other POWs. The room had 14 beds on each side. *
- 11546 In the camp were the Governors of Hongkong, the Malay States, Guam, some chief justices, General Percival, Gen. MacArthur and all allied officers of the rank of Colonel and upwards. There were also some Red Cross representatives. The discipline was extremely harsh and all officers and

sentries showed the greatest hostilities. Beatings were daily occurrences. The witness had seen all the persons mentioned, General Heath and others, beaten by ordinary Japanese sentries either for no visible offense or for a very trivial one. New rules were constantly made and their breach was used as a pretext for beating prisoners. It was almost impossible to avoid being beaten. It was discovered that it was an offense to have dirt under one's finger nails and everyone who did was immediately beaten.

- 11547 Gen. Percival was beaten for this. Another excuse was that it was an offense to have one's buttons undone. After dark the sentries would suddenly invade the room and inspect to find whether any buttons were open. Everyone found with such a button was immediately beaten. Beatings consisted or varied from severe punches to kicks, hits with rifle butts and heavy sticks. Gen. Percival was beaten very severely on the jaw and face and the beatings
- 11548 were always severe enough to leave some mark. *Every sentry or Japanese soldier in camp had to be saluted by every POW. Gen. Percival was beaten by a private - no officer was present but the officer of the day was in the next room. The witness was at the door of the next room and saw him. The officer of the day took no notice. It was the custom in the camp for sentries at night to hide in the passageways that led from the sleeping quarters to the latrines. If any POW passed any sentry without stopping and saluting and bowing, he was immediately beaten up even though he could not see in the dark. The witness himself was beaten three times for this.
- 11549 Another penalty was to make an officer * stand outside the latrine with a bucket of water and hold it at arms length for ten or fifteen minutes. The Japanese would then be called up to stand and look and laugh at one in that position. It was very difficult because often he could not withhold the call of nature. He could not say whether this was done to any governor, chief justice or general. It was done to him and to a number of colonels. Gen. Heath who has a slightly withered left arm through a war injury was beaten for not having his hands straight down to his side. Very frequent written and verbal complaints were put in to the Japanese Camp Commandant *. The only results of these complaints was an immediate epidemic of extreme brutality throughout the camp. Whenever the senior allied officers put in a complaint they let the others know about it so that they could be on their best behavior.
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Page One exception followed the assault on Gen. Heath. Following the complaint he was taken by the officer of the day to the guardhouse, made to stand in front of the sergeant of the guard at attention while the latter spoke in Japanese. The officer of the day then said "You have received an apology" and he was taken back. The assault on Gen. Heath had ruptured some blood vessels in his eye and it was feared that he would lose his sight. *The Governor of Guam was hit in the eye without giving any reason whatsoever. Gen. Wainwright told the witness that he had been assaulted. The witness did not personally see it. The witness did see the severe bruises on his jaw which could only have come as a result of an assault.

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All officers were made to work clearing scrub land for farm and digging in heavy clay soil. The oldest 12 officers were made to herd goats. The goatherds were Gen. Wainwright, Gen. Percival, Gen. Heath, the governor of Hongkong, the governor of Singapore, the governor of Malay and three American colonels * over sixty, and two British colonels who were over sixty. This goatherd business was not funny since if any goat escaped and got into the forbidden portion of the camp the goatherds were immediately beaten up.

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No clothing whatever was issued in this camp. The food was very inadequate. Every officer lost weight steadily and was always hungry. He himself had seen officers picking over the garbage tins to find something edible. There was a strict prohibition against buying any extra food except salt and occasionally some sauces and these were not purchased, * they were occasionally issued by the Japanese and debited to the POWs. In April 1943 all officers of the rank of brigadier and upwards, and all civilian governors were moved to Tamasata Camp. They were told that they were to be moved to make more room in Karenke Camp. In Tamasata the food was considerably worse but conditions otherwise were an improvement. In June 1943 they were told that a representative of the Red Cross was to visit and inspect. The Red Cross man was allowed to talk to some six or seven officers in the presence of the Japanese. He left at one o'clock and they were then told they would be moved the next day back to Karenke Camp. All officers in Tamasata except Gen. Wainwright, Gen. Percival and so forth were taken back to Karenke and were moved after a few days with the rest to Shirakawa Camp.

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- 11555 For part of the time Gen. ter Poorten, the Allied Commander in Chief of the Netherlands East Indies was in the camp and for the whole of the time six Dutch generals including Gen. Schilling and a number of Dutch colonels were there. In the trip to Shirikawa, they were loaded into open trucks and at every village level crossing or station all the civilian population were lined up to watch them go through, laughing and jeering at them. The conditions at Shirikawa continued as at Kar-enko, including the beatings. Gen. Key was severely beaten and kicked because he filed a written complaint about the breach of customs of war. * He was British.
- 11556 The treatment of the Dutch officers was exactly the same as that of the British and American. He personally saw the beatings of some Dutch colonels. Since his quarters were in a slightly different part of the camp to the Dutch generals he personally did not see any generals beaten, except Gen. Cox whom he saw beaten on the legs with a rifle butt because his feet were not close enough together when he stood at attention. This was done by a private with the officer of the day watching.
- 11557 * He was told frequently of the beatings of Dutch officers. The sanitation at Shirikawa was particularly bad.

- The latrines began to overflow within a month into open drains which led across the camp alongside the sleeping quarters and about five yards from the kitchen. Frequent complaints were made and as a result in October 1943 the American and British colonels were compelled to empty the latrines with open buckets. The work continued in the camp and as the climate was considerably hotter it was much more difficult. In May 1944 Brig. Gen. McBride was found dead in bed at reveille in the morning. He had worked along with the witness on the previous day and had complained to the officer in charge of not feeling well. He was not allowed to stop work and was found dead the next morning. In June 1944 a Red Cross representative visited the camp and was interviewed by * a few officers selected by the Japanese who forbade them to mention the subject of work. However one of them did inform the Red Cross representative and discipline from then on became very much more severe. Officers were frequently placed in solitary confinement in cells for trivial offenses and without trial. On no occasion did any officer receive any trial.
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On a number of occasions the camp was inspected by Col. Suzawa in charge of administration and on at least two occasions representatives from the camp were permitted to put their problems before him. There was no alleviation of any condition. On occasion Japanese generals, and on one occasion the Governor of Taiwan visited the camp but the POWs were not allowed to speak to them or get close to them. These visitors spoke only to the Japanese.

The food was inadequate and of insufficient quantities of rice and thin vegetable soup and after complaint to the Red Cross in June 1944 the low standard of rice was reduced to 375 grams per person per day in all.

- 11560 The progressive lack of food and vitamins caused the POWs to become alarmingly thin and in poor health. This definitely did not apply to the Japanese guards and officers. Immediately after the interview with the Red Cross man fresh rules were made and it became an offense to get under mosquito nets before nine o'clock and there was a large increase in malaria. In October 1944 they left for Manchuria and in May 1945 were brought into the main prisoner war camp in Mukden. This consisted of two story barracks built on a bit of very low-lying ground on the outskirts of Mukden. There were already about 1200 pow's there since 1943 working in the factories. Each building* or each floor of each building had a wooden shelf dividing the floor from the ceiling giving about 5 feet of space per man. Buildings were very crowded and very dirty and were infested with lice and fleas. Food was progressively shorter although he had seen on his rail trip to Mukden very large quantities of food piled up at the stations. When the war was ended and they got out of camp there was not the slightest difficulty in obtaining every sort and quantity of food, eggs, fresh vegetables and meat without difficulty.
- 11561

- Discipline was very severe particularly on the enlisted men. Officers were subjected to extreme indignities and annoyances and on occasions were assaulted. At the end of hostilities a man was released from a cell who had been there for 150 days without any charge or trial. Another * man stated he had been beaten at least twice a day for the last ten days although he had not been sentenced or brought to the camp commandant for anything. Two days after hostilities ended he visited the cemetery about two miles from the camp where there were over 300 graves, mostly American enlisted men out of a party of approximately 1400 who were taken there in 1943.
- 11562

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- 11563 For the last four or five months sickness became extremely bad and for the last three months sick parades more than doubled. This was due partly to the fact that latrines as usual were in a constant overflow, flies were very bad and dysentery was rife. This was made worse by the shortage of food for the last three months. In Mukden there were fairly ample supplies of drugs but none to deal with dysentery. When he arrived in Mukden there was sufficient emetine left to treat four cases. There were some 30 odd cases in the hospital and they were recurring all the time. The doctors had difficulty allotting the remaining four doses amongst the patients.
- 11564 All officers in the camp including the generals were engaged in heavy manual work, clearing scribs, digging in heavy wet clay soil. They were not assigned to any particularly disagreeable jobs other than the fact that the generals and English and American colonels were made to empty the latrines. This happened only in October 1944 when daily protests of the bad sanitation were made. The protests stopped after the results of the protests in October 1944 - the duty consisted of getting the contents of the latrine out by hand into an empty bucket *and walking out in view of the civil population and depositing it outside, There were sixty colonels involved in this duty.

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CROSS-EXAMINATION by Mr. Blewett,
Counsel for TOJO.

- 11565 * The witness stated that before the capture he commanded in Java approximately 3,000 men, including some 500 Americans and a few hundred English. He did not know how many Allied troops were captured then or shortly thereafter. The witness attended on March 12 before the Japanese Commander-in-Chief, together with the British senior officer and Colonel Searle, * and signed a surrender document, but he did not know the surrender terms.
- 11566 However, he did know that there was an express condition in regard to POWs in the terms of surrender he signed. After a long argument the Japanese Commander-in-Chief added expressly that POWs would be subject to rights under the Geneva Convention of 1929. The witness was not the senior officer at that time in Java, but was the senior Australian officer, with American troops under his command.
- 11567 * In so far as the Australian troops in Java were concerned, he signed the surrender document, while Colonel Searle signed for American troops. He would say that aside from Dutch troops there were about eight or nine thousand Allied troops in Java, but these consisted, except for Australians and Americans, mainly of ground staffs of the air force, and base troops, and clerks.
- 11568 There were a large number of * Dutch civilian internees. He could not tell whether there were U. S., British, or Dutch, with the exception of one American whom he and Colonel Searls put into a uniform and passed off as a soldier.

- 11569 The Japanese first landed on Java during the night of February 28, March 1. He did not know when the Netherlands declared war against Japan, since he was then in the Middle East. Between March 12 and April 15, 1942, the POWs were left entirely to their own resources in the surrender area, and were liable for their own feeding, and there were no Japanese except around the perimeter of an area of some miles. * The POWs were scattered out through some tea plantations south of Bundoeng, their last position.

From the 12th of March until the witness arrived in Batavia, he was in charge of all the troops he had commanded, subject that he and other officers would be jointly accountable for discipline, and that if any man was found outside a designated area he would be shot on sight.

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11570 * The officers were made solely responsible for feeding Allied troops, and received no rations from the Japanese. They were ordered to bring to certain points all weapons of war. During that period the Japanese did not inform the POWs that the principles of the Geneva Convention would apply only to POWs when expedient. However, on a large number of occasions throughout his imprisonment he was informed by various officers of various ranks, particularly by Lieutenant SONIE, Captain INNINURI, Captain HIOKE, and another lieutenant. Colonel SHUSAWA addressed all the prisoners at Shirikawa Camp, and informed them that they would have the rights under the Geneva Convention when expedient, in reply to a request for leave to interview the protecting powers.

11571 * At Batavia his quarters consisted of Dutch barracks built for native troops, consisting of single story buildings with wooden floors and verandas.

11572 Originally 400 Americans were confined in Cycle Camp, and then later 200 survivors from the Houston.
* Colonel Tharp was commander of the American unit, but Colonel Searles was senior American officer.

11573 When they first arrived the nationalities were mixed up, but with the assistance of Colonel Searles they were sorted into nationalities. There were about ten buildings, and there was considerably more than 100 in each barracks. The lowest number in the Camp was 2600, and the highest 4900. The men were all brought to Cycle Camp from the vicinity of Central Java within a few days or a week, * prior to April 13, when the witness brought down the last party.

He organized a system whereby one or two officers would live in a small room at the end of each barracks to help the men. The rest of the officers lived in a building at one end of the camp. The witness did not know the Japanese system for registering POWs, but the day after he got to Cycle Camp he was required to prepare and hand in a roll of the name, rank, and nationality of each POW. At first he was told to lodge with the Japanese a hut register. He therefore sought and obtained permission to move men from one hut to another on the understanding he would be able at any moment to inform the Japanese in what hut any man was housed.

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- 11574 * There were no beds in the huts. Originally all slept on the floor, but the men afterwards constructed rough stretchers out of bamboo and sacking. He had no knowledge whether the barracks were in the same condition as when taken over by the Japanese. He assumed, however, because of the shortness of the period that they were. The men were extremely crowded for sleeping quarters. All verandas had to be used, although the rain came in.
- 11575 * Within 400 yards of the camp was another more substantially built and bigger barracks, which for some months after the witness arrived was unoccupied. His only answer, when he asked for utilization of this building, was "no". He did not know whether the Japanese had materials available for extra buildings. The witness had in mind that the men, if given equipment and tools, would be delighted to build up their barracks, but the easier thing would have been to make empty buildings nearby available. Outside the barbed wire and behind a high wall was a big two story building, which was empty at least until October 1942.
- 11576 * Wherever possible the Allies had destroyed every possible weapon of war before surrender. The men kept bedding and blankets. All side arms and tools were taken away, and from the Americans all of their kitchen equipment and dishes were taken. In the beginning no clothes or shoes were taken, but some had very little clothing and no spare shoes. When they began to wear out, the Japanese stated that the POWs would have to use the spares of men who had them to replace the worn out material.
- 11577 * The survivors of the Perth and Houston were entirely navy men or marines, and since they had swum ashore they arrived practically naked. Nothing was issued to them to cover their nakedness. The witness was informed that the Japanese had taken possession of a large quantity of Dutch clothing and uniforms which would have fit the men. So far as most of the troops went, the Japanese had no clothing or boots that would have fitted.
- 11578 These survivors * traveled from the coast of west Java, the ships having been sunk in Sunda Strait. The men had been detained for more than three weeks in a native jail in the large Dutch town of Serang.

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The hospital at Cycle was set up by the witness, by designating one hut as a hospital and putting in doctors and orderlies. It had no beds, and no water within 50 yards. His staff consisted of the medical officers from the American battalion, from his two infantry battalions, and one other medical officer and two of the medical staff of the Houston who helped him in the hospital after they recovered.

11579 * These men were not deterred in their work in the sense of being prevented, but frequently desired things were overridden by Japanese order. The Japanese always put a corporal, called the medical corporal, in the hospital, who was absolutely supreme over all doctors. This is what he meant by not being permitted to do what they desired, and the serious deficiencies of medicines and equipment. The requested towels and soap were certainly available in Batavia in large quantities, and the blankets and clothing were available from captured stores. He made the application to the camp commandant, 11580 * Lieutenant YATAMOTO. He did not know whether YATAMOTO had been charged with any crime by a war tribunal. No reason was given for his refusal. The witness pressed for a reason and pleaded for two hours, but got no satisfaction except that nothing would be done and he must do the best himself.

11581 * Of his own knowledge, he knew at the time there was an abundance of food in Batavia, although he did not know the population of Batavia. So far as medical supplies go, he knew that there were very large supplies of practically all drugs available in Batavia. So far as 11582 food is concerned, * he believed there were large quantities of food available, and the Japanese could, as an occupying force, commandeer a portion of that.

In the early stages Dutch civilians and natives made frequent efforts to throw food of all sorts into the camp, but were prevented from doing so. The food supplied in Cycle Camp was very inadequate. All POWs lost weight, and the food was less by more than 50% than the Japanese approved scale for POWs.

The guards were mostly Japanese, with a few Koreans. The witness himself saw a tremendous lot of beatings, because Colonel Searles and he spent all their 11583 time going around the camp to help the men. * There was a pending order that every beating was to be reported to him immediately so that they could do something to ease the situation.

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11584 The sentry rarely tried to assign a cause, but since they only spoke Japanese they could not understand them anyway. There was therefore no good trying to assign a cause. The only one he ever got from the camp commandant was that the beaten prisoner had angered a sentry. The witness at no stage ever got an investigation or trial in any case. On one occasion the witness himself was beaten and made to walk naked by a sentry throughout the camp to the kitchen, and collect food and feed it to two men in cells. He was beaten with fists and rifle butts. * He had come from a bath with only a towel around him, and when it fell off he was kicked for letting it fall off. He protested to the commandant, who expressed his regret and stated he would take some action against the sentries concerned. This is the only protest out of hundreds which he and Searles made that met with any response.

11585 * The witness was never told the purpose of the beatings. He was merely told that this was a customary Japanese method of discipline to prisoners. The witness had never ascertained the name of the officer from headquarters with whom he conferred. The witness testified that he had stated to the Japanese that he would be willing to sign the cards they asked if certain words were added. The signing of these cards had nothing to do with reducing the number of guards. They were large sheets of paper with the words already written, and a space for signatures. He had one of them now. Even after the cards were signed there was not the slightest reduction of the number of guards.

11586 * He was at Cycle Camp all the time until December 28. The men there did road work, loading and unloading on the dock, sorting out captured material, etc. At first officers were compelled to work. The Japanese complained that not enough work was being done, and he managed to bluff them that more work could be done if the officers were in charge instead of working. As a result less work was done, since the officers switched and prevented the men from working hard if it had any relation to the war effort.

11587 In Batavia neither the hours nor the work was unduly severe. The pledges were signed under duress. * After the signing, instead of life becoming more bearable for the first month it was decidedly more bearable. There was an orgy of beatings, and certain recreational advantages, such as concerts and lectures

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were immediately stopped. Educational lecture rights were never restored. Concerts were strictly limited to one a week, and conditions were in no way better than before signing. The witness had informed the camp commander the day after signing that every man had done so under protest and duress. All entertainment was by the POWs.

Generally speaking, officers could not go to Batavia or make trips outside. On two occasions Colonel Searles and he were taken to Batavia to try and deal with the medical supplies when health conditions were becoming drastic. On each occasion they succeeded in obtaining from a Dutch firm large supplies of drugs without payment.

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* While conditions grew better than they had been during the first month following the signing, they never became any better than before the signing of the form. With respect to the film that was made after he left, all he knew was that it had been captured by the Allies in Java, and it is now in Australia. He had no information that the film was ever shown to the International Red Cross or others. He did not know the purpose of it.

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When removed from Java in December 1942, General SAITO informed them * that a model POW camp had been established in the best surroundings, to which all senior officers would be taken. The camp was continued right through the war, and there were a number of prisoners in it when the war ended. * He knew of no reason why the general officers should be removed from Java. When they got to their destination they found all U. S., British, Dutch, and Australian generals in one camp. The reason seemed to be to get them together all in one place.

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He did not know why the officers were confined to quarters on board ship. He did not think it was through fear of detection. The left Singapore on January 10, arriving at Moji on the 20th, and reaching * Formosa on January 30. The first camp was at Karenko, on the coast of Formosa. * Karenko is a town. The camp consisted of substantially all two-story barracks. These were solid buildings which had been established some years before by some foreign charitable organization as a school.

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They were not moderned on our standards, and they were not all Japanese standards of buildings.

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11593 There were a few small rooms in each, in which two officers were placed. The rest were in big rooms, holding 28 per room. Beds were straw-filled mattresses, and pillows, blankets and an eating bowl were provided. The guards were Japanese.

In going to Manchuria, officers from brigadier up went from Formosa to Japan by air, the colonels traveling by ship. All crossed to southern Korea by ship and from there to Manchuria by train.

In the first Manchuria camp the buildings were similar to Karenko, except that they were extremely dirty. At Mukden the witness was merely one of the POWs.

11594 * When asked whether treatment accorded to POWs was very much up to the camp commander and countenanced by Japanese general officers, the witness stated that on at least three occasions in Java, Formosa, and in Manchuria, he was informed by general Japanese officers that they disapproved of the POW treatment but could do nothing about it because it was the system laid down. In the second place, the POWs were inspected several times in Batavia and Formosa by Japanese generals without any improvement following the inspection.

11595 When asked whether the bad treatment at first was not due to many prisoners taken at one time, * the witness stated that except for the necessary crowding for the first day or two and the necessary shortage of supplies for the first few days, he could not see that the conduct in any way was justified, even to conditions in France in October 1918.

CROSS-EXAMINATION by Mr. Logan,
Counsel for KIDO.

11596 * The witness stated he was a lawyer. The theories he told on the treatment of prisoners was on the principle of Bushido, and was told him by captains, lieutenants and colonels, and General SAITO. He was told this many times, but only once by a general. He did not know whether the general's speech was interpreted or handed over for delivery after a reading. If it was the latter system, the Japanese addressing would himself hand over for reading to the rest the English translation prepared by him or his subordinates.

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He could not remember the general's name without looking at a document. His first name was Misitoshi. His speech was delivered on December 26 or 27, 1942.

11598 When they left Java the vessel on which they traveled appeared to be a cargo vessel being used as a transport. There were a large number of Japanese troops on board, and it was a very small vessel. * He could not state the number of Japanese troops. Accommodations for Japanese troops was the same, except the floor and shelf for the Japanese had grass mats. The ship was blacked out in accordance with security regulations. The vessel had practically no portholes; he had never seen a vessel with so few. Those they did have were kept closed, presumably for security reasons. If the vessel was a cargo one, the only way of getting down to the hold is by a long ladder. The Japanese used the same ladder for as far as they had to go.

11599 * The period from October 1944 to May 1945 was, generally speaking, the best period he had as a POW. This good period stopped in February 1945, when all the officers refused to volunteer for work.

In Manchuria the accommodations were approximately the same as at Karenko, only much dirtier, but the food was better. There were very few beatings, but there were some. The camp was called Chungcheateh, and was about 200 miles northwest of Mukden. He did not speak about treatment in this camp, because he had no particular incidents to tell.

11600 * He had seen General Percival beaten at Karenko Camp about March of 1943 by a Japanese sentry. This took place in General Percival's room, and the witness was standing at the door of the next room and heard the row and moved to the window. The beating was a severe one with fists across the face. The witness saw him struck three or four times with the closed fist.

11601 * He saw General Heath struck outside the barrack room on the exercise square. He never saw General Wainwright beaten, but he saw marks on his face which Wainwright told him were the results of beatings. This took place between the first of February 1944 and the end of March, 1944. Wainwright was struck by a Japanese sentry.

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- 11602 In all camps the officers were allowed to wear their insignia, and all wore on their right breast a bit of cloth * issued by the Japanese on which was printed the POWs name and rank. General Percival was wearing this when assaulted. The POWs had to wear it even when going to the latrine in pajamas. One was immediately beaten up if he was found without it, so the POWs took particular care to always wear it. This was in Japanese writing. In some cases the beatings were due to misunderstandings because of language difficulties, but it did not apply to the majority of cases because the beatings would occur without a word being spoken.
- 11603 * General Percival was beaten for having a speck of dirt on his fingernails. Of the beatings he saw, the majority were made without words being spoken.
- 11604 One of the results of the work the men were doing was naturally to give physical exercise. * however, there was a large exercise yard, and the officers were all men of 50 years or upward, who were accustomed to taking exercises whenever they could by walking around the yard, and other forms. The general who died was 57, and he died of heart failure.
- 11605 He had seen Japanese soldiers eating in these various camps. On three occasions he had been commanded to attend Japanese Headquarters at meals. The guardhouse at Batavia was about ten yards from his window, and he watched this at least three or four times; in Mukden not at all, * and in the northern camp once or twice. In addition, on 50 or 60 occasions he had assisted in carrying garbage tins outside the Japanese kitchen into the lines to be fed to the pigs. There were other instances. A pig belonging to the POWs and for which they were debited with the cost was slaughtered. 500 prisoners got 20 pounds and 45 guards got 30 pounds.
- 11606 * The witness did not have a copy of SAITO's speech. He did not know whether the British officer who read it was allowed to keep it or whether it was taken back. He did not know where General SAITO is now. SAITO did not say that POWs had no rights whatsoever.
- 11607 * He gathered all the generals together and gave them a tea party, explaining that they were leaving. All the generals were ordered to attend. When they arrived there were three cups of tea and some cakes. Each was given a cup of tea and two cakes, and as they finished SAITO came into the room, explaining that they were being

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removed from Java to a very pleasant camp which was thoroughly fitted and where they would be treated according to the principles of Bushido and would have a good time.

11608 SAITO was not in charge of Karenko Camp. He wished the generals good bye, and told them to obey all orders. His speech was quite a pleasant one. * From his experience, SAITO had a good reputation as to treatment of POWs. He repeated the names of the men who made the statements that POWs had no rights whatsoever, but he did not know whether they were authorized by higher officers to make them.

11609 * The witness stated he would be very much surprised if each individual beating was reported to Tokyo.

CROSS-EXAMINATION by Mr. Brooks.

11610 * The witness stated that, with respect to Bushido, his own knowledge was very superficial, though he had read a very brief book on it once while in a POW camp in Manchuria.

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11614 * The setting of restrictive areas for POWs took place in Java, and in the witness' opinion was perfectly proper. It was the only thing to do where they were unable to put the POWs behind barbed wire.

11615 The witness stated that on general conditions in Mukden, the sentries were in general kept on the outside perimeter and were not made to parade through the quarters. * For the first few months the POWs were not compelled to salute all Japanese sentries. The camp had a building constructed as a hospital, which was handed over. For the first few months the attitude of the officers toward POWs was dignified.

11616 The witness stated that he had received from the various camps a two page list of the offenses and the punishment which would be incurred for these offenses. * However, he did not recall ever receiving any written series of rules of conduct or procedure to be followed by the Japanese in handling POWs. The only thing he had seen was the two page list of what POWs must and must not do, and the punishments for violations.

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He assumed that there must have been rules for the Japanese army, but the nearest he ever got to seeing them was that Lieutenant SONIE in the Batavia Camp once quoted to him from a book on a question of discipline.

- 11618 * When asked whether the care and punishment of POWs depended on the disposition, attitude, and interpretation of POW rules by the guard or officer in charge, the witness stated that during the period of marked improvement in Manchuria they were informed by a Japanese captain that they would receive better treatment because there had been a change of policy from the government in Tokyo. He was told this between the 1st and 15th of October, 1944, in Beppu. He said there had been a change of policy and that was the reason why they had started to receive better treatment. * He did not say whether this was due to the change of Cabinet in July, 1944, and the witness at the time did not know whether there had been a change in the government. He did not know this captain's name, but he was in charge of the MP's which took charge of the prisoners when they arrived in Beppu for five days.

The POWs were taken to a comfortable clean, Japanese hotel in Beppu, and this captain occupied one of the rooms there. He could not give this captain's name or number, but he spoke English and was in charge of the generals' group in Beppu.

- 11620 * The taking off of buttons from POW clothes was not for security purposes. This is the only occasion he had known that to happen. He was not familiar with any Japanese regulation covering the removal of such articles.

- 11621 The witness had stated that on one occasion the basic food ration was reduced to 375 grams per officer. * He did not know what the Japanese ration was, but the POW ration prior to reduction had been between 550 and 600.

- 11622 The oath which he signed first in Batavia and then in Formosa was in no sense an oath of allegiance to Japan.

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11624 * He knew of no cases within his personal knowledge of any other camp commander in the various theaters that were praised instead of accused by former POWs and where a few acts of brutality were severely punished. Certain general officers told him that they regretted the acts of brutality, but had no power to control them because it was under orders, but he did not imagine that * on each occasion that he beat up a prisoner the individual sentry received a direct order to do so.

11625 The impression as to orders was that it was the order of the authorities controlling the POW camps. In one case the word "government" was used, but he interpreted this to mean the POW administrative system. He did not know that he had considered whether it was the local or higher headquarters. In one case, the second in command of the camp stated that he regretted the brutality but could do nothing to stop it because those were the orders. * He definitely conveyed that the orders were that sentries would be at liberty to punish physically any prisoner they saw fit to punish, and he had no power to control it.

11626 This arose because the witness protested that in an hour no less than 42 men had been beaten, two of whom had to go to the hospital. He did not gather that he was telling him that the action was at the discretion of the individual guard. What he meant to convey was that the method for punishing POWs was for sentries to assault them without trial. He does not pretend to remember the commander's exact words. * He conveyed his personal regret and that he was unable to interfere because this was the system. It was within the guard's authority. He did wish to interfere with it but could not.

11627 This commander's name was Lieutenant KITAKURI or KITAMURA. He was in Cycle Camp from May 1942 to September or October of that year. He left to rejoin his unit. These incidents all happened prior to the change of policy.

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Opening Address by Mr. Justice BORGERHOFF MULDER.

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The court's attention was directed to Exhibit 24 being the Four Power Treaty of Dec. 1, 1921 by which the United States, Great Britain, France and Japan agreed to respect each other's rights in relation to their Pacific positions and to settle all differences * by peaceful means only.

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Exhibit 26. Japan's declaration regarding the respecting of rights of Netherlands in the Pacific dated Feb. 5, 1921 and published August 17 1923, stated that Japan had concluded the 4 Power treaty with respect to the Pacific. The Netherlands not being a signatory to the treaty and her possessions, therefore * not being included in the agreement, Japan anxious to forestal any conclusion contrary to the spirit of the treaty declares it is firmly resolved to respect the rights of the Netherlands in the Pacific.

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Exhibit 1284. Announcement of the Foreign Office April 15, 1940 stated * that on being questioned by the papers as to the possibility of the Netherlands being involved in the European war and its repercussions in NEI, Foreign Minister ARITA had stated that with the South Seas, especially the NEI, Japan is economically and intimately bound by mutuality in ministering to each other's needs. Other East Asiatic countries have close economic relations with those regions. They are all contributing to the prosperity of East Asia. Should the European war be extended to the Netherlands and there be repercussions in the NEI it would not only interfere with these economic interdependence relations but would give rise to an undesirable situation from the standpoint of peace in East Asia. Japan cannot therefore but be *deeply concerned over any development accompanying the European war which may affect the status quo of the NEI.

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On April 18, 1940 the foreign office announced that Mr. ISHII, minister to the Hague, had called on the Netherlands Foreign Minister on April 16th and explained to him Japan's attitude on the NEI. The

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- Page Dutch foreign minister expressed the Netherlands appreciation of Japan's attitude and stated that Holland had not and would not seek in the future any country's protection of the NEI and that the government was determined to refuse any offer to protect or to intervene. The Dutch Minister to Tokyo called on ARITA and confirmed this report.
- 11674 The court's attention was called to Exhibit 1013 whereby the United States laid emphasis on the fact that each signatory to the pact of Dec. 13, 1921 was bound to respect the territorial integrity of the NEI.
- 11675 Exhibit 1285. Foreign Office announcement of May 11, 1940 stated * that Japan considering that war might spread to Holland had stated on April 15th its deep concern over any development that would affect the status quo of the NEI and they so notified the Netherlands. The Netherlands expressed its determination not to change its policy of maintaining the status quo under any circumstances. As the war has now spread to Holland the foreign minister has invited the Netherlands Minister and informed him that Japan hopes that the Netherlands will firmly maintain this determination on the NEI.
- 11676 The Foreign Minister has also called * attention to Japan's concern on this question to the representatives of Britain, Germany and France. He has also notified the United States and Italy of the fact that he has notified the belligerent nations.
- 11677 Exhibit 1286. Foreign Office announcement of May 13 1940, stated that the British Ambassador * called on the foreign minister with Britain's reply to Japan's representation, of May 11th on the NEI. He stated that Britain shares Japan's concern over the NEI but believes that the Dutch forces in the NEI are sufficient to maintain the status quo and Britain has no intention of intervening.
- 11678 On May 15 1940 the foreign office announced that the Netherlands minister called on the foreign minister under instructions, with reference to the communication of May 11th and stated that Holland believes * that Britain, the United States and France do not intend to intervene in the NEI. On May 16 1940 the foreign office announced that the French Ambassador

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- 11679 had called that day on the foreign minister and stated that France agreed entirely with Japan's policy on the question as set forth in the communication of May 11th. Exhibit 1287. A press release of the United States Department of State May 11th, 1940 * stated that Hull had said that he had no full report about the matters referred to in press dispatches from Tokyo. In recent weeks a number of governments, including Britain, Japan and US have made clear officially their attitude to continue respecting the status quo of the NEI.
- 11680 This is in harmony * with former commitments of 1922. The United States assumes that each committing nation will continue to abide by their commitments. On April 17 1940 Hull had said that intervention in domestic affairs of the NEI or any alteration of the status quo by other than peaceful processes would be prejudicial to stability, peace and security throughout the Pacific. The expressions of intent to respect the status quo of the NEI cannot be too often reiterated.
- 11681 Exhibit 1288. Memorandum of Hull May 16, 1940, stated that in a conversation with the Japanese Ambassador, Hull had picked up some material from Tokyo in which Japan is reported to be discussing often some phases of the NEI and its supposed special rights there. Hull stated that he had not intended showing this but it had been his thought that Japan, US, Britain and France had each repeated recently their prior commitments to respect the status quo in the NEI; that he had thought the matter was settled because of the unequivocal pledges. He stated that notwithstanding many efforts to maintain a thorough understanding with Japan * there was continuously coming from Tokyo discussions of the Indies as though the commitment had not been made.
- 11682 Hull stated that there were reports that he was slow to accredit, but their tenor interfered with the mutual efforts to preserve understanding and fair play and treatment between the two nations by causing misunderstandings and increasing hostilities. Hull said he would make no complaining about the matter if it was part of Japan's newspaper policy but added that the United States always strives for peace and to avoid controversy and if controversy arose the fault would not be that of the United States. He hoped that the United States attitude would not be misunderstood. The Ambassador disclaimed any

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purpose of Japan to send him to enter into a long examination to which he was subjecting him. He then repeated * that Japan was entirely satisfied with the situation following the reiteration of the status quo of the NEI by all the governments and it had no purpose to raise a further controversy unless Britain or France should land troops to protect them. Hull stated that he had inquired of the two nations and had their unequivocal understanding that they had no idea of intervening in the NEI in any way. The Ambassador made some reference to the Monroe Doctrine in connection with the West Indies and Hull replied that he had repeatedly pointed out that under the Monroe Doctrine Japan's merchant ships have clear access to every harbor in America (not including the special arrangement between the United States and Cuba, while under Japan's policy the United States and others are to be denied equality of trade and opportunity in every Chinese port, yet his government looked with complacency on this conflict.

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Hull again pointed out * that Japan's newspapers were undertaking to keep alive and emphasize some supposed interests of Japan in NEI. It was surprising to see that after Japan had spread itself out over the huge Republic of China, the reports were intimating that it would not be content unless it extended itself some 3000 miles to take in the East Indies, with the view of shutting out all trade equality while Japan would continue to demand equality everywhere else. There was no selfish or other reason on the part of others to interfere in the least with equality of trade opportunities for Japan. The Ambassador replied that Japan was satisfied on the NEI situation and Japan had no plan or purpose to proceed there. Hull expressed satisfaction with this but pointed out the difficulty * of understanding Japan's policy or press, which continued to indicate a claim to some sort of special interest in the NEI.

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Hull stated he still interpreted the Ambassador's visit as one under instructions to develop a pretext to support Japan in its plans and purposes toward the NEI.

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The court's attention was called to Exhibit 1014 in which Grew quoted Japan's foreign minister as asserting categorically that Japan entertained no territorial ambitions and that any suspicion that she intended to proceed against the NEI *was unjustified.

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12687 Exhibit 1289. Telegram from the US Ambassador to Russia to the U S. Secy of State March 24 1941. Stated that he spoke to MATSUOKA for an hour who stated emphatically under no circumstances would Japan take Singapore or any US., British or Dutch possession and was insistent that Japan had no territorial ambitions. * He said Japan was ready at any moment to join the US to guaranty the integrity of the Philippines. He referred to the outcome of the mediation between Thailand and FIC as evidence; he said Japan would not go to war with the US and that from his reading of American history if a conflict should take place it would come only as the result of affirmative action by the U.S.

12688 The court's attention was called to Exhibit 979 dated August 11 1936 and signed by HIROTA as Prime Minister and NAGANO as Navy Minister, and the Finance and Foreign Ministers. * This stated that the fundamental principle of administering Japan lies in realizing Japan's ideal by strengthening the foundation of the country internally and prospering externally, making Japan the stabilizing power in East Asia. This consists of securing a steady footing on the Eastern continent as well as developing in the south seas under the joint efforts of diplomatic skill and national defense.

12789 Exhibit 1290-A * HASHIMOTO's address to young men stated in Chapter 7 - there are only three ways for Japan to escape from the pressure of surplus population. Her situation is like that of many people crammed into a small room. The three regions of escape are emigration, * inroads into world markets and expansion of territory. The emigration door has been closed by anti-Japanese immigration policy of other countries. The second, inroads into world markets is being pushed back by high tariff walls and the abrogation of commercial treaties. Japan must naturally rush to the last door remaining open. This may sound dangerous but the territorial expansion they have in mind does not necessarily mean occupying other countries' territories and annexing them. It simply means that since other powers have gone too far in surpressing Japan's materials and merchandise Japan is looking for a place overseas for Japanese capital, skill and labor to have free play without white oppression. The nations which have closed the

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- 11691 two other doors to world markets to Japan they cannot criticize * Japan's attempt to rush out of the third door. If they do not like this they should open the doors which they have closed and permit freedom of activity to Japan's emigrants and merchandise. If there is still on earth land with endowed natural resources which have not been developed by the white race, it is Providence's will and God's wishes for Japan to go there and develop it. There remains many lands of this kind on earth. The south sea lands are only a short distance from Southern Formosa and can be reached by motor fishing boats from the south seas mandated islands. There are large islands, such as Borneo, Celebes and New Guinea scattered throughout the seas. * The Netherlands holds title to most of them. But they have actually developed only the small island of Java leaving the others almost untouched. The Netherlands have their hands full with the island of Java alone and have no reserve power to develop the others. For these reasons Japan demands islands in the north, south, east and west of Japan where the Japanese may freely develop their powers. She does not wish nominal territories but a new land where her labor and technology and merchandise and capital may freely display without persecution of their activities and develop the riches now idle.
- 11692
- 11693 In moving southward Japan must be prepared to encounter a great obstacle. * While the Netherlands own the greater part of this the actual protecting power is the British empire which has the greatest navy in the world. If Japan plans this without thorough preparation her scheme would show a reckless failure. Nevertheless she will call on the world for her right to expand overseas. The only way for Japan is to effect overseas development by seeking new world and the world has no moral right to deny it. This would be out of the question if the Japanese were an inferior race without the ability to develop new lands and to govern. The superior ability of Japan has already been tested.
- 11694 The facts show plainly which of the two, whites or Japanese are better qualified to develop overseas land. While there are defects in Japan's rule

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of Korea and Formosa, despite that, the lands developed and the peoples ruled by the Japanese superior race are fortunate compared with those under white rule.

11695 Exhibit 1291. Official declaration of Japan Nov. 3, 1938 on the future of East Asia, by the Japanese Government, stated that the Japanese army and navy have succeeded in occupying Canton, Wuchang, Hankow and Hanyang, the main territory of China has been conquered. The national government has been reduced to a local regime but so long as it continues Japan will not lay down the arms until it is completely destroyed. Japan's ultimate aim is to establish a new order which will secure eternal peace in the Far East - *and this is the final purpose of the present war. The new order can be established through the collaboration of Manchukuo and China with Japan in economics and politics and culture and should aim at establishing international justice, anti-communistic cooperation and a new culture and economic entity in the Far East. Japan expects China to take partial charge of establishing the new order and she expects the Chinese people to understand Japan's sincerity and give cooperation. If the Chinese government throws away its old policy and changes personnel she will not be refused entry into the new order.

Japan believes that the other powers should understand Japan's intentions and will change their attitude to suit the situation in East Asia.

11697 Completion of the task is Japan's glorious mission and Japan must take firm steps to renovate the various internal systems to develop the total power of the nation.

11698 The court's attention was called to Exhibit 509 in which it was stated that OSHIMA * had given his opinion in September 1939 that Japan was ready for an advance to the south.

11699 In Exhibits 517, 518 and 519 the German Ambassador reported that he had * explained to Japan that Germany was not interested in NEI. He had stated that this was considered by the Japanese press as a "carte blanche" for Japan.

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- 11699 Attention was called to Exhibit 523, dated June 24 1940 in which OTT reported that KOISO, overseas minister had inquired as to Germany's attitude on Japan's military activity in FIC and NEI. The court's attention was also directed to Exhibits 527 and 528, minutes of a joint conference of the Army, Navy and Foreign Office on July 12 and 16 1940 in which Japan's attitude towards the southern regions * and her future domination of these areas were extensively discussed.
- 11703 Exhibit 1292. Telegram from Hull to Grew June 22, 1940 stated * that it was Hull's desire that Grew call on the foreign minister and explore the question of arriving at an understanding between the United States and Japan through an exchange of notes. These notes would be based on the interest of both in keeping to a minimum the adverse effects of the European war; the notes would express the agreement that both nations had a common desire to maintain the status quo with regard to the possessions of belligerents in the Pacific unless modified peacefully. The notes might contain a provision for consultation between the two should any question arise involving the status quo which renders * consultation desirable. The US would understand by the phrase relating to possessions and territories in the Pacific Area of belligerent European powers to include their possessions in all parts of the Pacific.
- 11704 This suggestion relates to the definite problem of averting new complications and difficulties into the general Pacific situation. It does not involve and should not be inferred to imply any withdrawal from former positions on specific problems. It is a preventative rather than a curative measure. At the same time it is the US belief that the possibility of bettering the situation lies in procedures which tend to prevent them from becoming worse. This would tend to turn * public thought toward consideration of peaceful and constructive processes. It would dissipate various suspicions and curtail inflammatory agitation. It would take care of the particular present and future problem and while it would not dispose of the main specific questions being discussed between Japan and the US
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and might facilitate solving some of them.

- 11706 Exhibit 1293. Memorandum of Grew, June 24, 1940, stated* that on that day he had conferred with the foreign minister on the possible exchange of notes mentioned by Hull. All questions put by the minister were covered in the State Dept. instructions. When the minister asked whether mandated islands were included Grew answered he would submit the point to Washington but the foreign minister did not press the subject. The minister promised to study the situation and reply soon. He further stated though that a number of the outstanding differences between the United States and Japan were first solved, he thought the situation might be difficult to accept. When asked what differences he referred to in particular, he replied that the absence of a commercial treaty was the outstanding one. Grew made clear to him that this proposal must not be misunderstood to imply any retreat from the US previous position on particular problems. Grew found it significant that the exploration was regarded by the US as the continuance of the June 10th and June 19th conversations entered into to discover means to ameliorate the American/Japanese relations.
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Arita called Grew's attention to the trend of public opinion which affirmed that closer relations with Germany and Italy was growing in strength. ARITA was in favor of a rapprochement with the US but the present situation opened him to severe criticism.

- 11708 Exhibit 1294. Kido's diary June 27, 1940, stated that ARITA had come to the palace and spoke; Kido was told that Grew had a proposal for a treaty between the United States and Japan which would maintain the status quo in the Pacific and * prevent forceful changes. However, since the matter was extremely delicate and it was inadvisable at this time to have Japan's activities, including those in the Netherlands restricted, and since it will end in something like the revival of the 9 Power Treaty, prompt acceptance would be limited. It might be considered if it were limited to the Japanese and US Pacific Islands.
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Exhibit 1295. Kido Diary July 1 1940 stated that Kido had spoken to the aide de camp on the Army's view regarding ARITA's broadcast and that he had answered questions of the Emperor on the actual facts about the broadcast. He spoke with ARITA and heard from him the truth about the broadcast. Afterwards he spoke to ARITA on the circumstances of the broadcast, the tense situation in Hongkong and the matter of the status quo in the Pacific proposed by Grew. ARITA's idea was that the time is not prepared for settling matters of our territories and those of the belligerent nations. If it were limited to Japan and US it could be considered.

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Exhibit 1296. Oral statement by ARITA to GREW June 28 1940 stated * that he had studied Grew's proposal of the 24th and in view of present conditions he doubted whether consideration should be given to exchange of formal notes on the basis of a policy giving direct effect to the proposal. Hostilities are progressing in Europe and Japan is much concerned what their effect will have on the status of belligerent possessions in the Pacific. Under this situation, during a transitory period, for the US and Japan to conclude any agreement on these possessions would give rise to a very delicate relationship for Japan which has taken a position of non-involvement. ARITA stated he was trying to prevent * the spread of the European war to the Pacific and therefore he brought up the point whether it was not timely and appropriate to consider whether there could not be a discussion of problems concerning only the US and Japan. This American proposal cannot be considered apart from prior conversations and in order to make further progress on this proposal it will be necessary to have the US' views on the statements set forth in the ARITA statement of June 12th.

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Exhibit 1297. Foreign Office announcement dated August 1, 1940 stated that * The world stands at a great turning point and is about to witness the creation of new governments, economy and culture. Japan is confronted by her greatest trial. To fully carry out her national policy in accordance

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with its spirit * it is important that Japan should grasp the inevitable trends in world history, effect speedy basis renovations in government and strive for the perfection of the national defense structure. The basic policy has therefore been formulated as follows: The basic aim lies in the firm establishment of world peace in accordance with HAKKO ICHIU, and in the construction of a new order in Greater East Asia founded on the solidarity of Japan, Manchukuo and China. Japan will devote her total strength to fulfilling this policy by setting up quickly an unshakable national structure to meet the requirements and developments at home and abroad. The same day Foreign Minister MATSUOKA stated * that Japan's great mission is to perform and demonstrate KCDO throughout the world. In international relations this amounts to enabling all nations and races to each find its proper place. The great aim of Japan's foreign policy is therefore to establish a great East Asian chain of common prosperity. This will pave the way for establishing an equitable world peace. In concert with friendly powers which are prepared to cooperate with Japan she will strive to fulfill her ideal and mission.

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The court's attention was called to Exhibits 550 and 552, Privy Council meetings * in which MATSUOKA pointed out that the whole southern area, including NEI was to fall within the co-prosperity sphere.

The court's attention was called to Exhibit 861 being the cabinet decision of October 3 1940 on the economic measures for organizing the co-prosperity sphere and its expansion.

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Exhibit 1298. KIDO's diary, August 10, 1940 stated * that the Emperor had told him Prince FUSHIMI had told him that the government at present wishes to avoid the use of force against NEI and Singapore and that since at least eight months is needed to prepare after a decision for war is made, and the later war comes, the better.

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Exhibit 628. The outline of Japan's foreign policy September 28 1940, stated * that Japan must promptly strengthen the coalition between Germany and Italy and Japan and make a rapid improvement in adjusting Japan's Soviet relations. At the same time she must

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make every effort to realize peace with China by making use of German and Russian pressure and thus prompt the establishment of the co-prosperity sphere. Then pressing the Anglo-American alliance, at a proper time, Japan should offer her good offices to Britain to make peace with Germany and at the same time should carry out an epoch-making adjustment of Japanese-American relations. She thus expects to establish a peaceful system between Japan, Germany and Italy, Russia, United States and Britain for the reconstruction of world peace.

11720 The strengthening of the Axis * should be carried out under the decision of the Imperial Conference of September 18th in the Tri-Partite Pact. The Soviet relations should be carried out according to the plan for adjusting Soviet-Japanese diplomatic relations. The peace between China and Japan should be carried out according to the policy of rapid disposition of the China Incident. As to the Greater East Asia co-prosperity sphere in FIC, NEI, Strait Settlement, Malay, Thailand, Philippine Islands, British Borneo and Burma with Japan, Manchukuo and China as the center, Japan should construct a sphere in which politics, economy and culture of these countries are combined.

11721 As to FIC and DEI, Japan must first try to conclude a comprehensive economic agreement on all phases while planning such political coalitions as recognition of independence, conclusion of mutual assistance pacts etc.

As to Thailand, she should strive to strengthen mutual assistance and coalition. Towards countries outside the sphere, Japan must act so that they will admit the establishment of the spheres and cooperate with it.

11722 Japan's tentative plan for policy towards the Southern regions: Although Japan's objective into the south covers in the first stage the whole area west of Hawaii, excluding the Philippines and Guam; FIC, DEI, British Burma and the Strait Settlements are the area she should first control. Then she should gradually advance into the other areas, depending upon the US attitude, the Philippines and Guam will be included.

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To avoid the danger that the natural resources of the NeI may be destroyed as war strategy, Japan should use military power there before using it in the NEI.

11723 It is necessary to investigate the strength of Singapore and also in the event Japan lays hands on one of the British territories, to investigate whether they are not strategically forced to extend to the others.

The military alliance with THAILAND should be concluded and that country used as an air base. In order to delay England in making preparations it is will to pretend that the relations diplomatically are not secure until military action starts. In case it is felt that the military alliance cannot be kept secret they must consider whether they should set up a secret committee based on the treaty to enable Japan to start on a military alliance as soon as military action starts. The military operations are to be started simultaneously with the German ones to land on the British mainland. Close contact must be kept with Germany. If Germany gives up the idea of landing in Britain * Japan should start her military operations when Germany carries out her heaviest battle. If Britain yields to Germany prior to military action even though the internal situation is not favorable to Japan at the time of peace between Britain and Germany, Japan must make Britain remove the defenses on Singapore and make her conclude an economic treaty advantageous to Japan.

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In case Japan is forced to act without relation to the plans for China by using the pretext that Britain is aiding Chiang Kai-shek by the Burma route and in case the plans are a success, by using the pretext that the Oriental peace cannot be threatened by British military forces in Singapore, Japan should request Britain to return Hong Kong, British Malaya and the Strait Settlements, including British Borneo, to the races in East Asia and if she refuses, start war. These pretexts hamper relations with the US but it is likely that something that can be used as a direct reason will arise by that time.

The former territory of Thailand shall be returned to it and the other regions shall be made protectorates. But the Strait Settlements will be placed under Japan's direct rule. In the newly established inde-

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pendent countries the economic rights of third powers will follow the case in FIC. As to NEI, while the attack on Singapore is going on, or slightly later, Japan should present the following requests and if they are not admitted, she should use military power. (1) Since the Dutch Government in England does not exist under international law, the NEI shall declare its independence and take an appropriate name. (2) The ruler and the constitution shall be decided by a committee consisting of several Japanese, NEI Dutch natives, and China. * That the Japanese and natives should have more than one half of the country. The committee will carry out internal administration. (3) The Governor-General and all other Dutch officials of high rank shall resign. Their official titles shall be retained by them, with their honors and pay. The position of all other Dutch will be recognized as they are. (4) If any of the important natural resources will be destroyed, all persons connected shall be severely punished for being responsible. This will be announced beforehand by radio and other means.

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Before presenting above requests, Japan should, if possible cause an independence movement to stir up among the natives. If it is better strategy to act first with the DEI, the time to start would be at the same time as the opening of Germany's military operations * to land in Britain. If Germany gives up her intention to land in Britain, Japan should start action at some appropriate time before hostilities cease. After the NEI becomes independent they must conclude a protective treaty under the name of a military alliance and have her appoint Japanese military and economic advisers in powerful positions. Japan must lease places which are important from the military point of view.

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The trade rights of third powers shall follow the case in FIC. But they will have to follow the government's instructions in developing important resources and in disposing of products. * After Japan has grasped real power in the NEI and Singapore, she must take measures to get real power in other British territories. Hongkong will be returned to China unless important strategically. The local

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administrative system in each place will be considered.
Australian territories are to be considered separately.

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- Exhibit 1299-A. Article from Yomiuri newspaper for October 27 1940, written under the name of * OSHIMA and by his consent, stated * one cannot fail to be deeply stirred that the Tri-Partite Alliance has been signed *. Since this treaty calls for cooperation in establishing a new order of Germany and Italy in Europe, Japan has an additional responsibility. Since there are nations in the world which desire to maintain the old system obstruction will be offered to attaining the economic aims of the three powers. Japan must expect this and must make careful preparation for it. Unfortunately there have been conflicting opinions arising within the country as well as useless and harmless frictions and disputes. If these continue Japan will not be able to accomplish her mission and so might imperil the future of Japan. If there has been a lack of clarity in the past, with the present conclusion of the new alliance, the great objective of founding a new world order * stands illuminated. Japan must not indulge in vain bickerings but must be ready to burst through any barrier to achieve her aims. There are risks involved. However the YAMOTO race has never flinched from danger staking its destiny on spreading the benefits of the Imperial Way. It is absolutely necessary for it to have resolute determination and firm courage.
- If there are some who consider that the Tri-Partite Pact imposes an additional strain on relations with the United States this is mistaken. Japan's mission to set up a new order and to establish relationships with the southern countries are matters of long standing and do not arise from the new alliance. In America some are likely to view the new treaty as a war like challenge directed to the United States. But this will not rise in the minds of those who read the treaty with composure. No one knows better than the United States herself that Japan neither plans to attack America nor is prepared to do so. Those who maintain this opinion therefore dislike the idea of a new order or have designs upon East Asia. Japan would face opposition from these people whether the treaty existed or not.

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11738 If any in America have the idea of obstructing the new order by force and arms, the Alliance is more likely to nip such a senseless idea in the bud.
* The working out of the treaty is work for the future and must be activated with all speed. The first essential step is to complete preparation for action rapidly. As concrete steps Japan must establish a relationship of mutual harmony and prosperity with NEI and FIC and the South Sea Islands. She must settle this with the new order in Europe and for this she must consult with Germany and Italy. There must be cooperation militarily between the nations of the East and West to perfect a plan leaving no gaps in the bonds of mutual cooperation between the three countries.

11739 Diplomatically the three must march ahead in perfect concord to protect their common interests from the outside. Since Germany and Italy's policy for prosecuting the war in Europe is closely bound with the new order in East Asia there will have to be discussions in this connection.

And there is a tremendous amount of preliminary work to be done. The one thing to be avoided is passivity, allowing the other party to make the first move. This prohibition is absolutely imperative in war and diplomacy. Careful preparations must be made before hand and the world situation watched.

11740 * must be allowed to slip. Matters must be handled speedily and decisively. These must be the principles of Japanese diplomatic policy from now on. There should be no anxiety about the matter of the country's policy. If faith in the alliance *should waiver, or if it should be mismanaged and the treaty become dead, then the dignity of Japan will be impaired and the task of setting up a new order made more difficult.

Exhibit 1300. Speech of Foreign Minister MATSUKA dated Jan 21 1941 in the Diet: That the NEI and FIC if only for geographical reasons * be in intimate and inseparable relationship with Japan. The situation which has heretofore thwarted this must be thoroughly remedied and good neighbor relations secured. With this in view, in Sept. 1940, the navy sent Minister KOBAYASHI (Minister of Commerce and Industry) to the NEI as a special envoy. He was obliged to return to Japan when a definite stage had been reached in his negotiations concerning the purchase of oil and

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- Page other questions. As his successor, Japan has recently sent YOSHIKAWA, former minister of foreign affairs who has resumed negotiations.
- 11742 Exhibit 1302. Telegram from MATSUCKA * to the Japanese
11743 delegate in Batavia Jan 28 1941, stated * that YOSHIKAWA should absolutely refrain from using expressions that would deny Japan's hegemony within the Greater East Asia sphere when speaking to outsiders.
- 11744 Exhibit 1303. Kido Diary Feb 1 1941 * stated: Prince FUSHIMI, Premier KONOYE and Gen SUGIYAMA were received in audience and reported to the Emperor the policy toward FIC and Thailand decided at the Liaison Conference on January 30th. This is a new precedent for the Chiefs of Staff and the Premier to report at the same time. Up to the present decisions of Liaison conferences have been reported to the Emperor at Imperial Conferences and other decisions individually. This time both parties have presented the report. The Premier proposed that an Imperial Conference be held but since broad principle had already been approved by the Emperor they used this way.
- 11745 The Aide-de-Campe spoke to KIDO * on the general principal of the plan is to establish Japan's leading position in FIC and Thailand by using the opportunity presented by their having accepted arbitration to contribute to the preparation for the southward policy. The Navy aims to use Camranh Bay and the air bases near Saigon. But since this cannot be stated openly, the action will be represented as aimed at preserving trade and communications and security against war between FIC and Thailand. If military force is to be used the further approval of the Emperor will be asked.
- 11746 KIDO spoke to Prince KONOYE about these matters. MATSUCKA spoke to KIDO and told him that when the * broad policy toward FIC and Thailand was decided, the army planned to limit the time to the end of March but MATSUCKA had opposed it as impossible and the army cancelled it. He intends to conduct his future diplomacy on the lines reported to the Emperor. It is assumed that the Liaison Conference on the 3rd will decide the plan which he will take to Germany and Russia. He will visit Germany to find out the actual state of German policy toward Britain and he will make full arrangements with them. At the same time he would like to adjust

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relations with Russia and to make a general peace with China by the end of April. Then he will center Japan's whole strength toward the south. The China Incident cannot be solved without the solution of the Southern question and the nation's fate hangs on the southern question. It will therefore be necessary to have the whole energy of the nation concentrated on it.

11747 The court's attention was called to Exhibit 571 - Report on conversation between the German Foreign Minister, RIBENTROP and OSHIMA on February 23 1941, stating the relative spheres of Germany and Japan.

11748 Exhibit 1304: Memorandum for the German Foreign Minister March 21 1941, stated in connection with notes on German-Japanese Economic Questions to be taken up with MATSUOKA; That Germany will have to buy raw materials from third countries through Japan, such as rubber and tin from NEI and THAILAND etc. Germany is ready to place foreign bills of exchange at the disposal of Japan. Thus far, in deference to England and America, * Japan has done little in this direction. But in addition to this bureaucratic restraints and involved procedural regulations have produced difficulties and delays. The Wohlthat Delegation should be able to obtain improvements. Germany is counting on Japanese aid with blockade runners and auxiliary cruisers to transport such raw materials to Germany.

11749 Germany feels that the great possibilities for the new economic order between the two great spheres of Germany and Japan can only be fully realized if matters are carried out in the grand manner. Freest possible trade exchange should take place to win and reserve to oneself preference over third countries. Centralization should be shunned. Japan should be able to carry on business and make trade agreements directly with independent countries in the German-Italian sphere, and vice versa.

11750 Japan's conception according to previous statements is that Germany should have trade dealings with countries like China, Indo-China and NEI not directly but only through Japan. No fundamental aggravation of this question has yet occurred since Germany is dependent on Japanese support in imports during the war.

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The court's attention was called to Exhibit 580 - conversation between RIBBENTROP and MATSUOKA March 1941 discussing the attack towards the south. MATSUOKA feared that if Japan attacked NEI the oil fields would be set on fire.

11751 Exhibit 1305 -decision by Imperial Headquarters of April 1941 - the aims of the measures to be taken in the south are to promote the settlement of the China Incident and to extend overall national defensive power in the interests of self-existence and self-defense.

11752 To carry this out Japan will establish close relations in military, political and economic affairs with FIC and THAILAND. She will establish close economic relations with NEI and maintain normal relations (commercial) with the other countries in the south. This purpose shall be accomplished on principle through diplomatic means. In carrying them out resort to arms for self defense will be taken in the following instances only and when no solution can be found:

(1) In case Japan's self-existence should be threatened by embargoes of the US, Britain and Netherlands. (2) In case the anti-Japanese encirclement by US, Britain and Netherlands and China becomes so tense that it cannot be tolerated in the interests of national defense.

11753 Exhibit 1306: Decision of the Liaison Conference June 25, 1941 stated* that in view of existing conditions Japan will accelerate its measures towards FIC * and Thailand in connection with the return of the delegate from NEI, a military union shall be established with FIC as soon as possible. Japan in making this military union shall stress the establishment or use of air bases and harbor facilities in specified areas in FIC and stationing of troops in the Southern part, and the furnishing of facilities in connection with such stationing. She will also stress the opening of diplomatic relations for the purpose of this.

11754

In case France or FIC do not comply Japan will obtain her object by arms. Preparation will be commenced beforehand for sending troops.

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11755

Exhibit 639-A. Telegram from Bangkok to Berlin dated July 4 1941 stated that the writer had been informed by the Japanese Embassy Secretary that the failure of Japan's economic negotiations with FIC would oblige her to take over the oil resources there by force since her fleet would otherwise be incapable of action. Prior to this there is to be a Japanese military occupation of FIC to procure a concentration area and jumping-off ports against the NEI.

11756

The occupation of THAILAND *is not envisaged. The preparations are to be carried out by Gen. USHIROKU on the south China front, in Canton. Conduct of the English forces in Singapore is considered to be purely defensive. A telegram of the same tenor was sent to Tokyo.

11757

Exhibit 588. Imperial Conference of July 2 1941 showed that Japan stated that she would adhere to the principles of establishing her co-prosperity sphere regardless of any change in the international situation - she would stop up the southwards advances to establish a base for self-existence and self-defense and would remove all obstacles in the way of achieving this purpose.

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11762 Exhibit No. 641, Telegram from Canton to Tokyo, July 16, 1941, showed * that the purpose of occupying South FIC was to launch from there as rapidly as possible an attack. The first step is to be the sending of an ultimatum to NAI.

11764 Exhibit No. 52, Treaty of Judicial Settlement, Arbitration, and Conciliation between Japan and the Netherlands, April 19, 1933, stated * in article 1 that all disputes between the parties which it has not been possible to settle amicably within a reasonable time by normal diplomatic procedure, shall, at the request of either of them, be justiciable by a permanent Conciliation Commission, to be established. Disputes which are deemed by both to be juridical are to be submitted to the Commission only by common accord.

11765 Article 11 provides that the Commission * shall have five members, each party to appoint one of their own nationals as a commissioner and the remaining three to be chosen by common accord from nationals of other powers, each of different nationality, one of the latter three to be appointed as president.

Article 25 provided that the treaty is to be effective on ratification for a period of five years, and be renewable for further successive periods of five years if not denounced six months before expiry. Proceedings pending at the time of expiry shall continue until concluded.

11766 * At the time of signing the treaty, the plenipotentiaries declare themselves agreed that the treaty is to apply to all disputes which may arise not directly affecting the interests of third powers. Should Japan's legal situation in relation to the permanent Court of International Justice be changed because of her withdrawal from the League, the parties would at once enter into negotiations to decide whether it is necessary to amend the treaty relating to the Court. For the period of negotiations the provisions will be suspended, but pending proceedings at Japan's request shall continue until a conclusion is reached, and the treaty shall continue to be applicable.

11767 * The Treaty was ratified * on August 12, 1935, and the Commission was appointed in November 1935.

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11768 Exhibit No. 1307, Official Announcement of the
11769 Japanese Foreign Ministry, October 31, 1935, * stated that
the ratifications of the Japan-Netherlands Treaty, * signed
on April 19, 1933, were exchanged on August 12, 1935.
Under Article 12, a Permanent Conciliation Commission,
composed of five members, is to be established as soon as
possible. The two governments have consulted on organ-
ization, and Baron HIRANUMA has been appointed member.
For Holland, Beelaerts van Blokland was appointed.
Informal acceptance of Max Hueber, a Swiss, and as chairman
Raoul Fernandez, a Brazilian, and Johann Ludwig Gorwinkel,
a Norwegian, have been received. The Commission is
expected to be formally completed on November 1, and is
to be a permanent organization charged with the duty of
settling by conciliation all disputes not settleable by
diplomatic means. This Commission is the first of its
type for Japan.

The Treaty is binding until August 12, 1940,
and will remain binding for a further five years if not
denounced six months prior to that date.

On January 12, 1940, the Japanese Government
informed the Netherlands Government of the abrogation of
the Treaty.

11771 Exhibit No. 1308, Affidavit of Dr. H. J. van
Mook, stated * that his permanent home is in Batavia;
that in 1944 he published a book entitled "The Netherlands
Indies and Japan." He was at that time Minister of the
Colonies in the Netherlands Government, temporarily
11772 residing in London. * He had formerly served in the
Netherlands Indies, joining the staff of the Department
of Economic Affairs in 1934. On August 31, 1937, he
became Director of Economic Affairs, and in August 1940
he was appointed Temporary Minister Extraordinary and
Plenipotentiary and Chairman of the Delegation for
economic negotiations with Japan. In these functions he
had intimate knowledge concerning the relations between
Holland and Japan in Asia in the eight years before the
war. This knowledge is set forth in his book. The facts
are ones that he witnessed or knows from official or
other documents to which he had access. All documents
and speeches have been copied and translated from true
copies in the possession of the Ministries in London and
Washington. In his book the facts have been given truly.

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- 11773 * The documents published in his book are full, true, complete and accurate copies of the originals, with superscriptions and signatures omitted.
- 11778 Exhibit No. 1309-A, excerpt from the book "The Netherlands Indies and Japan, Battle on Paper, 1940-1941", stated that * relations between the NEI and Japan presented no special difficulties until after the world crisis of 1929. In 1899 Japanese had been accorded the status of "Europeans". In 1912 a general trade treaty had put Japanese activities, including immigration, on the most-favored nation footing.
- 11779 * The Japanese were late in the business field, and their participation in agriculture and mining remained limited because others had got a start on them. In imports and exports, banking and shipping, their share was gradually increasing, but until 1929 there was no disturbing developments. With the world economic crisis the situation changed rapidly and materially. Japan's share in NEI imports rose from 11% in 1929 to 30% in 1935, whereas for the same period the percentages for the Netherlands, Europe, and the U. S. dropped from 20% to 13%, from 28 to 23%, and from 13 to 8%. Japan's share in NEI exports was only 5% in 1935, as against 22, 18, and 15% for Netherlands, Europe, and U. S.
- 11780 * On February 2, 1940, Mr. Ishii, Japanese Minister to the Hague, handed to the Minister for Foreign Affairs a note entitled "Chief items desired to be agreed upon between Japan and the Netherlands". With respect to the Matters Relating to Commerce, he proposed that Japan refrain from taking any measures prohibiting or restricting the exportation of principal goods needed by NEI, and Japan is to adopt such measures as are deemed important to further the importation of goods from NEI. It is understood that the exportation may sometimes be difficult for economic reasons.
- 11781 On the other hand, the Netherlands was likewise to refrain from any measure of prohibition or restriction, and the measures of prohibition and restriction to which exports have been subjected are to be modified to render the flow of goods easier. Existing measures of import * restrictions on Japanese goods are to be abolished or moderated.

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On matters relating to entry, Japan is to adopt no restrictive measure as to entry of employees of Netherlands firms in Japan, while the Netherlands is to abolish or moderate the existing foreign labor ordinance.

11782 With respect to enterprise and investment, Japan, within its influence and competence, is to afford reasonable protection to Netherlands interests in Manchukuo and China, and are to facilitate * new Dutch investments in Japan; and the Dutch offer of investment to Manchukuo and China is to be recommended by Japan to be accommodated. The Netherlands are to extend further facilities to existing Japanese enterprises in NEI, and are to grant new ones to new enterprises, including the ones under joint control of Japan and Holland.

11783 With respect to the press, the anti-Netherlands tendency in Japan and the anti-Japanese tendency in the Netherlands and NEI are to be placed under strict control. A suitable reply to this was still under consideration, when on May 10, 1940, Germany invaded Holland. * On May 18 the Japanese Consul-General at Batavia visited the Director of Economic Affairs and delivered condolences, requests, and veiled threats. On May 20 Foreign Minister ARITA handed a note to the Minister in Tokyo. This note
11787 stated * that he was referring to his conversation of May 16 concerning NEI products, in the course of which the Dutch Minister stated that he had received a telegram from the Governor-General of NEI that NEI had no intention of placing any restrictions on the export to Japan of mineral oil, tin, rubber, and other raw materials of vital importance to Japan; and that it was his desire to maintain the general economic relations as close as ever.

11788 * The note pointed out that in addition to the specified materials, there are many other kinds of commodities hitherto imported by Japan from NEI of vital importance to Japan. Japan therefore requested that NEI give a definite assurance that for the time being the quantities of articles enumerated in the attached list are to be exported each year from NEI to Japan under all circumstances. They asked for an early reply.

11789 * On June 6, 1940, the Netherlands Minister in Tokyo handed a note to ARITA, Minister for Foreign Affairs, which stated that Holland is aware that the note of May 20 was actuated by concern lest, in these

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- 11790 difficult times, there be a lack of * contact, and deliberation should give rise to tensions which would disturb the traditional friendly relations. Holland agrees with Japan on the necessity of combatting incorrect reports and misdirected propaganda. Holland sees no cause for serious concern about Dutch-Japanese relations, particularly to the NEI. These relations, economically, were settled on April 9, 1937, by the Hart-ISHIZAWA agreement. Certain promises were made and proportionments agreed upon, and certain negotiations carried on in a spirit of good will.
- 11791 * In fact, in 1938 Holland drew Japan's attention to the fact that the prospects of the agreement of Japan buying larger quantities of indigenous products like sugar, fell far short of realization. This step was dictated by the importance of these exports for the native population, whose purchasing power is the basis of Japanese imports.
- Notwithstanding this unsatisfactory outcome for Holland, it has accepted Japan's explanation that the China Incident has had considerable influence on economic conditions in Japan, and on the fulfillment of this part of the Hart-ISHIZAWA agreement. In judging the results of this agreement the NEI has given due considerations to those exigencies which inevitably follow war. They therefore are convinced that Japan will take into consideration * the fact that Holland was forced into war, which will have its repercussions on the economic situation in NEI.
- 11792 The relations between the two countries must develop without hindrance. Holland has noted with satisfaction ARITA's statement concerning the importance of maintaining the status quo without reserve. This is considered very important, since it bears closely upon the interests of Allies as well as upon other countries bordering upon the Pacific, as is evidenced by the statements of Britain, France, and the U. S. It is of great importance for maintaining peace in the Pacific that the NEI remain unimpaired, and that they be able to continue to act as a world-supplier of various raw materials and food products.
- 11793 * He then replied to the note of February 2, 1940, and the note of May 20.

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- 11794 Exhibit No. 1310, Decision of the Liaison Conference of July 27, 1940, stated * that the policy would be to improve conditions at home and abroad; to accelerate settling the China Incident so as to prevent third powers from assisting the Chiang regime; settle
- 11795 the southern problem within limits * so as not to cause a war against a third power; and to fulfill certain policies. These policies are to foster a strong political tie with Germany and Italy, and to actively adjust diplomacy toward the Soviet while maintaining a firm front towards the U. S.; to strengthen the diplomatic policy towards NEI to obtain important raw materials; to reform the war-time organization at home.

- 11796 Exhibit No. 1309-A, Van Mook's book, stated that the exchange of notes had hardly been concluded when Japan repeated proposals for negotiation on a more comprehensive scale. On July 16 * they informed the Netherland Minister in Tokyo of their intention to send a delegation to Batavia for economic negotiation, under Mr. SAKO, with a number of assistants and military experts on war materials, oil, etc. Mr. SAITO, Consul-General in Batavia, an expansionist, was to be included in the delegation.

The subject matter remained hazy, but the question of personnel was very much in the foreground. On the change of Cabinet, Mr. SAWADA replaced SAKO as chief delegate, to be dropped again for General KOISO. KOISO, however, on August 3 had given a press interview in which he had stated violently that Holland had always been most oppressive towards the natives of the Indies. In view of this, he was unacceptable to Holland as a delegate without a public retraction or denial of the statement.

- 11797 Suddenly, on August 27, Japan * handed a memorandum to the Minister at Tokyo stating that Mr. KOBAYASHI, Minister of Commerce and Industry, had been appointed special envoy to the NEI; that he would be seconded in his mission to establish closer economic relations by Mr. OTA and Mr. SAITO, with a staff of 24 assistants, including an army, air, and two naval officers, all to leave from Kobe on August 31.

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- 11798 Exhibit No. 1311, Drafts of Alternative Demands to be made on NEI, dated August, 1940, was received in evidence. * The first proposal stated that Japan had previously submitted to Holland her demands on settling matters pending between Japan and the NEI. According to the reply of June 6, 1940, it is understood that the NEI has generally accepted, * the part regarding the supply of essential goods. The Netherlands, however, still does not fully understand Japan's true intentions concerning the entrance of Japanese into NEI, and the investment by Japanese there for developing and using the rich resources, of the utmost importance to Japan. In previous negotiations it has been recognized that the settlement of these problems has been Japan's desire for many years, but Holland is still repeating its biased legal argument, and Japan cannot but express its disappointment and dissatisfaction and to state its opinions on the problems of entry, enterprise and investment.
- 11799
- 11800 Present * world conditions, instability and friction, are caused by unjust distribution of resources due to unreasonable territorial situations. There are vast undeveloped areas with abundant resources, and a few nations suffering from a lack of resources and over-population while having vigorous powers of existence. This situation is irrational, and unless it is rationalized there will be general national conflict. To prevent this situation it is of the utmost importance for countries possessing vast undeveloped territories to voluntarily open their resources to the world, allowing other nationals to freely enter, and abolish all business and economic restrictions.
- 11801 Japan recognized that the Holland policy toward NEI has contributed toward the peace and prosperity of East Asia by permitting free and equal economic activity * to all. In recent years, however, the Dutch policy is in the nature of a closed door. While the NEI is under Holland, geographically it is within the Co-Prosperity Sphere, and the Netherlands should first open the rich resources in the NEI to the races in East Asia, and then for all mankind. Holland has come down heavily recently on the side of the Dutch and other Europeans. Early she gave vast rights to a few distant nations for important enterprises like mining, without any desire for the welfare of the Co-Prosperity Sphere.

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11802 It is very unreasonable for Holland to have a closed-door policy toward Japan, who has great abilities for exploration and development, and it is neglect of duty as a member of the Co-Prosperity Sphere. Japan has * pointed this out and asked Holland to reconsider, but has been unable to get any results, thus giving rise to a feeling of great dissatisfaction to Japan. Japan therefore submits her sincere and frank demands and requests that Holland promptly agree to them.

11803 * With respect to new enterprises, NEI has recently issued and revised various laws, and has reserved for itself all prospective mining districts for petroleum and other minerals of great importance for Japan. It is impossible for Japan to obtain mining rights, and the transfer of existing ones has also been prohibited.

11804 The U. S. and Britain, prior to these laws, have secured mining districts for petroleum and other minerals, and are mining on a large scale. Japan therefore requests Holland * that mining of petroleum and other minerals, applications by Japanese nationals for right to mine, and to establish various new enterprises and the transfer of present Japanese held rights, be permitted, from the standpoint of equal opportunity irrespective of present laws.

11805 With respect to this, free carrying out of actual investigation in Japanese prospective areas shall be submitted, even before proceedings for application are taken. Japan wishes to undertake the following new enterprises. She wishes to prospect and mine in all petroleum mining regions, including government reserved areas. She desires the same for other minerals, and she demands that applications for mining rights by those having the right to prospect * shall be granted without fail.

She also wishes to establish air routes, and new navigation routes and submarine cables between Japan and the NEI. She also desires fishery, forestry, agriculture, and manufacturing industries. With respect to air and navigation routes, NEI should give all possible assistance and cooperation to investigation and preparation.

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11806 With respect to newspapers, the NRI has made it a policy to prevent Japanese from running Malay and Chinese newspapers. Japanese shall have permission to run these, as well as the Dutch and Chinese. In the past, the Dutch and the natives * have had no knowledge of Japan, and there have been regrettable features in their attitude because of this. Since Holland is more into the war, the constant acts of violence and insult committed against Japanese in the Indies have been caused by a lack of understanding of Japan's intentions, and the precautionary measures taken toward Japanese. The principal cause of the anti-Japanese attitude of the newspapers. Japan therefore demands a thorough supervision of the newspapers.

The anti-Japanese attitude is strongest in the Dutch papers, and these are hardly ever supervised, despite the fact that they lead the others. They shall be thoroughly supervised.

11807 * Supervision of Chinese papers is lukewarm, and do not always represent the general public opinion of the Chinese in NRI. They forcibly implant anti-Japanese feelings and lead to an anti-Japanese movement and boycott. The NRI authorities had the attitude of overlooking these facts. Yet they planned the publication of a Japanese newspaper printing an article in support of Wang Ching-wei because it instigated the feeling of the Chinese in the Indies. They also prohibited any import of newspapers published in occupied China because they were anti-Chiang. This attitude could be said to be pro-Chiang and anti-Japanese. Japan therefore demands a stricter supervision of newspapers by the Chinese, and a revision of the biased attitude against Japanese newspapers.

11808 The second proposal stated, after giving a general background of the needs of the have-not nations, * that in East Asia two or three powerful European nations have occupied the areas as colonies, and have left the greater part undeveloped. Despite this, they adhere to policies of aggression against nations that are building up their countries.

11809 * Japan has confined its territory and population, as well as a high rate of increase and militant expansion powers. Besides Japan, all the territories of East Asia except the island are now colonies, chiefly for the welfare of the sovereign European nations, and no opportunity for advancement.

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and development, politically or economically, is given to the natives, who are kept in a conquered position. This is extremely unfair.

Japan is now carrying out the mission of establishing a new order in East Asia, and it is her desire to create a reciprocal relationship of supply between the new order in Europe and America and the co-Prosperity Sphere centering around Japan, Manchuria, and China, and including the south Pacific.

11810 As the NEI is a vast area with rich resources within the co-Prosperity Sphere, its resources should * be quickly developed for the prosperity and welfare, first of East Asia, and then of the world. The NEI has regarded as of too great importance the interest of Hollanders and other Europeans, and has given scant consideration to the co-Prosperity Sphere. It has been adhering to a policy of exclusion against Japan, and although Japan has drawn attention to the unreasonableness of this, there have been no results.

In line with these views, Japan expresses to the NEI its desire to forward the establishment of a new order for the mutual welfare of East Asian nations, and requests the NEI to cooperate to this purpose, and Japan demands the following things.

11811 * The NEI should cut off relations with Europe and take a position as a member of the co-Prosperity Sphere. With respect to economic questions, Japanese should be given the same treatment as subjects of Holland entering the NEI with respect to leaving there, protection of their persons and properties, travel, acquisition of property, management of business, and all other matters connected with navigation and trade.

11812 The NEI should not restrict or prohibit * the exportation of goods, especially those needed by Japan, but should give facilities and use its good offices.

11813 The * KOBAYASHI Delegation arrived in the NEI about the middle of December, 1940.

11814 Exhibit No. 1312, Telegram from KOBAYASHI to Foreign Minister MATSUOKA, September 13, 1940, stated that in his interview with the Governor-General * he had gained the impression that the latter was concerned on with diplomatic formulas.

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When KOBAYASHI hinted at the existence of discriminatory treatment toward Japan, the governor argued that this had not been so in the past, and in the future the NEI would treat each country on a fair basis and did not intend to practice discriminatory treatment. He does not realize that the present situation is so serious that if he remained concerned with diplomatic formulas only, the existence of NEI will be in danger. He tried his utmost to evade political problems, and showed not the slightest sign of interest to sound out Japan's true intention towards the NEI. It is not much use to continue negotiations with such a governor-general.

11817 Exhibit No. 1313, telegram from KOBAYASHI to MATSUOKA, October 18, 1940, stated * in establishing the Greater East Asia Co-prosperity sphere, the need of placing the NEI within the sphere is very urgent.

11818 KOBAYASHI and his staff * are all of this opinion. To accomplish this, it is necessary to administer a policy which will deeply implant Japan's economic powers in the NEI. The Department of Overseas Affairs must at least plan the materialization of various items requested in the budget, such as the complete equipment of overseas organizations, the establishment of TAKUWANJURU, the cultivation of facilities for enlightening both Japanese and the people of NEI. These are matters of extreme urgency and must be given special consideration. Details will be reported later.

11821 Exhibit No. 1314, telegram sent by order of MATSUOKA to SAITO, Consul-General at Batavia, * stated in connection with the purchase of the Netherlands India Oil Production, the negotiations should be done at home, but the intention is that on the spot negotiations should be carried out in accordance with instructions. All home offices have been instructed to tell their brokers not to disturb the unity during negotiations. The acquisition of oil fields is to be emphasized, and the negotiations generally * should be carried out with the NEI government. 11822 Observe all hindrance attempts by Britain and the U. S. They cannot guarantee that the NEI will not lay stress on oil purchases intentionally in order to refuse Japan's acquisition of oil fields, which is her main purpose. He is therefore to clearly distinguish from the beginning the acquisition of oil fields and the purchase of oil.

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11823 Exhibit No. 1315, telegram from KOBAYASHI to MATSUOKA, September 18, 1940, stated * since Japan has a pressing need to buy 3,150,000 tons of NEI petroleum, and the Tokyo negotiations are at a standstill, he is requesting that MUKAI be allowed to carry on negotiations in Batavia. While there may be misgivings on the influence of negotiations in Batavia on the petroleum problem, these misgivings would be the same regardless of where the negotiations were held, and the negotiators in Batavia have no misgivings about the ones at Tokyo.

11824 If the negotiations for purchasing 3,000,000 odd tons failed, the failure in Tokyo would be no more than just a failure in commercial relations, with no political repercussions. It is thought that their sudden proposal on the petroleum problem in Tokyo is an anticipatory move on this point. If the negotiations carried on in Batavia fail, their failure would mean that world opinion * would charge the NEI with moral responsibility for the failure, and the NEI would make every effort for their success.

Failure to make the purchase could be utilized to browbeat the NEI on the enterprises problem. Moreover, direct participation of the NEI in the petroleum purchase problem can be utilized for Japan's maneuvers to make them sell to Japan the stocks of NEI petroleum companies on the grounds of purchasing petroleum.

11825 From the present situation, the actual securing of the purchase is not the time to talk about the problem of price, and it would therefore be more advantageous to let MUKAI negotiate as the representative of all Japanese petroleum men. The transfer of negotiations would involve a certain loss of time, but when they considered that Tokyo negotiations have been prolonged owing to instructions from the government in Batavia, this cannot be * thought of as a real loss. He therefore thought the negotiations could be transferred to Batavia. This idea had the positive approval of the army and Navy, and of MUKAI.

11826 Continuing with Exhibit No. 1309-A, the Van Mook book, it was stated * that the two delegations met from October 14 to 16, 1940, under the chairmanship of KOBAYASHI and Van Mook. General relations between Japan and the NEI were discussed, and due attention was given to the effect of the Tripartite Pact on relations with NEI.

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11827 The Japanese Delegation officially expressed that despite the Tripartite Pact, Japan's strong desire to maintain firm and friendly relations with the NEI is not affected. All Japan wishes is co-existence and * co-prosperity. Among the other points which came into the discussion was the oil problem. The Netherlands Delegation gave an elaborate explanation of the situation in the presence of the Chief of the NEI Mining Bureau. The delegations are to continue negotiations in Batavia on the understanding that the complete scope of subjects will come into discussions in the near future. The negotiations were frank.

11828 The Netherlands took the position that, although Japan's accession to the Tripartite Pact raised serious misgivings, it was prepared to continue negotiations on the understanding that Japan had no hostile intentions and did not claim leadership over the NEI. It urged that Japan submit * a full statement of the points to be discussed, but saw no objection to treating the oil purchase matter separately. These were mainly a matter of agreement between the Japanese buyers and the oil producing companies, and since both were in Batavia the NEI delegation would be pleased to lend its good offices for contact.

11829 Japanese demands with regard to purchasing mineral oil and products has gradually become more defined. A week after the conference opened, Japan's annual minimum requirements over and above regular sales of NEI oil was set forth as a total of 3,150,000 tons. It was, in part, erroneously contended that contracts had already been agreed for the delivery of 120,000 tons of aviation crude, 792,000 tons of other crude, and * 100,000 tons of aviation gas to be delivered per annum. The five year guarantee by the NEI Government on the regular fulfillment of these requirements was demanded.

Two days after accepting these proposals, Mr. KOBAYASHI, on October 20, announced his recall and left on the 22nd. The reason given was that he could no longer be spared, and that he had to be home for the 2600th anniversary of the Empire.

On October 21, 1940, a note was given by the Japanese Delegation to the Netherlands, in which they stated that they were appreciative of the of the explanation of the petroleum situation contained in the Netherlands note of October 7.

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11830 Japan wishes to call attention to the fact that after negotiations between MUKAI and two companies, the proposals of the companies * on oil supply to Japan show a wide difference in quantity and in quality over MUKAI, and it is to be emphasized that the proposed quantity of supply of aviation gas and crude to Japan is as good as nil.

Since the Netherlands delegation is well aware of Japan's interest in the problem, they would appreciate if Netherlands would do their utmost to comply with Japan's proposals. Japan has also a big interest in exploiting oil wells and the Netherlands policy of allocating spheres of interest for existing companies are not satisfactory. Japan is anxious to acquire rights of access to territories now explored or being explored, as well as to the government reserves.

11831 MUKAI is ready * to enter into negotiations about the government reserved areas.

On October 29, 1940, MUKAI wrote a letter to the Chairman of the Netherlands Delegation, stating with respect to oil territory, that certain areas which have not yet been committed to any other party or parties will be considered as an interest to Japan. They are in Borneo, Celebes, Dutch New Guinea, Aroa Archipelago, and the Schouten Archipelago, with a total of 16,363,000 ha.

11832 * Since Japan desires to carry on explorations and exploitations in all of these districts upon the completion of the geological examinations, he would be obliged if they would acknowledge all of these districts as Japan's sphere of interest, and the necessary steps according to the Mining law be taken. In addition to demanding that certain additional areas in Borneo and Sumatra totalling 1,100,000 ha be allotted to Japan.

11833 * Japan may also consider the capital participation of NEI in these enterprises.

11834 With an eye to the furtherance of the prosperity and friendship of both countries, Japan strongly desires to participate in the capital of the N. V. Nederlandshe Indische Aardolie Maatschappij. Since the Holland Government holds a considerable amount of shares in these undertakings, they would like to have considered the * a allotment of part of these shares to Japan. He asked to be informed of the terms and conditions.

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- 11835 Exhibit No. 1316, telegram from SAITO to MATSUOKA, 25 October, 1940, stated * that with reference to the telegram from MUKAI to the Chief of the Fuel Affairs Bureau, from the standpoint of an industrialist it is most reasonable, but it is necessary that further
- 11836 * consideration be given from a strategic standpoint. From the submission of application for prospecting in the indicated areas, Japan presumes that it will arouse the NEI suspicion, but they in Batavia think it necessary that Japan carry on an investigation into all the areas, and have a great number of planes and plain-clothes troops enter the area to enable it to become a strategical base for military operations against the Dutch. Unless the vast investigation area is secured, the program will seem a flimsy excuse to the Dutch, and since there is only a difference of 150 to 200 thousand guilders, he deems it necessary that the prospecting rights be acquired from the whole areas.
- 11837 Even when they are decided on obtaining prospecting and mining rights, it is desired * that the strategical standpoint be considered in selecting the districts.
- Exhibits No. 597, 631, and 1304, show that Japan was attempting to acquire materials to aid the German war effort.
- 11838 Exhibit No. 1317, the Cabinet Decision of October 25, 1940, stated * that the inevitability of occurrences in economic affairs arising from the progress of the new order and Japan's priority in the NEI based on the Tripartite Pact requires making the NEI a link in the East Asia economic sphere, by establishing close economic relations and developing their rich natural resources from the general standpoint of co-existence and co-prosperity. They must take measures to stop the NEI from relying on the European-American economic block and make it take a standpoint as a member of the Greater East Asia Sphere; they must remove or mitigate various restrictions which obstruct Japan's economic activities and give them preference and freedom; they should propose
- 11839 a joint development of the NEI so as to secure * the supply of necessary war material so that Japan will become independent from British resources. If necessary, they should purchase or lease suitable territory. In addition, the guarantee from the NEI as to supplying necessary major items, Japan must obtain NEI agreement for an increase in variety and quantity of these materials.

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She must make every effort to accede under Japan's guidance the trade control over tin, rubber, quinine and other materials. Japan must purchase as far as possible the agricultural products produced in the NEI which bring profit to the natives and stimulate their purchasing power. The NEI should accede to Japan's demands and encourage agriculture. Japan must seek special cooperation from NEI for an increase in export of Japanese merchandise.

11840

* In order to establish a great monetary sphere within East Asia, efforts will be made to make NEI a link in this sphere, but it should not aim to include it in the yen bloc. It will try to place exchange control under Japan's guidance. For the present, every advantage should be accorded to Japan in the matter of exchange control, and the NEI banks should establish credit to the Japanese and give other financial facilities.

11841

Efforts should be made to establish special trade agreements in the coastal trade, entry of unopened ports, administration and use of port facilities, landing and operating rights of submarine cables, participation in managing inland and other communications, * the inauguration of regular air service; increasing the number of fishing boats, removing of restrictions of imports on fish, establishment of fishery bases, and acquisition of their rights and interests in the marine product industry.

11842

In addition, they must prohibit the establishment of new rights and interests of third powers in the NEI, and try to oust those already in existence. It will make the NEI start an economic structure commission and other organs with Japanese included, to form domestic and foreign economic policies. The NEI will be required to consult these organs in regard to trade, finance, taxation, customs duties, economic agreements with other countries, * enterprises, traffic and communications, etc. Japanese importers in NEI will be made to participate.

Japan will demand strict control of anti-Japanese articles by newspapers, periodicals, etc., and will insure freedom of Japanese in publishing. They will demand that the NEI exercise rigid control over Chinese assuming anti-Japanese attitude. On the other hand, the Japanese will use the Chinese organization and resources in consideration of their economic position.

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Various measures shall be resorted to, such as inviting influential natives to Japan, and by propaganda. The economic policy is to be based on the broad viewpoint of establishing the co-Prosperity Sphere and toward expanding the interests of Japan.

- 11844 Continuing with Exhibit No. 1309-A, the Van Mook book, it was stated * that on November 15 the Netherlands Minister handed an aide-memoire to the Vice Minister of Foreign Affairs in Tokyo, to point out that the negotiations were at a standstill for a lack of subject matter, and to recommend discontinuance. On November 20 a note verbale was given, announcing the imminent appointment of a new special envoy who was to activate the proceedings. * On November 28 Mr. YOSHIKAWA was appointed, and he was due to arrive on December 23 in Batavia.

On January 16, 1941, the new delegation presented a memorandum in which it was stated that most of the rich vast territories of NEI were thinly populated and undeveloped. Their development and exploitation would be of benefit not only to the NEI and Japan, but to the world.

- 11846 Japan and the NEI are in relation of economic interdependence, and great importance should be stressed upon the need of strengthening the economic relations between the two countries. Japan desires * to participate in exploiting the NEI natural resources and to promote trade with her. Japan is firmly convinced that a great contribution could be made toward NEI prosperity if the NEI could see their way to meet Japan's desires. Therefore Japan made the following proposal.

- 11847 With respect to the entry of Japanese nationals and other affairs, that there be modification of the restriction on entry, that the procedure laid down in the Labour Ordinance be simplified to permit entry of Japanese possessing passports, up to the maximum number stipulated in the Entry Ordinance, that is, 1,633 in 1940, with exceptions. In addition, there should be permission of entry to nationals required * to carry on exploitation and development enterprises in Sumatra, Borneo, and Great East, where the development cannot be speeded without an increase of Japanese nationals. Temporary stay should not be included in the number. The entry tax should be abolished. All difficulties concerning explorations should be abolished.

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Restrictions imposed upon medical practice should be modified so that Japanese qualified doctors and dentists can practice in the NEI.

11848 Where Japan and NEI joint enterprises are desired,* necessary assistance should be given for realizing it and favorable treatment be given to Japanese for making arrangements, such as labor, equipment, etc. All applications from Japanese nationals are to be treated in a friendly spirit.

11849 With respect to mining, permission for exploring and exploiting various minerals in desired regions, including government reserves, is to be given promptly. Fishery by Japanese nationals in territorial waters is to be permitted so far as it does not compete with the natives, and that an increase in the number of fishing boats and employees necessary for this fishing, including deep sea fishery, be allowed, and that all kinds of facilities be permitted, * and the restriction of import harbors for fish be abolished, and that fish caught by Japanese fishermen in NEI be exempt from import duties.

There should be established a direct air service between Japan and NEI by Japanese planes, and facilities for wireless and meteorology be rendered to Japanese aviators.

11850 With respect to coastal navigation already granted to Japanese, an increase in ships should be permitted and the restrictions * on tonnage and navigable areas be abolished. Coastal navigation should be given when needed for operating Japanese enterprises. Certain harbors necessary to promote trade should be designated as open ports.

Formalities for Japanese ships to visit non-open ports necessary for shipment of products to Japan shall be dealt with quickly, and restrictions on tonnage of ships shall be abolished.

11851 Consent should be given for the laying of submarine cables under Japanese management. The prohibition of Japanese language in telegraphic communication between Japan * and NEI should be removed.

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11851

Application by Japanese nationals regarding businesses under the Business Regulation Ordinance , should be complied with as far as possible.

Import quotas should be arranged in accordance with an attached list, as well as Japan's purchases from NEI.

Japanese importers should get an increased percentage of import quotas, and should be exempted from the obligation to import the goods of third countries.

With regard to imports of Japanese goods, there should be friendly measures on customs.

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11,852

* The answer of the Netherlands to the Japanese demands was given on February 3, 1941. This memorandum stated that to clarify the NEI position with regard to economic negotiations to avoid misunderstanding the Netherlands would restate the considerations determining NEI economic policy.

Although the improvement of economic relations and the increase of actual trade with neutrals is the object of constant care, the measures taken must comply with certain principles. There must be taken into consideration that the welfare, progress and emancipation of the people of the NEI are the prime objects of the Netherlands policy. Measures which tend to run counter to these interests or would narrow the scope of their future development should be obviated.

11,853

* The interests of the NEI demand that economic relations with others should be maintained on a basis of strict non-discrimination and shall not disturb the formation of the NEI as a self-sustaining economic unit within the Kingdom and that there should be no preponderance of foreign interests in any field of economic activity.

During the war it is unavoidable that trade and other activities will be subject to restrictions to prevent direct or indirect advantage to the enemy and to safeguard the defense of NEI.

11,854

Insofar as the opening paragraphs of the Japanese note states that the natural resources of the NEI have been inadequately developed and that economic relations between Japan and NEI are so important and vital as to warrant using the term * 'interdependence,' the Netherlands wishes to point out that such conditions are not substantiated by the facts. The fact that so much of the territory is sparsely populated is due not to lack of funds, labor or spirit, but to the relative scantiness and scattered character of the natural resources. The poor results in this part of the NEI confirmed this view and the data supplied by scientific explorations confirm it.

The NEI provides practically all its own food and production has so developed that restrictions had to be imposed to prevent a permanent glut in world markets. Mineral production is relatively high compared to reserves and in case of poor quality minerals, exploitation was

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11,855 undertaken as soon as the demand could be expected to arise.
* This does not mean that there is no room for further development, although cooperation of private foreign capital and knowledge is recommended within the limits mentioned. The developments should proceed according to rational economy and should be realized to the benefit of the abundant population in other parts of the NEI. The fact that the number of agricultural emigrants from Java has reached 50,000 persons a year and is increasing should convince that the NEI does not stand in need of migration, and that all parts of the NEI are necessary for alleviating the pressure of Java population.

11,856 With respect to trade relations it should be born in mind that Japan's total export value in the NEI decreased from 4.21 percent in 1930--1932 to an average of 3.74 percent in 1937--1939. * While Japan's share in imports is larger, it should not be overlooked that they were made possible through the creation of buying power by exports by NEI to third countries.

11,857 Exhibit 1318, telegram from YOSHIZAWA to MATSUCKA with copies to the Vice Minister of War and Vice Chief of the General Staff, dated January 27, 1941, stated * lately the reliance of NEI on Britain and the U.S. has increased. The defeat of Italy in the Mediterranean and U.S. aid to Britain and her firm attitude toward Japan have encouraged the NEI. She is optimistic that the situation is developing favorably. The strengthening and development of her home defenses have intensified her self-confidence. She is not only disregarding the co-prosperity sphere, but is expressing her spirit of opposition on every matter. It can be considered that unless Japan adopts determined measures, not only the progress of the negotiations but the development of the relations would be difficult. * Lt. Colonel NAKAYAMA will make a further report on details.

11,858

11,859 Exhibit 1319, telegram from YOSHIZAWA to MATSUCKA, February 6, 1941, stated * that MATSUCKA's speech on the co-prosperity sphere in the Diet and his answers to questions and newspaper editorials have given a great shock to government and private civilians in the NEI and the local papers are giving much space to it.

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11,860 The discussion which arose during the interview of CTA and ISHIZAWA on February 5 has been reported. With respect to the erroneous press news sent out by Domei on the interview between the Dutch Minister and OHASHI, steps have been taken for correction. So long as these views are reported, even if it is only a news report, * it is natural that it should produce considerable repercussions. Since dispatches continue to arrive to the effect that doubt is cast upon the status of Holland, the Dutch authorities, not satisfied with YOSHIZAWA's statement, have caused the Dutch Minister to demand recognition by Japan of the exiled government as the de jure and de facto government.

11,861 One need not speak of the cold attitude of the NEI authorities toward Japan in the past. If the situation is let alone, nothing much can be expected. Without resorting to armed force it will probably be impossible to make the NEI a member of the co-prosperity sphere. It is imperative that Japan must first have full preparations for all possible eventualities, not only military, but also adjustment of the China affair and others.

11,861 * If the government has confidence in this matter, YOSHIZAWA has nothing to say. If the government does not have confidence in itself, Japan must choose peaceful economic negotiations however unsatisfactory. This is why he believed he had been sent. If he is right in so believing, then the actions of the government and speeches must conform to this policy so as to help the negotiation progress to Japan's advantage. The most recent developments in Tokyo do not cover this aim.

11,862 Exhibit 1045, cable from YOSHIZAWA to MATSUCKA, stated * cooperative relations between NEI, U. S. and Britain have become much closer as U.S. aid to Britain is active and the NEI attitude toward Japan reflects only the attitude of the U.S. It is difficult to notice such a distinction as is generally supposed in Japan. The U.S. attitude is growing worse even without Hull's speech. There is no doubt that the South Seas problem, especially the NEI, is an important cause for U.S. expansion of naval ships. The real problem lying between Japan and the U.S. is not China, but the NEI. Regardless of the European war the U.S. will regard with hostility

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11,863

a Japan which has ambition to the South Seas. The authorities of the NEI, considering their own interests, desire to be in the U.S.' hands rather than with Japan. They can expect positive aid from both the U.S. and Britain and they think * that not even Germany will agree to the NEI coming under Japanese authority so easy. On the other hand, in Japan's speech against the U.S. and NEI there is no consistent underlying strength and it has given the impression that a barking dog seldom bites.

The Dutch have begun to underrate Japan's real power. It is natural for the NEI to follow the U.S.' attitude. When the U.S. is about to push on her oppression against Japan one cannot expect even unsatisfactory success from the NEI negotiations. Its breaking up is only a question of time. The acquiring of the thirteen items of needed commodities will meet with difficulty. The only means by which Japan can settle the NEI problem is by exercising her real power. Otherwise, it is fruitless for Japan to try to achieve success by negotiations shouting loudly for a co-prosperity sphere under Japan's leadership.

11,865

Exhibit 1320, telegram from KONOYE to YOSHIZAWA, March 28, 1941, stated that YOSHIZAWA's viewpoint is reasonable that the only means for settlement are things given in his telegram. However, Japan has paid the greatest possible attention to the negotiations, but if they end without results, Japan will lose all confidence in her foreign policy, * while the enemy will gain the impression that Japan is easily dealt with and will intensify their operations. There is some evidence that Holland feels embarrassed by the continued presence of Japan and regards it as an anticipatory measure by Japan to turn to advantage any change. They are taking the indifferent attitude that continuing the negotiations is only a waste of time and they are putting on a superficial show of satisfaction with the cooperative attitude of the representatives and are content to regard it as a compromise with Japan.

However, considering the change in the situation after MATSUOKA's visit to Europe and the intention of the Foreign Minister and the Colonial Minister, who are to visit, he requested that the delegation push pertinaciously

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11,866 Japan's original demands to direct its main effort to acquiring resources * and to await further developments of the decision reached in concert with the Army.

Because of the imperative necessity for continued presence in Batavia he is to take care that the negotiations do not fall into the Dutch plan to get rid of Japan's representatives.

11,867

* Continuing with Exhibit 1309-A, it was stated in the first stage of the conversations the Netherlands delegation had to caution the Japanese that the occupation of Southern French Indo-China would be a military menace toward the NEI so serious that it would cancel any economic agreement. Between March and May 1941 MATSUOKA went to Europe and returned admiring the Axis and the Russian neutrality pact and Japan began to install herself even more firmly in Indo-China and Thailand and the potential leak in the blockade of Germany widened. Both countries produced 130,000 tons of rubber annually as against Japan's consumption of 50,000 tons. Japan's need for 10,000 tons of tin was exceeded by at least 50 percent.

11,868

On May 14, 1941, the Japanese delegation presented a memorandum in which they stated in reconsidering the memorandum which they presented * on January 16, 1941 they present a new proposal that they wish to make it clear that the Japanese viewpoint expressed in the preamble was still firmly held.

11,869

Exhibit 1321, telegram from MATSUOKA to YOSHIZAWA, SHIGEMITSU and NOMURA, May 23, 1941, * stated that on the 22nd MATSUOKA invited Craigie and told him that the NEI negotiations through Japan's wholesale concession had reached a rapprochement but that there still remained some difficulty about rubber and tin. In June 1940 Holland assured Japan that in any situation she would supply Japan with 20,000 tons of rubber and 3,000 tons of tin and despite the fact that Japan agreed, the NEI, taking the quantities of rubber and tin exported by FIC and Thailand to Japan into consideration, now asserts that the former quantities should be further reduced. However, the demand for tin and rubber in Japan has increased. MATSUOKA explained that although * it is claimed that there is danger of Japan supplying Germany with rubber, even by adding the quantity of rubber expected to be imported from FIC and Thailand to the 20,000 tons demanded of the NEI, it will be far below

11,870

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the total quantity required by Japan. No country would give its own flesh to another country by going to the extent of cutting its own. Furthermore, it is presumptuous of the NEI and constitutes an act of humiliation to Japan, who is a great power, to have a small nation like the NEI demand assurances that Japan will not re-export to Germany. Japan could never give such assurances. Should negotiations end in rupture, there is not stating what a grave situation may arise diplomatically and internally, inciting not only anti-Dutch but also anti-British and anti-U.S. sentiment which may not be able to be checked.

11,871

Exhibit 1309-A, stated * that the Netherlands delegation presented a memorandum on January 6, 1941, which stated from the memorandum presented by Japan on May 4 and 22nd, the Netherlands has noticed that Japan's proposals have been modified in several incidents as a result of discussions. They have valued these modifications as a result of endeavors of Japan to adapt the Japanese proposals to the exigencies of present circumstances and to meet the objections raised by the Netherlands delegation because of the incompatibility of a number of those proposals with the principles of economic policy in the NEI.

11,872

However, Holland must express its regret that Japan's views are still * materially in violation with these principles. The Japanese memorandum of the 14th states that Japan still firmly holds to views in the preamble of the memorandum of January 16. Since these were based on open inadequacy in the development of natural resources of the NEI and an assumed interdependence between NEI and Japan, it is clear that their practical application would create a special position for Japan in the NEI. The Dutch must, therefore, point again to its fundamental economic policy in regard to the NEI as set forth in its memorandum of February 3; a policy which furthers the welfare, progress and emancipation of the people, non-discrimination toward friendly foreigners and the avoidance of preponderance of foreign interests in any field.

11,873

Furthermore, the relations between the NEI and others * must, for the time of the war, be affected by subjection of trade and other economic activities to unavoidable restrictions to prevent advantage to the

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enemy to safeguard the defense of the NEI and to promote the Dutch war effort. These are by nature temporary.

Notwithstanding the difference in conception, the Netherlands delegation desires to try again to convince Japan, not only of the reasonableness of its position on specific questions, but also of the practical possibilities open to Japan on various points.

11,875

Exhibit 1323, telegram from YOSHIZAWA to MATSUOKA, June 7, 1941, stated * that while the Dutch reply shows some points where they have agreed to Japan's wishes, nevertheless the prospects are not bright in regard to problems of entry into the country, enterprises and commerce. On the question of resources and to the important commodities the Dutch are stubbornly persisting in their conditions. In fact they have decreased the quantities compared with the normal figures submitted by them.

11,876

* Now that MATSUOKA had lodged a strong protest against the British and Dutch representatives and the Publicity Department had been carrying on an active campaign, it is impossible to accept the Dutch reply as it is.

Even if Japan should demand Dutch concessions and try to continue the negotiations since the reply received, in addition to being specially considered by a Plenary Session and had been submitted to the Indian Council and approved by the Dutch government in London, it is clear that the NEI would no longer accept such demands in view of the Dutch showing a firm attitude not to discuss matters any further.

11,877

While the only option left on the attitude to be adopted would be to have the Japanese delegation leave after announcing a rupture on the ground that the Dutch reply was unsatisfactory. In that event, out of respect toward its people, Japan * would have to assume a strong attitude toward the Dutch and the press would have to denounce Holland. The Dutch would by no means yield to such a threatening gesture. On the contrary they would give no new petroleum concessions, no moral support towards the renewal of the contract re sale of oil, no promise on materials other than petroleum and would restrict supply more and more. Copra and palm oil would be reduced and

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- 11,878 it would be impossible for Japanese firms and merchants to export to Japan. Japanese doctors would be prohibited from establishing their practice and restrictions against entry would be strengthened. No advance notice would be given regarding the importation of Japanese goods.
* Various methods would be used to increase pressure upon business and living of Japanese and the attitude of dependence on Great Britain and the U.S. would be strengthened. Japan must be prepared for the situation, after rupture, to be very grave. It would be unfavorable for Japan's prestige at home and abroad to attempt to prolong the stay, but since the Dutch would most probably demand the withdrawal of the delegation and Japan's prestige would be completely lost in the event this was done, the matter must be given careful attention and he asked for immediate instructions. He stated that he expected to return to Japan at the first available opportunity after the 20th.
- 11,879 Exhibit 1323, * telegram from MATSUOKA to YOSHIZAWA, June 14, 1941, stated the reply of the NEI is beyond acceptance and it is meaningless for Japan to continue the negotiation on that basis. Japan has, therefore, decided to break off the conference and withdraw the delegation.
- 11,880 Continuing with Exhibit 1309-A, * it was stated that the delegation met again at YOSHIZAWA's request on June 10 and it was clear that Japan wished to wind up the business and they asked only for a number of technical matters to complete their report. On June 17 YOSHIZAWA, at an audience with the Governor General, pointed out that Japan had drawn up its last proposals conciliatory to the extent that they ran the risk of disapproval if the talk was published. Yet the Netherlands' reply was wholly unsatisfactory and was no basis for an agreement. He was instructed to the Governor General to reconsider and if that was impossible, Japan would discontinue the negotiations. The Governor replied that the Netherlands believed * that an agreement could not be reached on the terms proposed. He could not suggest any alterations.
- 11,881 However, he felt the negotiations had not been unproductive, although there was no agreement. The respective positions were analyzed and the parties had a better understanding of each other. YOSHIZAWA stated that Japan wished to see the general trade and economic relations maintained as before. The Governor concurred.

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11,882 This failure was to be expected since the NEI could not extend their very liberal policy as recommended by Japan. The Netherlands would be satisfied to continue mutual relations on the old footing. YOSHIZAWA produced a draft of a joint communique, which, after amendments, was agreed upon, which stated * that both nations regret that the economic negotiation had come to no satisfactory result, but the discontinuation will not lead to a change in the normal relations between the NEI and Japan.

The Tribunal's attention was called to Exhibit 635, a telegram from Ott to Ribbentrop, June 21, 1941, in which Ott reported that MATSUCKA had stated that the negotiations with NEI had been broken and they must now set up air and naval bases in FIC.

11,883 Exhibit 1324, excerpt from the Japan Year Book 1933-1934, stated * on July 28 the Netherlands announced the suspension of the Japan-Netherlands Financial Agreement and the freezing of Japanese assets in the whole NEI.

11,885 Exhibit 1325, official report by the Bureau of East Asiatic Affairs of the NEI on the organization of the Japanese Intelligence Service in the Netherlands Indies, October 27, 1941, stated * the Japanese Intelligence Service of the NEI consisted of four organizations, the FOO, FNC, FAO and OCO.

11,886 * The FOO, the Foreign Office Organization had as its central points the Japanese Consulates at Manado, Makassar, Soerabaja, Batavia and Medan. Intelligence collected by journeys by informants to places where there are Consulates and on official journeys by Consular officials. This eliminates censorship of the mails. Diplomatic couriers traveled throughout the NEI at regular intervals, generally in pairs and always remaining together. They arrived regularly each month.

11,887 * Prior to recent restrictions they used to travel on other than the reproduced route, which is limited to places where there are Consulates, they then went to East Borneo and the Palembang region. These couriers collect all intelligence brought to the Consulates and are often non-coms of the Army, Navy or State Police force. For purposes of expediency they are incorporated into the FOO as being the service organization. The couriers' route

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runs from Tokyo to Formosa, FIC, Thailand, Singapore, Consulates in the NEI and Palao and vice versa. In addition to this service the Consulates have telegraphic coded communications for conveying intelligence to Tokyo.

11,888

Crews of Japanese mail steamers, etc., * serve as supplementary couriers.

PNO, the Palao Naval Organization, operates for the Naval Information Service of Tokyo, more or less independent of the Foreign Affairs Ministry. The central point is Palao from where instructions are received and intelligence collected. Indications show that important information is passed on through the Tokyo Intelligence Service to the military authorities. Some of the informants who are paid from Palao are regularly recalled to Tokyo and Palao. In Tokyo they always reside at the Tokyo Hotel. Most of the agents have permits to live in the NEI and spend a part of the year abroad, either at Palao or Japan. It is not imperative for the intelligence collected to go through Palao. It often reaches * Tokyo direct and is passed from there to Palao.

11,889

The FAO, the Formosa Army Organization, has as its central point and collecting point Central Formosa, with its organization under military direction. Its lines of communication are mainly concentrated on the western section of the NEI as contrasted with PNO, which pays more attention to movements in the east of the NEI. When circumstances require, intelligence can be sent direct to Tokyo.

11,890

OCO, the Overseas Chinese Organization, is more concerned with Fifth Column activities, yet it serves as an intelligence supply organization, to a greater extent than the PNO and FAO which operate through Japan. The Consulates, together with officials * or private Japanese receive the required information from Chinese. The Consulates have large funds at their disposal to finance the OCO.

A detached map shows the number of Wang Ching Wei agents dispersed throughout the NEI. The impression is that the Japanese Consulate General at Batavia acts as a receiving center for the OCO and passes on intelligence direct to Tokyo or to headquarters in China. There is regular contact between Tokyo and Amoy. There are

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- 11,891 branch lines to Nanking, Canton, Hainan and Formosa. The Koain at Tokyo forms part of this system. The four organizations in the NEI work in close contact with each other. This contact has now become still * closer.
- 11,895 Exhibit 1326-A, a letter dated May 30, 1938, attached to an official report of the NEI on Japanese subversive activities was received in evidence. This letter from KCTANI of the Europe-Asia Bureau to a Mr. KANEKO, stated that he was sending a plan for the publication of a daily paper in the Malay language in the NEI. *Saeroen was to be appointed Chief Editor. since he used to be the editor of a paper and is known as pro-Japanese and his dismissal was brought about by wealthy overseas Chinese. He has close relations with elected members of the People's Council, who are leaders of the native independence movement and collaborate closely with KUBO. He is now connected with the Aneta press bureau.
- 11,896 The Plan Adviser is to be Mr. KUBO * who has been in the NEI for thirty years and knows its politics and economics. He is friendly with influential natives and will stand behind Saeroen.
- MOMINCKI will look after the Japanese news. He has been in the NEI for more than ten years and used to be editor of the Nichiron Shogyo Shimbun and now contributes to Malay papers. He is the center of the struggle to convince the NEI of the true nature of the Chinese conflict and is the most proficient of Malay among the Japanese. He will work under Saeroen for translation.
- 11,897 The paper is to be a daily publication in Batavia with 8 to 10 pages * and a subscription price of 50 to 75 cents per month. While this price may be low, in view of the low income of East Indian intellectuals the price should not be more than one guilder per month. The initial budget was to be 31,000 guilders and a monthly deficit to be expected.
- The letter stated that Japanese newspapers in the Indies are read by only a small portion of Japanese and they are never seen by Chinese and Javanese. A paper

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11,898 printed in Malay explaining Japan's situation can expect important results. A paper inserting Japanese advertisements, explaining Japanese commerce and introducing Japan would serve to foster amicable relations * and would save the 60 million people from false Chinese reports. This plan has been considered for three years but nothing materializes. The Japanese in Java could not counteract Chinese news during the Manchurian conflict and they experienced great hardship. Now that the Sino-Japanese incident has become bigger and complicated, the home country of overseas Chinese in NEI is on the verge of becoming the scene of warfare. The NEI is boosting China to curry favor of the rich Chinese and the Chinese have more than 10 papers in Malay and 10 in Chinese. The Japanese have only two papers which have been fused into one and it contains only news provided by the news service * of the Ministry of Foreign Affairs. The hope of the Japanese inhabitants is that a Malay paper will insert Japanese propaganda and commercial news. The natives have to be made acquainted with Imperial Japanese love of Justice.

11,899

The intellectual East Indians of Java, etc., expect Japan to publish a Malay paper under Japanese management. If it is not now begun, it will never be realized. He urges that the paper be started for the sake of Japan's march to the south.

11,901

Exhibit 1326-B, a letter dated December 24, 1938 attached to the foregoing report, stated that at the end of the year the atmosphere in Japan is very tense. There are very few decorations in the streets. The business for which he had devoted so many years had, unfortunately, ended in failure. In the days when the problem of the southward policy had come to the fore he could not find sufficient words to apologize to his country. He was worried when he returned from the Foreign Office * to find out whether any report had been received that the newspaper had begun.

Although he felt that the banning of his return to the NEI would be only a question of time, the thing that worried him is the progress regarding the paper. He is aware of local complications and as it would not do to make Saeroen president and chief editor, he asked KANEKO to manage the paper and start publication.

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11,902 However, he pointed out that the propaganda value would be considerably minimized. Both MOMINOKI and himself would defy the NEI authorities and re-enter the country and he had conferred with the general staff about this. If the plan of Saeroen should be realized, it would be a long cherished desire. It was the writer's policy not to return until this object had been achieved. Even if he could not re-enter, * he would not fail to send sufficient operating funds. He had given KOTANI 5,000 ¥, which he got from MATSUOKA, President of the South Manchurian Railway. Further the Bureau of East Asiatic Economic Research of the railway under the leadership of OKAWA has promised to give a subsidy of about 50,000 ¥ per year.

IWATA intends to supply Siamese cowhides to the Army and upon its realization and his acquiring special concessions in South China he will send 20,000 to 30,000 ¥ to the work in the NEI. Preparations are being made to send personnel to make up the shortage. He asked to be advised of the necessary counter-measures.

11,903 If the establishing of the newspaper is impossible, * he thought it necessary to buy and transfer to Batavia another paper. In collecting money for future work he advised that closest contact be kept with the Foreign Affairs Ministry and cooperate with the Consul General. The letter was signed by KANEKO.

11,905 Exhibit 1326-C, a letter from the Southwest Development Company, dated March 15, 1935, stated * that MATSUE was transmitting the reports received from the Naval staff and the Consulate General of Batavia of February 14, 1935, concerning conditions for starting enterprises in Dutch territory. The company would like to apply for permission to do experimental drilling in certain territories. * A thorough study of the NEI mining legislation is necessary and he inclosed a copy of the law. The local authorities may not be well disposed toward the application. The writer, therefore, requested that great secrecy be had in making investigations of this territory of about 1.7 million hectares and in inquiring about procedure for making application. He was asked to submit a definite plan.

11,906

Exhibit 1326-D, letter from the Southwest Development Company to its branch manager, May 20, 1939, stated

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11,907 that after staying three days in Palao the writer was leaving. It is remarkable how at Palao the expansion of all tropical industries :. continued and the establishment of new companies is astounding. He was greatly impressed by the things learned from the leading personalities. He believed this to be nothing else than the realization of Japan's trend toward filling her needs for various resources from the south through Japanese * instead of by importation. It is not possible to have all Japanese requirements satisfied from the Mandated territories. The next important problem has to be met by the expansion of Japan in Great New Guinea and the time is rapidly and silently approaching when the company should be taking an active part.

11,908

For the sake of the company's new advance to the Spratley Islands, the Chief of the General Affairs Section of the Palao Office will go to these islands on the 27th. On Hainan Island all forms of enterprise are flourishing and the company's research party is engaged in work.

11,909

The aerial route between Tokyo and Palao has been completely opened and passengers are conveyed to Tokyo in two days. There is one plane per week. Four motor hydro planes are used and in order to perfect this air line they are piloted by naval officers on the active list. * Naval Attache OKUMA, who has been very helpful in the New Guinea Enterprise Department has been promoted to the Navy Ministry and h's successor has arrived.

A large quay is being constructed on the Island of Marakaru, which will accommodate two vessels of 6,000 tons. The work is being executed by the NampoSangyo K.K. and ground has been brcken for constructing two 10,000 ton oil tanks. It is gratifying that such large installations which as sine qua non imply the expansion of New Guinea.

11,910

With respect to increase in personnel for New Guinea he had been informed by CKUMA that permission had been given for 10 persons. This is rather futile but ten are equivalent to the 10,000, because they represent matchless warriors. He hopes with the motto 'Health * First' in mind, that the best will be done for the exploitation of New Guinea.

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11,911 Exhibit 1326-E, letter to HAYASHI, President of the Japan South Seas Association, Batavia, from CHUANG at British Penang. The letter is addressed to President TSUKIHARA and states * that he felt ashamed at having been engaged by the Overseas Intelligence Bureau to do so little. With the situation in Europe becoming tense the Bureau has redoubled its energy toward realizing its great plan for the domination of East Asia. He was happy to be a member. It has become impossible to fully describe their delight on seeing the blue-eyed people * who have oppressed the Asiatics in the past having to hang their heads beneath the knees of the Japanese.

11,912

In accordance with instructions to intensify his activities he had contacted his comrades in Siam and five have already entered in disguise. It is their duty to obtain confederates to commit sabotage, to incite the natives to hostility and to spread alarming rumors. He had followed his instructions. Each agent worked separately. TSUKIHARA had stated that a high official would come to the south and give secret instructions. This has now happened since HAYASHI, an important diplomat and head of the Intelligence, arrived at Batavia on the 23rd. It is clear that the work will increase in seriousness and more and more definite instructions will be received.

11,913 He has heard that Britain has no more military strength to fight * and before long will suffer national ruin and a doomed race. To cover their shame, the local authorities have expressly stationed mixed troops of feeble soldiers at important and strategic points. This crazy small nation has the idea that the stationing of troops would inspire confidence among the people, ignorant of the fact that they look even more ridiculous. All the mixed troops entertain a grudge and few are willing to sacrifice their lives for the regime. If he should incite them, the volunteers would find it impossible to fulfill their duties.

11,914 In accordance with orders they had decided to use large amounts in the near future to corrupt the soldiers and people and to organize a Fifth Column to be ready when the fighting begins. It will be impossible, however, to obtain satisfactory * results unless personnel, labor and material are supplied in large numbers and volumes and distributed.

who could command large numbers of followers among the

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11,915 He has received his salary and campaigning expenses. As to results, they have improved and effective propaganda, together with the war situation, has convinced the soldiers and people that England will soon collapse and another powerful nation must be obtained to guarantee their security. They all desire to render little services for money, but the chance has not yet come. His comrades have succeeded recently in stealing various important topographic maps as well as data on the distances of military forces. If he desires them, * he would forward them in a way to escape censorship. He intends to move. This letter was dated May 30, 1940.

11,917 Exhibit 1327, telegram from ISHIZAWA to Tokyo, September 2, 1941, stated * that conditioned by the military invasion of FIC, the government of the islands has drastically stepped up anti-Japanese tendencies and assumed an attitude of aid to China. This is evidenced by the unconvincing control over anti-Japanese editorials in the Chinese press, the solicitation of funds for building military airplanes for Chinese and the demands for suspension of publication of the Japanese operated East India Daily News Chinese edition, as well as the Malay magazine. However, there is a small group of Chinese whos anti-Japanese tendencies have improved as a result of government activities. However, when they learned that these Chinese were coming closer to Japan they began to exercise their old tendencies on a greater scale. Japanese having good contacts with Chinese were exiled and Chinese friends arrested for questioning. It has been reported that a statement has been made that they are in danger of their lives.

11,919 The fact that the police strength in the islands has been greatly augmented recently and made it extremely difficult to carry on the schemes against the Chinese. As a consequence nothing can be done directly. He, therefore, would like to have the organs for manipulating public opinion and the development of the schemes remain passive for a little while. For a time being he was concentrating his best efforts in collecting intelligence * dealing with Chinese activities. Until Japan has brought FIC and Thailand within her sphere of influence it would be most favorable to strengthen the schemes with regard to the Chinese. He would, therefore, like to have sent to the islands influential persons in whom Nanking has confidence who could command large numbers of followers among the

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Chinese and who will teach the doctrine that the Chinese and Japanese are one, as well as set up organs to influence Chinese opinion. These men would have no relation with either the Consulate or with Japanese, but would meet only with influential Chinese. He asked that the message be transmitted to Ambassador HONDA in China and other diplomatic officials.

11,921

From Exhibit 909, Japan's decision to fight, the Army, Navy Central Headquarters agreement stated that the object of Imperial Headquarters of the Army and Navy in setting forth clearly the division of duties and command in joint operations was to promote a maximum display of efficiency. This was issued at the end of October. The high ranking officer for * Sumatra, Borneo, Malaya, Celebes, and the Philippines, including FIC and Thailand is to be Marshal TERAUCHI. His command will be called the Southern Army and will be stationed at Saigon. There was a plan for effecting large Army convoys together with all details. There were agreements of aerial warfare naming the places to be attacked by both Army and Navy and places of independent attack. There are also supply and communication plans and agreements on occupied territories, cities and resources.

11,923

Exhibit 1328, major items to be re-examined concerning essentials for the prosecution of national policy, a list of questions drawn up for the liaison conference at the end of October 1941, stated * that the questions to be considered are: what is the future outlook of the European war from a strategic point in regard to the U.S., England and Holland in the initial stage and when carried on for several years? * In this case what military measures with the U.S. and England, availing themselves of the unoccupied areas in China be? If Japan initiates war in the south in the fall, what will be the relative phenomena in the north? What are the estimates of shipping to be commandeered by the government and also their wear and tear during the first three years of war? What are the estimates of transportation capacity of vessels available for civilian purposes and on the supply and demand of major commodity items? What will be the scale of the government's war budget and the sustaining power in finance and credit in the event of war? * What degree of collaboration can they get from Germany and Italy in connection with war against the U.S., England and Holland? Is it possible to restrict

11,924

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11,926 the enemy to the Netherlands or to Britain and the Netherlands? If the war is to begin in March of the next year, what are to be the advantages and disadvantages in foreign relations, the outlook on the supply and demand of important resources, the strategic view, when should the war be commenced? * What advantages can be gained by maintaining the present status by giving up the war plan and increasing the production of synthetic oil? Will it be possible to obtain Japan's minimum demand of September 6 by continuing negotiations with the U.S.? To what extent should Japan modify her minimum demand to arrive at a compromise and can she accept it? Assuming Japan accepts the U.S. memorandum of October 2, what chance will Japan have internationally especially toward China as compared with that of pre-China incident? How will the opening of war against the U.S. and others affect Chungking?

11,928 Exhibit 1329, the answer to the aforesaid questions, stated * that in case of outbreak of war against Britain, U.S. and Holland it is impossible to expect a great deal from Germany and Italy. If the war breaks out in the autumn, Germany has given the impression that she would attack the U.S. In view of the obligations of the Tripartite Pact Japan can't expect Germany and Italy to declare war depending on Japan's attitude. But * this would mean that they would only take further steps in their present relations. Their attack on vessels and warships in the Atlantic would be intensified and they would play an important role by diverting U.S. in their landing operations on Britain, thus helping indirectly. It is difficult to expect all this from Germany, which needs a preparatory period for next operations after pausing in attacking Russia. Since the contact with Germany has been cut off it is impossible to expect material and economic assistance from Germany. As for advance to the NEI Germany has thought of pressing the Dutch to bring pressure on the NEI, but they doubted its effect because of the large number of German prisoners in the NEI.

11,930 In the event the war broke out in the spring Germany is hinting on carrying out a landing operation on the French coast but there is no way of knowing that * the operations will be carried out. This attack will indirectly help Japan to fight U.S. and Britain, but no more direct assistance can be expected except the operations

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11,931

of the Japanese and German forces which will indirectly benefit each other since the hope of contact through Siberia will be difficult. It is dangerous to rely upon this since they do not know whether the landing operation on Britain will take place. In either event the greatest help they can expect from Germany and Italy will be the advance of Germany and Italy to the Near East, Central Asia and India. Since Japan's advance must be carried out in accordance with them a full arrangement is required beforehand. In the event the war breaks out later than next spring Germany's attack upon Britain will be much more intensified. It may, therefore, be more advantageous for Germany to fight America, but they must take into consideration the possibility of peace between Germany and Britain. * They did not feel that there was any possibility of restricting the enemy to the Netherlands or to Britain and the Netherlands. As to the attitude to be taken by Britain and the U.S. in the event Japan advances by force to the south, they had not yet heard of any military alliance nor any settlement for cooperation between the U.S., Britain and the Netherlands, but there is no doubt they have a mutual understanding on joint defense in that event. The attitude of the U.S. and Britain will be affected by the time and manner of Japan's military advances to the south, the international situation and their own internal situation. They must take into consideration all probable cases, but in any event they cannot restrict their opponents to the Netherlands and they also must be ready for Russia's entering the war.

11,932

* When Japan advances to the NEI they must expect that Britain, first of all carry out a diplomatic campaign, but she will probably make up her mind to take up arms for self-defense. Whether she does this immediately or not depends on the situation. They are considerably sure of this view. Britain may, at once, ask for U.S. assistance even if the U.S. does not participate immediately, she will, of course, hasten to strengthen her preparations. She will probably take diversionary measures by closing consulates, recalling ambassadors, severing diplomatic relations, * and demonstrations by her navy and air forces.

11,933

It is dangerous to believe that the U.S. would take gradual steps. They can only expect that she will take more prompt steps in case Japan advances to the south

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11,934

compared with Germany's case. The U.S. would be unable to overlook Japan's southward advance as 'another's business' because she considers the Southwest Pacific as a zone over which she has power of utterance. Some of the materials in the area are necessary to America. She would be afraid she would lose her right of utterance. She fears occupation of the Philippines and American public opinion would be more excited than in the case of the European war. Considering the advantages and disadvantages in the event the war breaks out in March of the next year * the advantages are that the Soviet forces may suffer a crushing blow and be very busy with reconstruction and, consequently, there might be a considerable transfer of Soviet strength from the Far East. The threat and burden in the north will be less than at present.

11,935

There also may be some slight chance of taking diplomatic measures so as to mediate Russo-German peace. Since the German winter operations are expected to be directed toward Africa, the Near East and Central Asia, Britain must defend them. Her European theater will be very busy and her position in East Asia will be weakened. Germany's diversionary role will be more effective. Even if the U.S. does not participate in war, her preparations will be further advanced and internally she will be troubled by difficult * problems of domestic administration and finance. Militarily she may have to divide her strength in the Pacific and diplomatically she may have to soften her attitude toward Japan. In addition Japan will get time to improve and strengthen her diplomatic position in Thailand and FIC.

The disadvantages are that the economic difficulties will increase by March of the next year and militarily it is dangerous to give the opponents time to prepare.

11,936

The Court's attention was called to Exhibit 818, decision of the Imperial Conference of November 5, 1941, which stated * that in order to conceal Japan's intentions it would open a series of diplomatic negotiations with the NEI in the form of continuing the previous ones with the chief object of obtaining commodities needed.

11,937

Exhibit 1169 and Exhibit 1176, the decisions of the Imperial Conference of November 5, 1941 and plans for executing the war, stated that * Japan will make part of

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the NEI independent and retain other parts in the Empire.

Exhibit 1252 provided for naval operations against the NEI starting December 8, 1941.

Exhibit 877, dated November 20, 1941, a liaison conference decision provided for military administration in the southern areas to be occupied.

11,938

Exhibit 1330, a telegram from the Japanese Consul General in Batavia to Japanese Consuls in the NEI, November 29, 1941, stated * as of December 1 the consuls were to investigate and telegraph the nationality, name, port of arrival or departure, date of arrival or departure, port of destination of foreign merchant men or warships operating in the Pacific, the Indian Ocean and the South China Sea zones.

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11,941

* Exhibit 588, the Imperial Conference of December 1, 1941, was corrected to read that Japan's negotiations with the U.S. regarding the execution of national policy * adopted on November 5 have finally failed. She will open hostilities against the U.S., Britain and Netherlands.

11,942

The Tribunal's attention was called to Exhibit 1214, an intercepted telegram from Tokyo to Hsinking, December 1, 1941, stating that while Manchukuo will not participate in the war, Britain, U.S. and Netherlands will be regarded as de facto enemies.

The Court's attention was called to Exhibit 1241, the minutes of the Privy Council on the declaration of war in which TOJO stated that the question of whether or not war would be declared on the Netherlands will be omitted in view of the future strategic convenience.

11,943

The Court took judicial notice that on December 8, 1941, the Netherlands Government * declared war to exist between the Netherlands and Japan.

11,944

Exhibit 1331, regulations of the sixth committee, approved by the Prime Minister, December 2, 1941, as amended January 23, 1942, provided * that the committee should be established in the Cabinet to discuss and draft matters of economic plans and control centering around the acquisition and development of resources in the southern areas. It shall consist of a Chairman and five committeemen and the president of the Planning Board * is to be the chairman. Committeemen and temporary committeemen are to be appointed by the Premier from among the higher officials of the Planning Board and other offices. The Chairman is to preside.

11,945

11,946

The Committee is to have a Chief Secretary and secretaries and the Chief Secretary is to be the Vice-President of the Planning Board, who shall manage the business under the direction of the Chairman. The general affairs of the committee are to be handled by the Planning Board. The establishment of the Committee and its dealings * are to be kept secret.

At the Cabinet conference of November 28, 1941 it was decided that the Sixth Committee organized from the Planning Board, Foreign, Finance, War and Navy Ministries

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is to be established to discuss and draft matters on economic plans and control for the South Seas and its general affairs are to be handled by the Planning Board.

11,947

The Fifth Committee is to be abolished. The reason for this change is that while economic problems of the southern areas have been handled by the Fifth Committee it has become necessary to carry out economic plans * and control centering around the acquisition and development of resources for the southern areas through a controlled activation of all national power under a united policy, thus contributing toward establishing a powerful national defense state. They have, therefore, decided to set up in the Cabinet a committee to handle this.

11,949

Exhibit 1332, the first report of the Sixth Committee, dated December 12, 1941, entitled "Outline of the Economic Counter-Plans for the Southern Area," stated that the principal aim of the policy is to fill the demand for important national resources and thereby contribute to the execution of the present war. * and at the same time to establish a system of autarchy for the Co-Prosperity Sphere and find means of strengthening Japan's economy.

11,950

The areas of the counter-plan shall be Area A, including NEI, Malaya, Borneo and the Philippines and Area B, including FIC and Thailand. As to Area A, there is to be a first counter-plan and a second counter-plan. In the first counter-plan emphasis is to be laid on acquiring natural resources, particularly for securing the necessary resources for carrying out the war. Every measure is to be adopted to prevent the flow of special resources to enemy countries. In acquiring resources emphasis is to be laid so that existing enterprises will cooperate * and efforts shall be made to lighten to the minimum the bur e on Japan's economy.

In regard to the second counter-plan the completion of the Co-Prosperity Sphere and its autarchy system was to be an objective.

With respect to Area B, steps will be taken to produce effective measures based on pre-arranged policy and with the utilization of Japan's prestige and coercive power, which will be increased as a result of developments in Area A, measures shall be used to realize the demands

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11,951 for important resources, especially food. Should the situation change suddenly, another policy shall be decided. With respect to Area A, all acquired or exploited materials shall be included in the material * mobilization plan and at the beginning of the operation all existing important materials shall be collected and distributed in accordance with the decisions of the Army and Navy. The order of exploitation will be decided by central authorities after considering the war situation and the degrees of necessity. Estimates for acquisition for the fiscal years of 1942 and 1944 are indicated. Personnel funds for developing local petroleum and other minerals are to be allotted to the Army and Navy.

11,952 * Deficient resources of each district shall be supplied so that self-sufficiency will be planned for necessities of life. There will be mutual interchange of products as soon as possible and Japan will be relied upon only for such materials as cannot be found. Mutual interchange of production shall be made in accordance with negotiations between the Army and Navy in the area and at home under government regulations. The development of resources shall concentrate on petroleum with priority on funds, materials, etc. At the outset the petroleum industry will be managed by the armed forces, but when conditions permit it should be transferred to private enterprise. Considering the acquisition and transportation, appropriate areas * shall be developed and the efforts shall be directed toward acquiring oil suitable for aviation gasoline.

11,953

The needed facilities for local refining shall be restored in proportion to existing facilities and with reference to Japanese and Manchurian capacity.

In the mining industry the exploitation shall be concentrated on key points with the principal aim of exploiting the maximum quantity by a minimum number of efficient enterprises. Current operating facilities shall be restored as soon as possible and a step shall be taken to promote exploitation in new areas such as nickel, ore, copper ore, bauxite, chromium, manganese, mica, phosphate rock and non-ferrous metal. Tin ore and iron ore are to be temporarily suspended.

The selection of entrepreneurs to exploit important resources * shall, in principle, be in accord with the idea

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that the exploitation in one place is to be left solely to one entrepreneur; that he must possess excellent and sound ability and experience in the industry and the area and elsewhere and he must possess the ability necessary to exploit resources. Throughout the southern area the variety of resources shall be divided and shared by two or more entrepreneurs so as to avoid a one firm monopoly. Special resources, however, are not restricted by this. Agriculture, forestry and marine enterprises shall be checked for the present except in urgently necessary cases. Each region should try to attain self-sufficiency in its food.

11,955

Manufacturing industries * shall not be set up as a rule except special ones like shipbuilding and repair shops. This rule is not applicable to industries having equipment in the area and which can contribute to reducing the shipping load.

They should try to make the best use of the local currency. At first they will use military currency expressed in terms of the local currency of the area to circulate on a par with local currency by compulsion. At home and in the area a structure should be considered for managing military currency. Any expenses required for acquiring and developing resources in the area are to be drawn from the war budget. Japan should try to control the local system of currency issue as far as possible and to advance towards unification of both. Already issued military currency should be withdrawn and in exchange for local currency.

11,956

The liquidation of military currency shall be carried out by borrowing money and floating loans through note issuing banks, confiscate enemy property and ordering the local government or public corporations to bear a share of the national defense. Measures to raise funds for developing natural resources shall be decided later. Exchange control is to be completely organized to control movement of funds.

11,957

Freight space for transportation to and from the south is to be allotted monthly by the army and navy and * is to be used for transporting natural resources. Ships of more than 500 tons are to be transferred to the central authorities but those under 500 tons are to be used in the

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11,958

area under central direction. The order and quantity of shipping of resources are to be decided according to importance. Natural resources expected to be useful in economic warfare with Britain and the U.S. such as rubber, tin, petroleum, quinine, tungsten, Manila hemp, copra, and palm oil and local goods for the self-sufficiency of the armed forces are to be decided by the needs of the operations and are expected to contain * provisions and forage, fuel and some clothing and building material. Important materials such as petroleum should be used most sparingly and within the allotted limits.

In case a manufacturing industry is needed it should be limited to the use of existing equipment under military management.

With respect to the Second Counter Plan it should aim at the completion of the autarchy system and the Co-Prosperity Sphere, aid the economic development of the Japanese in the southern area on a nationally planned basis and promote economic exchange within the sphere. The details to be decided later.

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With respect to Area B the plan should be based on the policies determined by the Fifth Committee. They * may be revised later.

Marine transportation regulations shall conform to those of Area A.

11,961

Exhibit 1333-A, summarized plan for management of the southern area, dated December 14, 1941 stated * the purpose of the plan is to guarantee the security of Japan and establish the organization necessary for constructing the Co-Prosperity Sphere in which Japan is the leader. The basic policies of the plan are the acquisition and utilization of military bases and the right to station troops, securing the demands for acquiring resources for national defense and tightening economic cooperation in the Sphere and severing the political shackles of Europe and the U.S. in the South Seas and at the same time respecting * the desire of the people for emancipation and independence. The procedure such as incorporation of any region into Japan or the establishment of a protectorate must be carried out when it is considered proper from the standpoint of national defense, the stupidity of the natives and other conditions.

11,962

Page

The Philippines are to become independent quickly and are to promise to offer the use of military bases and other cooperation to Japan. They will make an agreement of the close diplomatic collaboration with the Empire.

11,963

The NEI are to be independent as 'The Indonesian Federation,' having promised the establishment of military bases * and cooperation with Japan on other points. In diplomatic policies they must promise to act hand in hand with Japan and Japan shall participate in their military diplomacy. They are to promise close economic collaboration in developing and utilizing natural resources.

11,964

Java, Sumatra, and the Celebes together with their adjoining islands are to be made states capable of setting up a self-government and made into a federation. Dutch Borneo, Dutch New Guinea and Timor presently are incapable of self-government and are to be made dominions of the federation, but their control is to be directed to Japan. Riouw and Lingga Islands and Anambas and Natuna Islands, because of military and transportation needs, are to be organized as Japanese territory * under a Governor-General at Singapore. Singapore and the other Strait settlements are to be organized as Japanese territory and a Japanese Governor-General at Singapore shall administrate them. The Liabuan Island is to be organized as part of Borneo under the direct control of Japan.

11,965

With respect to the federated and non-federated states in Malaya, all of the states are to be made protectorates of Japan and organized as kingdoms. A new federation consisting of the former federated and non-federated states is to be set up. Japan's right of protectorate over the federation as well as its members by a treaty of protection are to be established. It will be directed and controlled by the Japanese Governor-General in Singapore.

* The Kingdom of Brunei is not to be included in the Malaya federation, but is to be a separate Japanese protectorate. Such areas which are regions lost by Thailand are to be considered separately. British North Borneo and Sarawak are to be organized as Japanese territory and governed from Singapore. Brunei is to be a kingdom under Japan with the latter having the right to protect by a treaty of protection under the direct control of the Governor-

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11,966 General in Singapore. The reversion of Hongkong is to be decided contingent on the settlement of the China Incident. * Areas not mentioned are to be considered separately when the occasion arises.

11,969 Exhibit 1334, the fundamental principles of the remedial measures to the southern regions to be occupied as a result of the Great East Asia war, stated * when Japan completely occupies the southern regions belonging to the U.S., Britain and the Netherlands, Japan will be in a position to decide * on matters concerning sovereignty, politics, culture and economy according to her own desire. Since the Imperial Declaration of War states that Japan aspires to expel anglo-U.S. domination in the Orient in order to insure Japan's existence and also to establish the Greater Asiatic Co-Prosperity Sphere in order to secure the stability of East Asia so that it may contribute to the peace of the world. The remedial measures on these regions should be conducted in accordance with the purport of the rescript.

11,970 When Japan occupies the southern regions the influences of the U.S., Britain and the Netherlands shall be expelled. There shall be established special agents in charge of matters of politics, culture and economy so that a all-around plan may be set up to establish the Co-Prosperity Sphere.

11,971 * To insure Japan's existence and a high degree of national defense be built up, the development of natural resources by the inhabitants under Japan's leadership is to be obtained. This is a vital necessity for promoting the well-being of the people in the region by considering the relation of demand and supply. Plans must be quickly made both for industrial reorganization of the whole sphere and a counter-plan for a cut in production of natural resources considered to be over-produced, considering, however, always, the living conditions of the inhabitants and industrial economies of many years.

11,972 After peace and order are secured all regions, except those to be military operational bases specially under Japan's control, are to be so liberated as to have the natives restore their independence * in accordance with ability of the natives in the area. The areas to be independent shall be monarchies according to various situations and in case of necessity these may be coalitions.

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Although self-government internally will be gradually granted to each country which has achieved its independence, Japan shall exercise control through a special organization so far as defense and foreign affairs are concerned. With respect to regions to be made into independent states they are to be all Dutch possessions, British Borneo, Labuan Island, Sarawak, Brunei Cocos Island, Christmas Island, Andaman Islands, Nicobar Islands and Portuguese Timor.

11,975

Exhibit 1335, maneuvers for the first period of total war, data of the Total War Research Institute, dated February 18, 1942, stated * the necessary remote areas must be speedily secured to establish a long term endurance attitude; by practical application of the alliance the war will be carried out. Preparations for war with Russia will be completed and a new China promoted. If unavoidable, Japan will wage war against Russia. Japan's chief object in pursuing the war to an end lies in the existence and development of its national power and special care is to be taken to grasp the right time. When the war is ended Japan must try to firmly establish the Co-Prosperity Sphere. It will be a minimum requirement to prevent another war with China and Japan will equip herself for the defense of her national independence in that direction.

11,976

* In carrying out a long period war strategic points in the defense circle will be occupied and while prosecuting the war the powers of self-sufficiency will be strengthened and secured. England will be the main object and to maintain Japan's position she will give special effort to destroying the U.S. and English fleet. She will strengthen the prohibition of intercourse between territories under her power and the U.S. or England, and will destroy the transportation on the west coast of the U.S. as much as possible.

11,977

Japan will take extra precautions in particular against the egress of national defense materials from East Asia. The attitude toward China will be to secure the occupied territories according to previous policy and provide for the development of necessary materials. These will be promoted so as to move toward establishing a new China and in the meantime Japan will try to destroy Chungking * by exhausting their armed forces and economy.

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11,978

Japan will try to utilize materials which can be procured in the war zone and will complete her military powers so as to overthrow the U.S. and British attacks which will follow the lapse of time, especially any change in Europe. Good results are to be expected from the Axis domination in the Mediterranean, the counter-blockade on England and the destruction of east coast transportation of the U.S. An attempt will be made to establish contact with Germany and Italy in the Indian Ocean. In case Germany actually lands in England Japan will take the resulting shock into account and strengthen her power in East Asia. It will be the general policy to avoid war with Russia at present, however, preparations must be made to the utmost * for any change in the situation.

If the unavoidable happens, such as joint operations by the U.S. and Russia, Japan will immediately seize the opportunity to resort to military methods against Russia. If Chungking proposes peace, Japan will accept it according to her policy and if possible, she would like to advance and cooperate with India.

She will comply by request in the armistice between Germany and Russia and may propose it herself. This will establish security on the Manchurian-Russian border and Japan desires the advance and cooperation of Russia in India and Iran.

11,979

The cessation of hostilities between Japan and the U.S. and England will be settled at the same time as that between Germany and England and the U.S. When hostilities cease in Europe, hostilities will be suspended * in the Far East. Japan will try to settle the China matter by herself apart from other problems. Japan must watch against Europe and the U.S. concluding a previous truce at the sacrifice of East Asia and must prepare a special way of dealing with things if the worst come to worst.

11,980

* The chief object of territories occupied is to secure the conditions necessary for accomplishing the war. The territories will be decided upon in accordance with progress and on consideration of the best way to solidify the foundation for establishing a small Co-Prosperty Sphere. Japan must secure strategically vital

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11,981 areas which would assist offensively and capture strong points which would be a stronghold for enemy counter-attacks. She must secure territories which produce materials necessary for self-sufficiency in order to complete the war. Japan must control the areas necessary to blockade the enemy in essential materials and to intercept their commerce and communications. * Every care must be taken to procure essential materials in the south and to control and smash the enemy's military and economic counter-attacks. Japan must enforce her counter-blockade of Chungking, the U.S. and Britain on strategic and urgent materials. In China she must overthrow the Chungking regime and develop a new China by securing a nucleus group to insure procurement of materials.

In the north she must do her best to secure a basic sphere of national defense and maintain her superiority strategically. She must insure that all is well with procuring strategic materials.

11,982

* The main point of conditions to be secured at the end of hostilities is to approach the concrete ideal of the Co-Prosperity Sphere. The extent to which it can be realized depends Japan's national power at the time, especially to the extent she has secured the spoils of her victory which will differ according to the length of the war and the general aspect of the situation, the position of allied countries and extent of exhaustion of the enemy countries. Any definite prognostication is difficult and the situation should be met by avoidance of inordinate ambitions. However, there shall be three basic principles: (1) When the war is soon over the enemy countries left with a margin of strength * Japan's maxim will be the securing of her existence and self-sufficiency on the direction of establishing the sphere. She will take as her standard for China the previous policy with some scope for mitigation. In the south she will secure a number of the most important military bases and will establish a preferential hold on essential materials. (2) When the war is brought to an end by a single enemy defeat the maxim will be the establishment of a basis for the building of the Co-Prosperity Sphere. Japan will take as her standard for China the policy as previously arranged. In the south she will secure necessary military bases. The Philippines will enjoy independence under Japan's protection and guidance and British Malaya and North * Borneo will be under Japan. A special economic

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zone in the NEI will be established and a preferential hold on materials will be secured from FIC, all contributing to founding a small scale self-sufficiency sphere.

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In the north measures will be taken to sever East Siberia from Russia. (3) When the war is terminated by an enemy surrender with Japan still left with a margin of strength, Japan will plan the establishment of the smaller Co-Prosperity Sphere at a single stroke. The standard for China will be the same. In the south Japan will secure in toto all military bases in the smaller Sphere. The Philippines and Burma will be independent as before. In the NEI and FIC self-government will be realized and special zones needed for military and economic purposes will be established there. British Malaya and North Borneo will be annexed to Japan. * For Australia and India there will be the necessary economic union. In the north Japan will complete the disposal of East Siberia.

11,986

With respect to the establishment of operational areas in the southern region the aims of the policy of military establishment are to secure and control strategic strong points and to insure that everything tends in the direction of establishing East Asia. These aims are to be realized in preference to other policies for the . . . Provisions necessary for operations and activities to be first completed * and after that construction work for maintenance of public order in the district, transportation and communications. The administration will be established during the period of operative activities to control or defend construction work. The Army and Navy will bear partial responsibility for establishment according to operational demands, the characteristics of the area and other factors.

11,987

The administration must grasp the principle of local administration and trivial interventions shall be avoided. They shall try to make use of existing machinery. Public peace and order in occupied territories will be secured as far as possible by ordinary police and native army with the assistance of the Japanese. * The time for change from military to ordinary administration will be generally at the end of the war, after considering the actual situation. There may be cases where ordinary administration is introduced before the end of the war or the

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military administration continued even after the war. The most important object of political construction in the south is to comply with the demands of the present war in consideration of establishment of the Great Co-Prosperity Sphere. While Japan must counter the tendency in the south to rely on the U.S. and Britain and guide them to believe in Japan, she must lay stress on facilitating the procurement and delivery of necessary military materials for operations. The form of administration will be military during the war. * The military commanding officer or governor-general will be appointed with a number of able civilians and officers under him. From the first the most able military officers and others must be chosen and the administration will utilize the present administrative system as far as possible. As to natives it is better not to force assimilative measures even in areas to be later annexed, but to adopt policies agreeable to the natural abilities of the races. It will be the policy to exercise strict control over the natives who have previously shown hostile feelings toward Japan and then gradually slacken. European and American nationals will be treated as natives. The Chinese * will be treated in the same way. Strict supervision of those who have previously shown hostility will be exercised, but the others will be treated justly with no special oppressive measures. Steps will be taken to make them cooperate in accomplishing the present war and assist in settling the present China war. The rule will be to control the southward advance of ordinary Chinese during the war.

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The southward advance of Japan will aim at fulfilling wartime demands militarily and economically and as a rule it will be restricted to essential personnel. In agriculture the Japanese will be limited to technical instructors. The return of Japanese who have lived in the south will be permitted on a preferential basis only to those eligible as occupation members, but they must be selected and trained. Adequate selection and training must be given to military men discharged * overseas and officials who retire abroad. Such officials and civilians must not feel that they are superior to different races or treat them with contempt, but they must be careful not to spoil the natives.

In the Philippines military administration will be enforced for the present and a central political organ

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11,991

will be established under the governor-general which the Philippines will gradually run themselves. Independence will be accelerated quickly without waiting for the end of the war since it would serve to instigate the desire for independence among other natives and it will be a good example for establishing the sphere. They will have to cooperate positively in the war against Britain and the U.S. and Japan will maintain rights to station armies and to use military bases even * after the war.

In Malaya and British Borneo there will be a governor-general with Singapore and Penang under him directly. He will be in direct control of the native rulers and dispatch controllers to direct them. The administration of areas smaller than provinces will be carried on as far as possible on the line of existing machinery, though efforts must be made to obliterate British influence by taking measures to reform the British way of ruling. Japan will respect the native rulers' political measures and help to raise the Malayan standards. For economic reforms Japan will carry out a number of measures giving consideration to maintaining peace and order.

11,992

In NEI military administration will be established under the governor-general and existing administrative organs used for minor or local administration. * Some Dutch officials and Indonesians will be employed indifferently. The most important object there will be to fulfill Japan's economic demands necessary to carry out obligations since the area will be adjacent to the front and strict military administration will be established. Measures to promote the position of the Indonesians and to raise their standard must be adopted, to make them gradually change their attitude toward the Dutch and give them the hope that after the termination of the war they will enjoy independence.

Strict military administration will be established in Burma, however, the existence of an administrative organ will be recognized, which under Japan's influence will become the nucleus of an independent government.

Indians in Burman must be handled discreetly.

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11,993

* With respect to economics, construction policy during the period is to restore and develop production of national resources and make the area a source of supply for heavy industry materials needed for the war. Special stress is to be laid on petroleum, iron ores, bauxite, copper and other non-iron metals. The production of iron ores is the basis, but a certain amount of reserve manufacturing equipment and a large amount of equipment for refining petroleum will be constructed and restored.

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For the first two years the aim will be complete restoration of war damages after which necessary increase will be attained. * To procure necessary materials rapidly, areas of less damage will be selected. Greater importance is attached to NEI, Malaya and the Philippines in the real construction because of materials. For the method of construction a national organization will be set up to include the southern regions to unify and regulate the construction. Under this body certain responsible persons will be selected to undertake to increase production. The production of surplus materials will be reduced to the amount necessary for Japan's demands and construction power will be directed toward the more urgent demands to avoid confusion in the economy of the area and to maintain a powerful weapon in the armory of economic warfare a certain amount of production * may be maintained insofar as it is not a heavy burden on materials and labor.

11,995

Work in the ideas and culture in the southern races must be carried out on the lines of general policy and in consideration that these races have been newly attached to Japan. Their standards are low and their racial characteristics are mild and have no anti-Japanese feeling.

Since the knowledge of Japan by the southern races is insufficient every method and occasion must be used to propagate the true Japan and to introduce Japan through publications and information organizations. Lectures, exhibitions, moving pictures and musical concerts will be given and all public methods adopted. Japan must comply with the characteristics of each race when carrying out propaganda and the results must be thoroughly investigated and the policy selected so as to accord with the actual situation. * The propaganda system in the south must be extended and strengthened and the main outline

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11,997

of the propaganda and its essential organization must be held by Japan. While the main object of propaganda is to control the intellectual class in each district, special methods among the ignorant will also be adopted. A way must be thought of to utilize the secret Chinese associations. If the situation permits, it will be good to have the intellectual class travel in Japan and introduce them to the real Japan, thus having them discard reliance on Europe and the U.S. The existing methods and policies of education should be re-examined and those based on European and U.S. influence abolished. * Although changes in direction will be made according to general policy there should be no great changes in education during the period and care should be taken to utilize existing institutions.

Japan will assist and direct the spread of national education and the instruction of youth and in order to implant the idea of the Co-Prosperity Sphere, all kinds of texts must be compiled and Japan will supply them with teaching materials.

11,998

Public thoughts should be established through guidance and education of the army and cooperation and guidance should be given to training and re-education of native teachers. Civilian scholars should be sent from Japan to important points and elements of superior ability should be sent abroad * to Japan to study under special instructions specially set up so as to give proper guidance. When they have finished their studies practical use will be made of them under a definite policy.

11,999

Although innocent racial movements in the districts shall be encouraged and guided steps shall be taken to abolish the influence of liberalism and communism. When independence movements are based on narrow-minded racialism it shall be corrected and guided so as to turn into Oriental moralism. A powerful thought movement shall be carried on and strengthened to prosecute the joint war against Britain and the U.S. so as to comply with the expansion of the war results. * Consideration shall be given to gathering leading and intelligent men to form a spiritual organization for the whole of East Asia to promote the common consciousness.

Efforts shall be made to make the people realize the Co-Prosperity idea through actual living by means of

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12,000 concrete and practical measures. This shall be realized by degrees. The main principle shall be to respect the natives' political volition as much as possible and efforts will be made to relieve them of economic sufferings and to adopt political measures as would not dampen their hopes for the future. Consideration should be given for maintaining and extending the natives' right to * participate in the government and the immediate abolition of the bad systems enacted by Britain, U.S. and Holland and by the appointment and use of native officials and leaders.

The traditional spirit of the various races shall be respected and protection shall be given to the ancient sages and patriots.

12,001 The hardships and material living of the natives during this period will be considerably aggravated and it must be expected that for a while there will be no time to consider their sufferings. Economic development necessitates the utmost care and not only must they avoid causing unnecessary economic sufferings, but the material living of the natives requires handling with compassion. Consideration must be given toward adequate measures such * as assisting and educating the natives, releasing farms belonging to British and U.S., amending bad taxes.

Although hostile Chinese residents will be ousted, non-hostile ones will be recognized and it shall be aimed to have them switch over to cooperate in establishing the Co-Prosperity Sphere.

12,002 * Customs and morals peculiar to the natives will not be interfered with unless it obstructs the sphere and the principle will be not to change the tranquility of their private lives. Utmost cooperation shall be given to the rehabilitation works for the natives having suffered war damage. Efforts will be made to build hospitals, traveling clinics * and institutions for tropical disease research and sanitation as well as improvement of medical schools.

12,003

During the period efforts will be stressed for popularization of the Japanese language to make it the common language of East Asia by banning English and Dutch as official languages.

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Measures shall be adopted such as the opening of Japanese language schools in important places, the appointment of Japanese speaking natives and the popularization of Japanese papers and magazines and the teaching of elementary Japanese by radio.

12,004

With respect to the Japanese on the spot they must leave no stone * unturned in showing the Japanese army in its true light. They must carefully pick out officials and enforce official discipline. General crossing-over of Japanese shall not be permitted but shall be restricted to those who become leaders and who shall display strict discipline so as to win the confidence and respect of foreign races.

12,005

Importance shall be attached to the education of Japanese children on the spot and special instruction will be started both in Japan and on the spot for training educators. Special institutions will also be established for selecting and training spiritual and cultural leaders. Talented men, who are qualified to introduce Japan's true form * and to consolidate morally the East Asiatic races will be selected and trained. They must be able to come into close contact with the life of the natives spiritually without using any power or authority as a background. They must become teachers and friends in the reality of their spiritual and cultural living. They must investigate the actual conditions of their districts and are to be selected and appointed from among talented religionists, artists, educators, scientists, technicians, economists and social workers.

12,006

Efforts will be made toward preventing any Red propaganda by the Soviet and the * be strict control over Communism. While it shall be made the principle to convert anti-Japanese movements * by positive education, obstinate and malicious ones shall be crushed. Strict limitations will be imposed on listening in to broadcasts, newspapers and publications shall be subjected to strict censorship. Missionary work of hostile English and Americans shall be prohibited. Japanese missionaries will be sent. Literary works implying the adoration of Europe and America obstructive to establishing the Sphere shall be banned and a clean sweep made of those persons having no intention of abandoning their European and American feelings.

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- 12009 Exhibit No. 1336, draft of basic plan for establishment of Greater East Asia Co-Prosperity Sphere by the Total War Research Institute, January 27, 1942, stated that the states, citizens and resources belonging to the Pacific Central Asia and the Indian Ocean are to be established as an autonomous zone on behalf of the peoples of east Asia. The area includes Japan, Manchuria, North China, Lower Yangtze River, and the Russian Maritime Province. * Japan has the duty as the leader of this union.
- 12011

This presupposes the emancipation or independence of Eastern Siberia, China, FIC, the South Seas, Australia, and India. In the union Japan is both the stabilizing power and the leading influence, and the first necessity is the consolidation of the inner belt of East Asia. The Sphere is to be divided into the Inner Sphere, that vital for Japan, and includes Japan, Manchuria, North China, the Lower Yangtze, and the Russian Maritime area. The Smaller Co-Prosperity Sphere is the smaller self-supplying sphere of East Asia, including the inner sphere plus Eastern Siberia, China, FIC, and the South Seas.

- 12012 The Greater Co-Prosperity Sphere * is the larger self-supplying sphere, and includes the smaller one plus Australia, India, and the Islands in the Pacific. Parallel with the divisions the following spheres of defense for Japan should be set up. The basic sphere covers the inner sphere and is the zone requiring absolute safety. The defense sphere covering the smaller Co-Prosperity Sphere is a zone which must be perfectly defended against invasion from Europe and America. The sphere of influence in general corresponds to the Greater Sphere, and is the zone in which a superior position is to be maintained against attacks from Europe or America. For the present the smaller sphere is to be the zone in which the construction of East Asia and the stabilization of national defense is to be aimed at. Upon its completion
- 12013 there will be a gradual expansion * toward constructing the greater sphere. The construction of the Greater Sphere requires not only complete prosecution of the war, but presupposes another great war in the future. The following two points must be made the primary starting points for political construction.

1. Preparation for war with other spheres of the world; 2, unification and construction of the smaller sphere. With these points in mind, the basic principle for constructing East Asia or of the political dominant influence of European and American countries in the

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12014 smaller sphere shall be driven out and * the desires of the peoples for independence shall be respected and endeavors made to fulfill it, but proper forms of government will be decided for them in consideration of military and economic requirements and of the elements peculiar to each.

12015 * This conception differs from an independence based on the ideals of liberalism and national self-determination. During the course of construction *
12016 military unification is deemed particularly important, and the military zones and points necessary for defense shall be directly or indirectly under Japan. The people of the sphere will obtain their proper position, their minds will be unified, with Japan as the center. The position of the sphere will be strengthened by mutual supply of needs.

The ideal political forms twenty years hence for the areas when organized on the principles mentioned, and are then set out. These are ultimate forms, and the time and means of realization will vary. Military affairs within the sphere will be handled by Japan, in view of necessity for defense.

12017 * Singapore, and such of its nearby areas, including the NHI, as are of military importance, are to be made territories of Japan at an appropriate time. In other British regions, sultans or local lords will be allowed, and after unification they shall be a Japanese protectorate without autonomy. The people of the area are too low in living standards and politics to stage a racial movement. It is therefore necessary to bring up the native races in conformity with military and economic requirements.

The NHI, excluding areas to be incorporated into Japan, shall have their independence at a suitable time under an Indonesian federation, under Japan's protection. This protection is necessitated by economic and military considerations.

12018 The area centering around Java has a high standard of culture, * and has carried on an intensive campaign for independence. This is appropriate, culturally and politically. The rest of the land, however, is generally an area of primitive barbarity, especially in C. Inea.

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In view of these circumstances and from the point of military development of the resources, the area even after independence will require considerable protection and interference.

12019 Hawaii Midway, the Australian Mandates, New Guinea, the Eastern Archipelagos, New Caledonia, and the other islands are of great military importance, have no particular races, and will be made a part of Japan. Australia and New Zealand will ultimately become Japanese territory, they being made into areas for immigration of Japanese. As the movement grows, the aim will be to make India * an independent country with the necessary relationship with Japan maintained.

12020 East Asia can be said to be a Co-Prosperity Sphere only when the peoples have realized a firm and solid union. The ties should be strong enough to enable Japan to rise in leadership. This requires the perfection of Japan's defense structure and the strengthening of her national power. The substance of unification * lies in Japan becoming actually the center and in strengthening the direct ties within the sphere. The methods of unification vary according to the differences in the people and with the varying degrees of military importance, as seen from the standpoint of Japan's and East Asia defense. However, there are some principles to be followed. 1, cooperation among Japan, Manchukuo and China shall be strengthened. 2, Manchukuo in the north and Malay in the south, shall be the keypoints, and the relations with Japan shall be inseparably strong.

12021 Ties shall be formed under Japanese guidance for cooperation and guidance, and the offices, if necessary, should be in Japan. An absolutely uniform system of administration shall not be adopted because of the variances of the people. 3. * Military key points shall be secured. 4, Popular dependence upon Japan shall be strengthened. 5, The common ideals of establishing the sphere shall be enforced. 6, Immigration of able-bodied Japanese shall be encouraged. 7, The universal diffusion of Japanese language and the interchange of culture shall be carried out.

12022 Exhibit No. 675-A, an article by HASHIMOTO, entitled "The Greater East Asia Sphere Under Imperial Influence", January 5, 1942, stated that * although full study is necessary, a careful consideration should be given to the various factors in deciding how the countries should be divided and administered.

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There are certain general principles to be followed. Independence should be given to each race in its proper place, and there should be incorporated completely into Japan those areas where the inhabitants have no capacity for independence or the areas are strategically important.

12023 Greater East Asia may be divided adminis-
tratively. * Hainan Island, Hong Kong, Malaya, Sumatra, Borneo, Celebes, Ceylon Island, and the opposite coast of Australia, New Guinea, New Zealand, and other islands in the Pacific and Indian Ocean, should be Japanese territory. Independent countries are to be Manchukuo, China, Burma, including Bengal, FIC, India, Philippines, Afghanistan, Siam, and Java. Territories incorporated into Japan should be administered by governor-generals, and independent states should have Japanese advisers. Military and diplomatic affairs should be under Japanese guidance absolutely, and other matters should be controlled by Japan.

12024 A supreme council for the Greater East Asia Sphere, under Japan's leadership, should be set up * in Tokyo, where there should be a planning board for the sphere to handle business affairs.

The cardinal principle is to separate the ideology of the Co-Prosperity Sphere under Japanese influence; the spirit of labor should be cultivated; and anti-American and British movements should be launched. Culture should be improved and guidance given to develop superior races to prepare for the great future fight between the white and colored races. There should be freedom of religion, but Christianity should be gradually destroyed, while the TENNO teaching should be thoroughly inculcated. The Japanese language should be the common language in the sphere.

12025 Exhibit No. 1337, declaration concerning the opening of hostilities against Netherlands forces, the Board of Information, January 12, 1942, stated * that while Japan had previously declared war on the U. S. and Britain, they had not taken any hostile measures
12026 against Holland, and they desire to avoid *the calamity of war befalling on the natives of NEI. Holland, however, has notified Japan that in view of Japan's war against the U. S. and Britain, they recognize that a state of war exists between Japan and the Netherlands.

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Since then the Holland forces have resorted to various hostile acts towards Japan, and Holland has turned the NEI into bases for the U. S., Britain, and Holland in the war against Japan. Japan has no hostile attitude toward the innocent natives of the NEI, but in view of the need of destroying the hostility of Holland and for protecting the lives and property of Japanese there Japan's army and navy began hostilities against Netherland's forces on January 11.

12028 Exhibit No. 1338-A, a speech by Foreign Minister TOGO in the Diet, January 22, 1942, stated * Japan is now fighting with great determination and advancing the aim of the war. Although the enemies have spread propaganda, it is admitted everywhere that it is unavoidable for Japan to take up arms. The emancipation and prosperity must not be satisfied by the leaders of U. S. and Britain. Japan goes forward convinced that the emancipation and prosperity of East Asia is her task. Japan is justified in this war, and as a result her forces are winning marvelous results.

12029 * This is a war in which Japan downs America and Britain, who have been aggressive and intend to control the world. The nature of the war is to emancipate East Asia and establish a new world order. Accordingly, Manchukuo and China have cooperated with positive zeal, as have FIC and Thailand. Thailand, in particular, is determined to eliminate these influences. On December 21, 1941, she concluded the alliance with Japan. Japan will respect the constructive efforts of Thailand, and actual cooperation has increased. The spirit of cooperation between Japan and the friendly countries is making the carrying out of the war and control of the south easy.

12030 The * Axis connection has become increasingly tight, and close cooperation has taken place militarily and economically, as well as diplomatically. Whatever Britain and U. S. may do to try to separate the Axis from each other, there is no room to allow them to accomplish this. The Axis will stand firm as a rock. The Axis differs from the Allied powers, who have many exiled governments. The Neutrality Pact with the Soviet Union is kept and remains unchanged.

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12031 Japan will keep good relations with neutral countries in South America and Europe as long as possible. If South America is not tempted by the U. S. and does not show an unfriendly attitude towards Japan, their position will be respected. Japan is watching the Rio de Janeiro conference. Japan's true enemy is * U. S. and British ambition to control the world. To do this they make a puppet of a third country and sacrifice her in cold blood.

Japan has never been hostile to the natives of the NEI and never expected them to sink into the depths of misery because of U. S. and Britain. However, U. S., Britain, Holland, and Chungking have made the NEI their strategic base, and the act of hostility of the NEI has become evident. Japan has had to begin fighting against the NEI.

12032 There are still many bigoted people in Chungking who depend on the Allies, but he believed that in the future they will wake up and cooperate in the construction of the new order in East Asia. The aim of the war is to establish the Co-Prosperity Sphere, based on Japan's foundation spirit. * At the same time it decides the destiny of all East Asia, and it is natural that areas necessary for defending East Asia be grasped by Japan, and that areas which have been U. S. and British territories be given their proper standing in accordance with their traditions and culture. This is quite different from a so-called invasive war. The U. S. and British, who desire to call this war invasive, have only proved that they kept to that idea in accordance with their doings. Japan does not expect the fighting of races, and therefore does not admit any necessity for it. She does not fight with a narrow minded, exclusive intention. The Co-Prosperity Sphere does not have an exclusive nature. It is evident that the relation of economy and communication will be strong in the sphere.

12033 In order * to construct the sphere, Japan must have her grand view and conception in regard to its principles. She must show her positive attitude in her various organizations and fully meet the expectations in East Asia. Her duty has become more grave, and Japan must conquer various difficulties with the help of all Japanese.

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12035 Exhibit No. 1338-B, Speech of TOJO in the Diet, January 22, 1942, stated after reciting Japanese victories and the sacrifices of the soldiers, * that the cardinal principal for directing the war is, while expanding by securing strategic points in Greater East Asia and bringing under Japan's control areas containing important resources, to fight out the war until the U. S. and Britain are defeated, by carrying out aggressive operations closely with Germany and Italy. The U. S. and Britain have for a long time prepared to conquer the world. They will * counter-attack obstinately and try to recover, and the war will be long. The true war must be in the future. To carry out the aim of this holy war the people must do their best with the faith of victory in defiance of difficulties.

12036 As Japan pushes her military operations, she is engaged in establishing the East Asia Sphere, which comes truly from the spirit of her foundation. This establishment will be made by cooperation of various races in vast areas. These new areas have been extremely exploited, and the development of their culture has been checked by U. S. and Britain.

12037 * Japan is going to establish an eternal peace in East Asia, and will construct a new world order. This is a great undertaking, and is to lead her military successes to final victory. Japan has in mind to bring under her power those areas absolutely indispensable for the defense of Greater East Asia, and to deal with the others in accordance with their varying traditions and cultures, and the changes of the war.

The army and navy have captured Hong Kong, taken most of the Philippines and Malay, and have occupied strategic points in the NEI. Since Hong Kong and Malay have been British dominions for many years and are trouble bases, Japan will make them strategic points of defense

12038 * The Philippines will be given independence willingly by Japan if they understand her intention and cooperate as members of the sphere. The same applies to Burma. If the NEI and Australia continue to resist they will be crushed. When their inhabitants understand Japan's true intentions and cooperate, Japan will support their development and welfare. Chiang Kai-shek will be crushed to the last. China still has a chance to abandon old relations with U. S. and Britain and to take part in constructing the sphere.

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12039 The peoples of Manchukuo, China, and Thailand have made constant efforts with Japan to establish the Sphere, * and FIC has also cooperated.

12042 The Court's attention was drawn to exhibit 1271, telegram from Ott to Ribuentrop, January 29, 1942, in which Ott, commenting on the two previous speeches, stated * that the speeches might be considered to lay down Japan's basic policy for constructing the Co-Prosperity Sphere under Japanese leadership.

12043 Exhibit No. 1339, sworn statement of Major G. L. Reinderhoff, stated * that he knew about certain war crimes because of his work with the Netherlands Forces Intelligence Service, and he knew about these war crimes from his work from interrogations of certain Javanese.

12044 * With respect to the threatened prospect of murder at Balikpapan and Tarakan in January 1942, while a POW, together with other Dutch officers on board a Japanese staff ship, he was told that the officers were to be transported by motor launch to Balikpapan, and if the destruction of the oil works there should be effected in the event of a Japanese landing, as it had been stated, or if Balikpapan were defended or if the Dutch garrison were to resist the landing, then all POWs and all other Europeans of both sexes at Tarakan would be killed, as well as all soldiers and Europeans of both sexes who might fall to the Japanese at Balikpapan.

12045 This statement is recorded in a Japanese document, signed with seals, with English translations attached. The contents were read by the Chief of Staff, with the aid of an interpreter, in the presence of the * commanding general, plus five other Japanese officers. When the witness left the Dutch motorboat and reached Balikpapan by plane, this document with English translation was handed over to the troop commander and then delivered to General Headquarters at Bandoeng.

12047 Exhibit No. 1340, sworn statement by Colonel C. van den Hoogenband, stated * that on January 20, 1942, an ultimatum from the Japanese commander at Tarakan was handed to him in his capacity of commander of Balikpapan, by Captain Reinderhoff, who had escaped as POWs, in the presence of certain witnesses. The ultimatum was drafted in Japanese, with English translation attached.

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12048 It stated that overwhelming Japanese forces were advancing on Balikpapan, and in view of their superiority the affiant was requested to surrender Balikpapan in its entirety, undestroyed. If he did not comply, * all Europeans would be murdered.

After reading the document, he asked Mr. Colijn whether all Europeans to be murdered would include Europeans already in Japanese hands at Tarakan. Colijn was of the opinion that they would be included, and requested the affiant to accept the ultimatum to alleviate the fate of the Europeans. The reply was drafted in English, and stated that the affiant had received the necessary orders regarding destruction, which had to be carried out. The reply was sent through Naval Lieutenant van Brakel, who handed the letter to the crew of the vessel.

He was informed that no murders took place in Tarakan, but they did occur at Balikpapan on February 20, 1942. The affiant was not present, since on January 24 he had fought his way to the airport of Samarinda II, and on February 8 had been evacuated to Bandoeng.

12049 * Both Colijn and Reinderhoff were officially appointed by the Japanese as bearers of the ultimatum. On the way by boat they hailed a Dutch plane, which picked them up, to which the Japanese had agreed. The affiant handed the ultimatum to Colijn and Reinderhoff, who left by airplane for Java on January 20 with instructions to hand the document to the Commander-in-Chief.

12050 Exhibit No. 1341, sworn statement by J. T. van Amstel, stated that in January 1942 he was serving on a transport, * when at sea near Tarakan they were attacked and shot at by a Japanese plane, which dropped bombs that did not hit them. He was wounded and taken to Balikpapan, and taken to an emergency hospital on January 11.

The Japanese invaded Balikpapan on January 24, 1942. On February 20 a rumor circulated in the hospital through the native male nurses that on February 24 all Europeans were to be slaughtered. On February 23 all white people, in all 8, were taken from the hospital, leaving the witness because of his dark skin. During the night he escaped and mingled with the population dressed as a native. On February 24 the inhabitants of Dam kampong, where he was, were called together by the Japanese and taken to a place on the beach, where they saw the

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- 12051 Europeans standing together. He was fifty meters from them. He recognized Doctor Arps, * and others, including a patient taken from the hospital. He saw three catholic priests, and other officers. A Japanese officer started a conversation with a district officer, which he could not understand, but he saw that the district officer was being beaten. There was a lot of shouting. The Japanese officer who was talking to the district officer drew his sword and cut off both of the district officer's arms and legs. The body was then taken to a coconut tree and stabbed with a bayonet. The same thing happened to a policeman in uniform. * The rest were formed into groups of ten to fifteen, and their hands tied to their backs. The group was driven into the sea until they were in water up to their breasts, when they were shot one after another by the Japanese. They could not float away because of barbed wire entanglements near the beach.
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- 12053 * The entire group of Europeans killed must have numbered from 80 to 100. The natives were forced to look on, and those who wanted to go away were brought back with beatings and violence.

- 12054 Exhibit No. 1342, sworn statement of Lieutenant A. F. P. Hulsewe, the Royal Netherlands Navy Reserve, stated * that on February 22, 1942, he was called up to serve in the Navy, to report at Bandoeng. He reported on February 23 and was attached to a War Office Section under direct * orders of Commander Brouwer. On March 2 he was commissioned a sub-lieutenant. On March 6 he was summoned by his colleague to attach himself to the Governor-General of the NEI, and he reported. On March 7 the Governor-General moved to a villa on the outskirts of Bandoeng, after a bombing attack by the Japanese on the residency. During the early part of the morning of March 8 there were several Japanese planes continuously over Bandoeng. Because of the bombings the Governor-General and his suite were in a large air raid shelter built deep into the hillside, which was connected by telephone. * He then learned that talks had been started between NEI forces holding Bandoeng and the Japanese who had broken through at Lemban. Shortly before ten a. m. the Governor-General was summoned by telephone about these talks. He refused to go, stating that his presence was not needed in talks concerning the surrender of a single locality. A later telephone call stated that if the Governor-General did not report, the town of Bandoeng would be bombed.
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12057 The Governor's party was made to wait in a mess, where they were joined by a number of Japanese officers. * He made a fiery speech on Japan's victory. After considerable time the governor was asked to choose a small number of people to accompany them, since there was not space to accommodate the whole party.

The talks were held in the dining room, with newspaper reporters and moving picture people present. The Governor-General faced Lieutenant-General IMAJUMA. There were at least twenty Japanese officers present.

12058 The affiant had no clear recollection of the exact sequence of questions and answers, or * of their complete contents. This was his first attempt at interpreting, and he found it difficult because IMAJUMA persisted on using a highly statistical draft. A Japanese finally took over as interpreter.

The first question was whether the Governor-General had come to submit the surrender of his forces. The answer was no, since he had come because he had been summoned to talk concerning the surrender of Bandoeng, with the threat that the town would be destroyed by aerial bombing if he did not appear. He was unable, even if willing, to hand in surrender terms since his powers as Governor-General had been cancelled by the government a few days previously.

12059 The Japanese replied that they were not * going to be tricked by a piece of political skull-duggery, and in their eyes he was still the Commander-in-Chief of the NEI forces. The Governor-General maintained that he had been summoned only for the surrender of Bandoeng. The Japanese stated that Bandoeng was only of small importance and is theirs for the taking, and the GOC air forces insisted that the surrender of the town would be useless since air reconnaissance had shown considerable bodies of NEI troops withdrawing into the difficult mountain area.

12060 The upshot was a renewed demand that IMAJUMA made that the Governor-General unconditionally surrender all forces, with a threat that unless compliance was given, Bandoeng would be bombed flat. After some talk the unconditional surrender * was agreed to, with two or three days grace for troops in outlying areas. The public proceedings were verbal, and he did not remember if the Governor-General signed anything.

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12062 Inhibit No. 1343-A, an account of the WBI Operations, as related by a lieutenant-colonel, found in ATIS report, August 11, 1943, stated * that at 4 o'clock they arrived at the airdrome, where headquarters was. There were a number of high ranking Dutch Indies officers and ten civilians, so the writer realized that the Governor-General was there. There was an interview with this Governor-General later. The Governor-General and the Army Commander-in-Chief were questioned by IMAMURA as to what power they possessed.

12063 The Governor-General stated he did not have the prerogative of supreme command, which seemed very strange, since from long ago the military and civilian services were in the hands of the Governor-General, while only the Navy was under the direct control of the Queen. The writer did not know whether it was the evading of responsibility on the arrival of Javeil.

12064 When the Army Commander asked him whether he would surrender unconditionally, the Governor-General calmly shook his head. He asked that the photographers be removed. When asked therefore why he had come, he stated he had been invited. He was planning to discuss the matter with the Java Civil Administration. When the Commander-in-Chief asked him if he would surrender unconditionally and asked him to accept only the surrender of Bandoeng and was told that the Bandoeng area was not a problem; the only problem is whether the Dutch are willing to surrender unconditionally. When the Commander-in-Chief of the Dutch Army stated that they were not an enemy of the Japanese Army, the Governor-General * stared pointedly at the Commander-in-Chief. No matter how many times he was questioned, he only mentioned the armistice of Bandoeng.

IMAMURA finally said that there was no use for further questioning. If there is no surrender, there is no other way but to attack continuously. The Dutch will return to Bandoeng immediately. They would be protected by Japanese up to the sentry line, but when they stepped over the sentry line the Japanese would attack Bandoeng with aircraft. He then gave him ten minutes to make a final decision.

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12068 Exhibit No. 1344, Course of Events Leading up to Decision on Political Control and Reversion on the East Indies in the second World War, stated * prior to the outbreak of the war, various estimates were made by the Supreme Command and the Government on the problem of political control and reversion of the southern occupied areas, including the Dutch Indies. From the outset, the Foreign Ministry had attached importance to the independence of the Dutch Indies.

The Court's attention to the various plans of Japan prior to and immediately after the outbreak of the war for the future of occupied territories, was called by Exhibits 628, 1334, 1333-A, 1336, and 1335.

The decisions of the Japanese with respect to the future of East Indies was shown in Exhibit No. 877.

12071 Exhibit No. 687, the meeting of the Privy Council on the Greater East Asian Ministry, October 9, 1942, was * admitted into evidence. It showed that there were present MINAMI, TOJO, HOSHINO, and SUZUKI. TOJO made a report and explanation of the draft of the bill. When a member of the council questioned whether the new Ministry would not excite suspicion as to whether Japan is regarding the country as of the sphere as Japanese colonies and that the enemy would take advantage of this and bring about an unfavorable effect on India, and questioned whether it would not be better to establish a combined organization of East Asia countries, TOJO replied that to achieve victory, an absolute necessity for Japan, the combined fighting power of East Asia must be strengthened. However, the various Japanese organs are confusedly set up, and it is difficult to maintain unified and active measures. It is desired to establish a ministry to establish an appropriate national policy in achieving the aims and to insure swift and decisive action. Since Japan has already openly declared the construction of the sphere, there is no need to refrain from using the term "Greater East Asia Ministry". It is better to use it voluntarily.

12073 . As to its effect on foreign countries * within the sphere, all are tied to Japan, and since the draft aims for the benefit of the whole sphere the misunderstanding will be solved. As to third countries, it is sufficient to counteract it with propaganda.

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There is no reaction from India. The combined organization proposal will be studied as a political problem, and has no relation to the new ministry.

When asked whether treating the independent countries in the sphere as mandates would not cause uneasiness of the countries and the alienation of the people, TOJO replied that the draft is intended to establish an organization for constructing Greater East Asia. In its operation close attention must be paid with respect to alienation of the relative countries.

12074

* At the meeting of October 12, 1942, there were present TOJO, HOSINO, and SUZUKI. When the question was asked whether it was not necessary to have a powerful liaison organ between the new minister and the other ministers, TOJO replied that since war guidance is a problem of the entire state, the government and the supreme command * have already set up a liaison conference, and it decides basic policy. Foreign Minister TANI stated that in relations between the new and the Foreign Minister, there is a direct mutual exchange of important information, and through their methods practical liaison will be effected.

12075

When the questioner queried whether it would not be better to have an administration in the occupied zones in the interim replaced immediately by a permanent Greater East Asia Administration, TOJO stated that the southern occupied areas are now under military occupation and the authority of the new ministry is excluded, but full preparations will be made for the time when the area shifts from military to civil administration. The military itself desires to have the shift speedily, and designs are now being made * to have the military administration gradually replaced by civil service officials.

12076

When questioned as to the scope of the Greater East Asia Sphere, TOJO replied that it would include Kwantung Province, the South Sea Island group, Manchuria, China, Thailand, FIC, and the newly occupied areas, and the sphere will be enlarged as areas increase.

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* When a query was raised as to the appointment of commissioned officers on active service to civil service posts in the new ministry, TOJO replied that since there is military administration in the south and in view of the fact that affairs in China require

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serious views in maintaining public security, it necessitates that the civil service officials of the new ministry have thorough knowledge and experience in regard to the army and navy.

12078 When the question was asked whether there was any danger that the establishing of the ministry would injure the prestige of independent nations in the sphere and cause a weakening in the mental and material cooperation, giving to the enemy the power * to commit malevolent propaganda, TOJO replied that military operations in the early stages of the war as a whole have made favorable progress, and nearly all strategical key points have been occupied. The vital question is the construction of Greater East Asia with these points as a foundation. Future operations of the enemy will show their militaristic power in the highest degree, and counter attacks will be made. The aspect of war will display a much intensified situation. It is therefore necessary that plans be made to construct the Sphere by a single effort at this time, utilizing the advantage before the enemy counter-attack. Adjustment for necessary organization shall be made. The influence affecting a third power is a problem of secondary significance, and is not a reason for delaying constructing the Sphere. If it did give rise to a misunderstanding * among the various countries in the Sphere, proper employment of the new organization would eventually give understanding to the countries of the Sphere as to their advantage.

12080 When asked * whether the handling of foreign countries by two different agencies would not cause consternation so that the countries under the ministry would treat it as a colonization ministry, TANI replied that Japan had special diplomatic relations with several countries in the Sphere. Since their diplomacy is internal there is no need to fear. It is similar to the special agreement between FIC and France. Since France respects Japan's intentions, it is impossible to believe that FIC will deal with Japan as a colonization ministry. The French Ambassador has conferred with the Foreign Minister concerning local FIC problems, but no objections were made.

12081 * TOJO stated that since determining the essence of the sphere and a unified policy was the pressing necessity of the moment, the unification of various organs requires immediate attention. The change from military to civil government will be immediately

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carried out before the war is concluded, when peace and order is established.

12082 * At the third meeting, held on October 14, 1942, there were present MINAMI, TOJO, HOSHINO, and SUZUKI. When a member asked how they expected to assimilate the different peoples of the Sphere to soundly establish the Sphere, when even in Formosa only a few natives have been accepted as officials, TOJO replied that establishing the Sphere is based on the spirit of Hakko Ichiu, and it would not be difficult to assimilate the different peoples if dealt with in this spirit. He stated that natives should not be purposely excluded from being appointed as officials.

12083 * At the fourth meeting, held on October 14, 1942, there was present MINAMI and SUZUKI. When the question was asked whether there is any intention to change the name of the new ministry because of the vagueness of distinction between customary diplomacy and extranormal diplomacy, * SUZUKI stated that the name Greater East Asia Ministry was proper, because it bespoke of the consistency of establishing the Sphere, and that he had no intention to change it. Legislative Bureau Chief MORIYAMA stated it would not be proper to exclude customary diplomacy in practice.

12084 When it was asked why it was necessary to have the new minister supervise the extranormal diplomacy with countries within the Sphere, MORIYAMA stated that countries within the Sphere are in a family relationship. Their diplomacy differs as compared with other independent countries, and since there is an intimate relationship between foreign policy and extranormal diplomacy in the area, * it was decided to have the new minister take charge.

12085

12087 The fifth meeting was held on October 19, 1942, and was attended by MINAMI. When a member asked whether the diplomatic officials receiving orders from two different ministries would not become confused, TAMI replied that the relations of Japan * with countries in the Sphere is like that of relatives, and it is Japan's ideal to have this develop into the relations of a single large family, and eventually the point would be reached where diplomacy would not be needed. At the present stage, due to respect of dignity and exchange of documents, customary diplomacy must be continued. To this extent the overseas organs will come under the superintendence of the Foreign Minister.

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- 12088 When the question was asked why it was inappropriate to have extranormal diplomacy come under the Foreign Office and customary diplomacy come under the new ministry, TANI and MORIYAMA stated that the new ministry assumes charge of affairs on establishing Greater East Asia, and since its contents cover all the various fields of the area it is necessary * to have the various items of diplomatic policy toward independent nations in the Sphere charged to the care of it. However, it is appropriate to have international courtesies and a conclusion of treaties charged to the Foreign Minister.
- 12093 * Another meeting was held on October 20, at which were present MINAMI, SHIMADA, and OKA. On October 20 the seventh meeting was held, with MINAMI, SHIMADA, and OKA present. At the eighth meeting on October 21, there were present MINAMI, TOJO, and OKA.
- 12095 * The Court's attention was drawn to Exhibit 90, the Ordinance for Organizing the Ministry of Greater East Asiatic Affairs, dated November 1, 1942.
- 12096 Exhibit No. 1345, TOJO's speech at the 82nd session of the Diet, June 15, 1943, stated * that the defense preparations of Greater East Asia have been strengthened, and Japan was making all arrangements to launch decisive operations. He explained that relations with Nanking had become strikingly smooth, and that independence would be granted to the Philippines within a year.
- 12097 * The populations in Malay, Sumatra, Java, Borneo, Celebes, and other places, are cooperating toward Japan. In the midst of war they have been liberated and accorded educational and cultural blessings, so they are enjoying a life of hope and happiness never experienced in the past. It is Japan's intention, in pursuance of native aspiration, to take measures envisaging participation of the native peoples and government to an extent commensurate with their ability in the course of the year. Japan intends to realize this state of affairs as early as possible in Dwaja in view of the advanced condition of the island and the desire of the people.
- 12098 Exhibit No. 1346, the joint declaration of the Assembly of the East Asiatic Nations, November 6, 1943, stated * that it is the basic principle for establishing world peace that each nation have its proper place and enjoy prosperity through mutual aid and assistance.

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12099 The U. S. and Britain have oppressed other nations and peoples. Especially in East Asia, they have indulged in aggression and exploitation, and sought to enslave the entire region * and menace the stability of East Asia. This is the principal cause of war.

12100 The countries of the Sphere undertake to cooperate toward prosecuting the war to a successful conclusion, liberating the region from domination and assure their self-existence and self-defense, and construct a Greater East Asia on the following principles. 1, They will insure the stability of the region and construct an order of common prosperity based on justice; 2, they will insure the fraternity of nations in the region by respecting each others sovereignty and independence and practicing mutual assistance; 3, by respecting each other's traditions and developing each race, thus enhancing the culture of East Asia; * 4, they will endeavor to accelerate their economic development through close cooperation upon a basis of reciprocity; 5, they will cultivate friendly relations with all countries and work for abolishing racial discrimination, the promotion of cultural intercourse, and the opening of resources throughout the world.

The Assembly opened on November 5, 1943. There were representatives of Japan, China, Thailand, Manchukuo, the Philippines, and Burma. Also present was Subhas Chandra Bose.

12101 * The second session took place on November 6, attended by all representatives, associates, and observers. A proposal was made by TOJO. Thereafter the joint declaration was approved. TOJO read the draft, which was approved. Present at the meeting were TOJO, SHIMADA,
12102 * SHIGEMITSU, HOSHINO, SATO, and OMA.

12104 Exhibit No. 1347-A, address of TOJO on November 5, 1943, at the Assembly of the Greater East Asiatic Nations, stated * the present war is decisive for all peoples of East Asia, and only by winning can they insure their existence and enjoy common prosperity. A successful conclusion of the war means completion of the construction of the new order. To enable all nations to have its proper place is the fundamental condition for establishing world peace, and to practice mutual help in
12105 one region is the most * practical method of securing world peace.

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The nations of Greater East Asia are bound by inseparable ties, and it is their common mission to secure the stability of East Asia and construct a new order. This is to rest on the spirit of justice inherent in Greater East Asia, and is fundamentally different from the old order designed to serve the interests of the U. S. and Britain.

12106 While the nations of the Sphere mutually recognize their autonomy and independence, they must establish relations of brotherly amity. This cannot be created if one country should use another as a means to an end. * These things come into being only when there is mutual respect, and as a result one prospers through another's prosperity.

12107 Continuing with Exhibit No. 1344, it was stated * that at the time of this decision, TOJO was in favor of independence and was supported by the Foreign Minister, but the Supreme Command maintained strong opposition, while others took the stand that once independence was granted, Japan for personal honor would have to respect it, and this would be difficult when negotiations and peace came to be considered. For this reason the status quo should be maintained. Territorial incorporation was thus finally decided on.

The Japanese army authorities on the spot were dissatisfied with this decision, and made no representations of their position. Soekarno, who visited Japan soon after the conference, requested TOJO to grant the East Indies independence. The meeting ended without any definite reply.

12108 * Later HAYASHI, Chief of the Justice Administration, then Supreme Councillor for the Military Administration in Java, came to Tokyo with approval of the Supreme Commander of the Army on the spot with the problem of independence for East Indies, and did his best to get it accepted. SHIGEMITSU supported this and made efforts to alter the former decision.

At the conference of the ROISO Cabinet, arguments for independence began to carry some weight. At the first War Supervision Conference it was decided that a statement concerning independence for the East Indies should be declared at the next Diet session.

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12109 At this time the Mariana defense line in the Pacific had been broken, and the U. S. was rapidly turning to the offensive. The new cabinet had to take some new measures to unite East Asia, * and it was only natural that the Foreign Minister should insist on the independence plan. The central authorities of the army were also inclined to approve the plan in compliance with on the spot requests, since racial consciousness had become noticeably enhanced in Java and Sumatra. Having left the problem of independence so vague, it had become difficult to secure the cooperation of the natives.

The navy, however, still maintained such strong opposition that the promotion of independence was deferred entirely so far as areas under the Navy's Military Administration were concerned.

12110 Exhibit No. 1348, policy in regard to the independence of the East Indies, as proposed by the ministries concerned, September 2, 1944, stated * that the policy is to announce that the East Indies will be made independent in the future to win the confidence of the people and to elucidate the East Asia policy to the world. This announcement * will be made in a special Diet Session, that independence will be granted in the future. The territory is to be the former NEI, excluding New Guinea, and the Navy's approval is reserved. The form of independence and the relation to Japan will be determined separately, but steps will be taken so that Japan's requests will be fully attained. The time of independence will be determined separately, taking into account the condition, the political ability of the people, avoiding a too premature enforcement. Whether the whole territory shall be made independent at the same time or by degrees shall be decided according to conditions.

12112 In Java the following measures will be taken. Efforts will be made promptly toward carrying out the declaration * of the Imperial Government. Radical changes in the present status of the military administration will be avoided, but popular participation in politics will be strengthened and expanded. They will recognize as speedily as possible the investigation and study by inhabitants on matters necessary for independence. Indonesian songs and flags will be permitted. As to other territories, similar measures will be adopted so as to conform to actual conditions.

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* Continuing with Exhibit no. 1334, it was stated that no definite policy was decided in regard to independence, except that KOISO made a statement at the Diet to the effect that independence for the Indies would be encouraged in the future. In the speech he stated that the inhabitants of the Indies have participated in politics and have tried to carry out the war, and have cooperated remarkably with the military government. In view of these facts, Japan declares that she intends to recognize their independence in the future, and she thus intends to continue with her former policy, * and by developing the spirit of the joint declaration she expects to live up to that trust. If Greater East Asia, with Japan as the center, increases its solidarity and prosecutes the war ardently, Japan believes that it can destroy the ambitions of U. S. and England.

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Continuing with Exhibit No. 1334, it was stated that the war situation took a turn for the worse, and sea transportation between Japan and the south came to an end. Demands by the troops on the spot for economic self-sufficiency increased, and it became difficult to win the natives of Java and Sumatra by abstract statements of independence.

12115

The army authorities had established a Central Advisory Council in Java, * but this was only a consultative body. The decision of a definite policy for preparing for independence became an imminent problem.

The navy no longer had any reason to adhere to its past position, since the abandonment of the south had already taken place since the fall of the Philippines. Since the beginning of 1945, the opinions of the army and navy became uniform on the independence of the Indies. Consequently, after a discussion held by the three ministries at the Supreme Advisory Conference of July 17, it was decided that Japan shall recognize the independence of the Indies at the earliest possible opportunity. Preparations for independence shall be immediately promoted. Less than a month later Japan surrendered and this was never put into effect.

12116

Exhibit No. 1349, measures for the NLI independence, Data for Foreign Minister's Explanation, July 17, 1945, stated * that there had been fierce independence movements in the East Indies ever since the Dutch occupation. As soon as Japan's army occupied the area, the pioneers in the separationist movement all

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12117 rendered whole-hearted cooperation in the expectation that independence had offered itself. * They have achieved successful results in their activities as members of the Central Advisory Council and as members of the local administrative bodies. The Greater East Asia Joint Declaration was issued in November 1943, clarifying Japan's policy to respect the independence of each country in Greater East Asia. With the establishment of independence in Burma and the Philippines and the Free India Temporary Government, the desire of the leaders of the movement in East Indies has been greatly encouraged.

12118 Japan regards it proper to carry through the spirit of the declaration and to make some gesture in regard to independence of the Indies as a reward for the cooperation and expectation of the natives. Accordingly, at Supreme War Supervisory Conference of September 5, 1944, KOISO, in his declaration to the Diet on September 9, made a statement that Japan is ready to recognize independence for the Indies, * thereby clarifying Japan's intentions on the problem. At the conference it was decided that this statement was to be made at the Diet session, and there was no question as to independence to be granted to Java and Sumatra, but nothing definite was decided on the rest. It was decided to permit use of Indonesian songs and flags heretofore prohibited, and to encourage and increase native participation in politics.

12119 In response to this statement by Japan, an Independence Investigation Committee was established in Java, and in Sumatra and the Celebes measures were taken to encourage native participation. In the statement of September 7 it was merely stated that independence would be recognized in the future, but no time had been indicated. To promise them independence * and have its realization uncertain for a long time will give rise to doubts as to Japan's sincerity.

Especially, when the enemy's counter offensive is about to extend to the East Indies, it will be imminent, from the point of seeking more positive cooperation from the natives, to further materialize the statement made last year and to decide clearly the time for independence and announce it at home and abroad.

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12121 Exhibit No. 1350, Decision of the Supreme War Plans Council, No. 27, July 17, 1945, re Measures for the East Indies Independence, stated * that to contribute toward complete prosecution of the war, Japan will recognize as soon as possible the independence of the Indies, and for this purpose preparations for independence should be hastened.

12122 * The area to be independent will be the former NEI, and preparations for independence will be pushed throughout the entire territory, and as soon as preparations are completed the independence of a new nation will be proclaimed. However, in areas where preparations are not completed, steps will be taken to transfer them by degrees to the jurisdiction of the new nation.

For this purpose, an independence preparation committee is to be speedily organized in Java to carry out various matters for independence.

12123 * The date shall be fixed as soon as possible, and to be announced by the Preparatory Committee, together with the areas to be designated as the domain of the new nation. The policy, political system, name of the country and scope of the citizens shall be established by public opinion.

Efforts will be made to promote the race consciousness of the people, and to make them contribute toward the prosecution of the war. Measures will be taken to prevent any hindrance to operations and preparations.

The execution of the policy on the spot shall be entrusted to the army there.

DIRECT EXAMINATION OF KLAAS A DE WEERD
BY MR. HYDE

12,130

* The witness stated that Exhibit 1351 was a statement prepared by him and the facts stated therein were true. In the Exhibit he stated that he was a Major in the Netherlands Indies Army Reserve. After studying law at Leiden he entered a lawyers' office at Sourabaya (Java) on 28 August 1929 and practiced law in East-Java, Bali and the South East of Borneo until the middle of 1937. In 1938, having been employed by the Department of Justice of the NEI at Batavia and in 1939 went into private practice of law in Sumatra. On December 12, 1941 he became a reserve officer in the NEI Army and served with the Staff of the First Division.

12,131

* After the capitulation he became a POW and was confined in several camps in West-Java until the middle of September 1945. He acted as camp translator of the Java new papers in the Malay language which were allowed to be brought in until the end of 1944. He spent much time translating the items extensively into Dutch and together with others indexed the data according to personalities and subjects, intending to prepare several studies concerning the Japanese occupation and to gather personal data on Japanese authorities.

12,132

He had already prepared notes for several of these studies when it became hard to keep the work secret. * In January 1944 it became clear that he would be moved to another camp so he and his friends soldiers' copies of the data and indexes in tins and buried them in the camp grounds. From February 1944 until September 1945 he kept abreast of actual events in NEI by reading Malay or translated Japanese newspapers and by listening secretly to Japanese local broadcasts in Malay. He continually exchanged information with new arrivals and other channels.

12,133

After August 15, 1945 he again received Malay newspapers. In the beginning of September 1945 he recovered a complete copy of his notes and indexes. In the middle of September he was released from camp and was assigned to the Political Section of the Commanding Officer of the NEI Civil Administration for Java to complete his work of collecting data * on the occupation. A special section of 20 was created under his direction which became a special branch of the Netherlands Forces Intelligence Service in January 1946.

Page

He collected such data regarding the Japanese occupation as was available including a practically complete set of newspapers and a complete official gazette of the 16th Army in Java and fairly complete sets of the gazettes of the other islands together with further reports and surveys, seized Japanese and Malay official and non-official documents and interrogations.

12,134 In May 1946 he joined the office of the Attorney General, NEI to collect such documents * as needed for preparation of the prosecution of suspected major war criminals and in this capacity he continued his work. In the middle of September 1946 he arrived in Tokyo as a representative of the NEI Attorney General to continue his research. He has prepared a report entitled "The Japanese Occupation of the Netherlands Indies," in which the Japanese occupation can be guided into five phases: March to August 1942, the transition period; August 1942 to July 1943, the period of consolidation; * July 1943 to September 1944, governed by an attempt at winning over the population by promises; September 1944 to August 1945, further development of the policy of promises; and the period from August 1945 to the end of September 1945, the last moment attempt to create a state friendly to Japan in the south.

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These phases have been arbitrarily divided and their limits are approximate. Occasionally for a better understanding a certain subject has been treated in one of the phases even if the elements extended beyond.

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Japan's policy for the Southern Regions was broadly laid down in Tokyo for all regions alike. There are only minor modifications and these solely in application and in principle. * What happened in Java is basic and he will treat other areas only when there are important deviations from Java.

12,137

During the first phase, or the transition phase, * ending August 1942, the entire Occidental group of influential persons in government and industry was immediately interned in hastily prepared prisons and camps. Preferential exceptions were made in case of irreplaceable Occidentals, but these were interned when replacements arrived. A small remaining group of workers was also confined separately and their outside contact restricted.

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12,138

A large group of prominent Chinese, because of past support of Chiang Kai-shek and on suspicion of anti-Japanese attitude, was interned. The policy became stricter and from July 1942 they were applied to Occidental women. By the end of 1943 it may be stated that all Occidentals not born in the NEI, male and female, * had been interned, with exceptions for people 65 and older. All Occidentals born in the NEI who showed affinity with the West were interned and sympathetic Asiatics were interned. According to the Japanese official returns as of September 1, 1945, 62,532 persons, men, women and children, were interned in Java. All Occidental military personnel, some 45,000 men, were made prisoners of war.

12,139

Of the former western community, the only free groups were the Axis subjects, a few neutrals and some non-interned Eurasians, but they were rigidly spied upon and prevented from exercising their freedom in many other ways. They were subject to heavy pressure. Besides being spied upon by the Kempeitai they were intimidated by arrests * and trials involving hundreds, and by the fact that Kempei interrogation and treatment by Courts Martial deprived the victims of all rights and abandoned them to arbitrary maltreatment and starvation.

12,140

Occidentals were dismissed from their positions thus depriving this section of the community of its means of livelihood. All bank balances were frozen and western banks liquidated and liquidation percentages withheld. The few non-interned Occidentals had to sell all their possessions and were further handicapped in that the Japanese requested whatever they wished without payment. By introducing compulsory registration and fees, military authorities made the position still more difficult.

The use of western languages * was forbidden in public and business communications and in some places within the home. Those speaking a western language at home were suspected and subjected to methods employed by the Kempei. The Japanese immediately closed down all schools and they remained banned during the second period.

In April 1942 a ban on listening to the radio from outside the NEI was promulgated and enforced by compulsory sealing and registration of all wireless sets to make them unsatisfactory for short-wave broadcasts from

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abroad. In July 1942 sentences were pronounced by a Court Martial at persons who had listened to foreign broadcasts and spread news therefrom had been sentenced to death. Throughout the occupation persons suspected of having failed to comply with this prohibition were seized by the Kempei, tortured and sometimes tried.

12,141

The possession of certain books * in enemy languages was punishable and the books had to be burned. All monuments were taken away, destroyed or otherwise stored. The street and town names were changed to Japanese or Malay. Advertisements could no longer appear in western languages, but only in Japanese or Malay. All expressions of democratic or pro-Occidental sympathies were silenced. All existing Councils where the opinion of various communities could be freely expressed were abolished. The Peoples' Council, exercising legislative and budgetary functions was first abolished and it was followed by the abolition of the Provincial, Municipal and Regency Councils, which had similar powers.

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* In regions outside Java councils were liquidated.

12,143

By ordinance of April 29, 1942 of the Commander-in-Chief, Java, * all existing law courts were abolished, and Japanese military government courts established as provisional to be replaced later. There was no provision for appeals and decisions in all pending cases were declared to be deemed to have been affirmed.

By Ordinances Nos. 2 and 3 of March 1942, all meetings and associations were forbidden. By Ordinance No. 23 of July 15, 1942 this prohibition was not only explicitly maintained, but all chairmen were ordered to dissolve their respective associations, excepting those concerned with sports and recreation, and scientific, cultural, charitable and distributing organizations.

12,144

Even associations not prohibited were restricted in their activities and subjected to police supervision and had to obtain police permits for meetings. * In practice, activities were permitted only those which accepted Japanese leadership and could be used for propaganda purposes. From the beginning the Japanese built up an extensive propaganda machine. Along with the first troops to land on Java, came the vanguard. These propagandist, organized in the Propaganda Section of the 16th Army,

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12,145

tried to establish immediate contact with disaffected Indonesian and Chinese politicians. With the help of these in April 1942 the 'Tiga A' movement was established with local Indonesian committees set up to carry on, which committees had no function but to carry out the plans of the local Japanese propagandists. The propagandists seized control of all means of expression, radio, the cinema and the press. For the first two months after the occupation * broadcasts and newspapers could be transmitted in Dutch. When the propaganda machine had been sufficiently organized, all newspapers were forbidden and new papers were introduced in Malay under the direction of Indonesian and Chinese pressmen carefully chosen. On April 29, 1942, the Emperor's birthday, the first new Malay language daily, 'The Greater Asia' was established and appeared regularly until September 9, 1945 as the propaganda organ. At first it was under the Japanese, but when the Indonesian staff had proved itself the direction was officially handed over to them with real direction in Japanese hands.

12,146

Other places in Java followed so that ultimately Japan controlled newspapers in Malay were issued in five places. A Japanese language paper, the Java Shimbun, was published in Batavia. In her propaganda Japan referred to herself as the 'liberator', come to establish a 'New Order,' and * it stated that the new Java was to be educated to become a worthy member of the Co-Prosperity Sphere under Japan's leadership. They instituted a rigid censorship affecting all postal, telegraphic and telephonic communication and extended even to photographs.

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12,148

All public utterances were subject to censorship, the theater, the radio, the press, and sermons. Theatrical companies were taken over by the propaganda service. Book publication was subject to censorship and only works emanating from the propaganda service appeared. The Japanese thus controlled all expressions of public opinion. During the period Japanization of the Southern Regions was begun. The use of Japanese words was immediately introduced for official services, offices, etc., and the usage became prevalent, so ultimately the reading of a Malay paper was impossible without knowledge of certain Japanese words. * The Japanese introduced the Japanese system of dating years, the time system and the budgetary year.

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Police wore the Japanese flag for cap badges. Emperor worship--offensive to Mohammedans--was introduced. All meetings began with a bow in the direction of Tokyo and most meetings ended with 'banzai!' to the Emperor. All Japanese holidays were celebrated and the display of anything but a Japanese flag was forbidden. The Japanese flag had to be flown on all official and private buildings under strictly prescribed rules.

Portraits of the Dutch and allied officials were forbidden and had to be burned. The possession of Japanese Imperial family was governed by rules aimed at insuring that there should be no 'lese-majesty.' Postage and revenue stamps were marked 'Dai Nippon,' and later new stamps were issued with texts in Malay and Japanese reading 'Dai Nippon.'

12,149

The Japanese began to establish * schools which taught only Japanese. Later schools for Indonesians were re-opened but the curriculum was changed to meet Japanese needs and important subjects were Japanese language, songs and dances.

In finance their economic program in the East Indies was similar although some areas were administered by the Army and some by the Navy. Java and Sumatra were occupied by different Japanese armies and the rest of the area was occupied by the navy with no contact. Nevertheless, the basic principles administered were entirely similar.

12,150

The first ordinance of the Commander-in-Chief, Java, March 7, 1942, introduced Japanese military paper currency with a Dutch text reading 'The Japanese Government. One half guilder.' Other paper money was issued. The guilder was reduced to the value of the yen. Old paper money at first was kept in circulation, but later * when it had a considerably greater value than Japanese occupation money it was withdrawn and its possession constituted a crime. The paper money differed in various areas. In Sumatra, originally under the same administration as Malaya, the same text appeared as in the case of Java, but in English, whereas in other regions of the NEI and Timor, the Dutch text was used. In 1944 new paper money was designed and printed in Batavia, with the text in Japanese and Malay. This paper money was issued ultimately without backing, which soon led to inflation, which began early in 1943 and continued to the middle of 1945, and this money had a value

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of about one fortieth of its original value.

12,151

All banks were closed down at once. During 1942 and 1943 the circulation bank and private banks were liquidated. The Post Office Savings Bank and the Peoples' General Credit Bank * were reopened under Japanese names and direction, but the balances due at the time of closing remained frozen. Later Indonesian balances were partly unfrozen while those of Occidentals, internees and prisoners remained frozen and were transferred to the Enemy Property Administration Bureau, charged with the custody of enemy property, which liquidated nearly all confiscated property and credited the owners with proceeds in Japanese paper money and after May 1945 the liquidation was hastened.

In Batavia the Kempel frequently bought at so-called public auctions and the proceeds in Japanese occupation money bore no reasonable relation to the real price for the same article in the same paper money in the open market.

12,152

All stocks of Occidental importers as well as private possessions owned by Occidentals were changed into claims in Japanese paper money on the administration bureau. * Possession of enemy property was a punishable offense. Even non-interned Eurasians were considered enemy nationals so that rents due them were paid to the Japanese. Unsold property was delivered on request to Japanese officials and individuals.

12,153

Before the war in the NEI, big capital belonging to westerners had been invested in agricultural industries. The agricultural enterprises, excepting sugar factories, were brought into an organization charged with administering enemy agricultural concerns and the control over all other agricultural enterprises, including those operated with Indonesian or Chinese capital. Little attention was paid to owners' interests. The body carried out a policy of carrying out a rigorous war effort and to maintain production required by the Co-Prosperity Sphere. Enterprises and industries of no importance to the immediate war effort were switched * to other production, or if not feasible, were retained if deemed worthwhile from the point of view of the Co-Prosperity Sphere at the end of the war. Tea and rubber plantations suffered seriously because the

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Japanese gave precedence to food crops. Tea plants and rubber trees were used for firewood and the estates parceled out among local farmers to increase areas for food crops.

A large part of western owned agriculture was liquidated. The entire sugar industry was allotted to six or seven blocks to large Japanese sugar companies and exploited by them under the direction and control of the organization. Sugar production was reduced considerably and unused machinery was partly scrapped or carried off and factories not switched over produced war commodities.

12,154

The possession of land belonging to Occidentals or governmental institutions was * transferred to a special organization which handed over the property as required to the Japanese military or civilians for business and personal purposes. The old ownership was drastically changed. So-called private estates were appropriated by the military government without payment of any compensation under ordinances of the Commander-in-Chief, Java, June 1, 1942. This expropriation took place in other places such as the Celebes. Public utilities were seized by the military administration and operated without compensation and in some cases allotted to private Japanese companies. Private railways, tramways and busses were amalgamated with the State Railways. The equipment of private railways was in large part shipped to the Burma-Siam railway. Direction of railways was unified under the railway head office * and all former independent operation was obliterated. The personnel of these companies was pooled and Japanese rank designations and terminology were introduced.

All gas and power companies and privately owned mining concerns were taken over and operated by the military government or Japanese companies. The policy of exploitation of natural resources was carried on partly by the military administration, partly through monopolies to big Japanese concerns and partly by Japanese 'national policy companies.'

The Southern Development Bank, entirely government owned and operated, had as its chief function the financing of the development and exploitation of natural resources in the Southern Regions and the control of circulation and finance in those areas. This was directed by the Ministry

Page

of Greater East Asia and acted as cashier to the Japanese Army.

12,156

Japan also divided up * all the natural resources in the areas among the various Japanese applicants and allotted each of them part of those areas, usually according to their monopolies. Domei was granted a news service monopoly although a local agency had started first. Press monopolies in the Southern Regions were divided among various big Japanese newspaper concerns.

In banking the Yokohama Specie Bank and the Taiwan Bank were chartered to operate in Java and took over the functions of private Occidental banks. The liquidation of the banks and introduction of Japanese banks was effected in part by compelling the debtors who had debts claimable on November 25, 1942 to apply to the new banks for new credits backed by securities pledged to the western banks.

12,157

During the first phase the administrative machinery was relatively simple. The Chief of Staff of the Commander-in-Chief, Java was concurrently chief of the military government * and was assisted by a central organ and by three Army officers. Local administration was by commanding officers of occupational detachments. Original Tokyo plans provided for sending experts in administration, finance, and economy immediately following the occupational troops, but it was not until August 1942 that the provisional set-up was succeeded by a regular administration. Military government was developed into a separate body. Its functions were laid down in Ordinance No. 1 of March 7, 1942 in which the Commander-in-Chief assumed all powers of the Governor-General. The administration was divided into nine departments under the chief of the military government. They were General Affairs, Internal Affairs, * Finance, Justice, Police, Public Works, Economics, Auditing and Propaganda.

12,158

12,159

In addition, from time to time, there were a number of bureaus and other bodies under the chief and equally independent to handle various matters such as religious affairs, shipbuilding and enemy property. Changes were made which did not affect the structure. * The pre-war central administration was changed thoroughly. Prior there had been no General Affairs or Propaganda Departments. Police were under Internal Affairs and other matters were handled differently.

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The Government Secretariate, the Council of State and the Government Cabinet disappeared. The former department of General Administration was reorganized on Japanese plans. All leading positions in the departments were occupied by Japanese and on September 1, 1945 there were 23,242 Japanese nationals employed in Java, amounting to half the number of service personnel stationed there.

12,160

Legislative powers were exercised by Tokyo, the Supreme Commander in the Southern Area, the Commander-in-Chief, Java * and the Chief of Military Administration. The laws of the first two bodies were not published locally, although thousands were punished under them. The ordinances of the last two were published in Java in the bi-monthly gazette, printed in Japanese and Malay. Some secret ordinances appeared only in the Japanese edition. The later advisory councils did not affect this legislative position.

12,161

Ordinance No. 27 of the Commander-in-Chief, Java, August 5, 1942, set up an entirely new system of local administration. Java was divided into 17 districts and one special city of Batavia. The four Sultanatos were administered by a Bureau. The former Provinces were eliminated. In early 1945 three regimes coinciding with the former provinces, * but different in kind were set up. These local bodies supplanted the former decentralized, autonomous local administration and were under the Chief in a centralized system. There were no local councils mentioned and, therefore, no public administration.

These districts were subdivided into smaller units in accordance with the Japanese pattern. The organic laws governing the functions of administrative bodies under the old system were abolished and replaced by Japanese regulations. The position of local officials was, on one hand, considerably strengthened, and, on the other, made more dependent on the central administration. The Fuehrer-principle was introduced. The officials responsible only to their superiors had a large measure of liberty in executing their duties with power to dismiss and appoint and unrestricted disciplinary power.

12,162

* They could issue regulations to implement ordinances promulgated by higher authority and also regulations concerning matters not covered by such ordinances, but they

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were subject to the authority of superiors and responsible to them. The object the Japanese had in mind was to build an administration following those of Formosa and Korea. The ruling Sultans were maintained, not as having hereditary title to their positions, but as newly invested rulers owing allegiance to the Japanese Army. All key positions were occupied by Japanese. From the Chief of Military Administration through the District Office the staff was almost entirely Japanese. From the Ken Office downward the Indonesian staff was maintained, but from 1944 onward, the head was assisted by Japanese advisors.

12,163

The composition of the Administrative Corps * was modified later pursuant to TOJO's promises, but leading positions remained with the Japanese and where an Indonesian held an important post the real executive was a Japanese. The Japanese did not hand over actual authority until the end of August 1945.

The biographies of the Japanese officials show that the corps was assembled chiefly in colonial Formosa and Korea and some had been engaged in administrative functions in Japan.

12,164

* The new administration system in other islands developed along the same lines. At first Sumatra and Malaya were under the Army Commander at Singapore, but later Sumatra was separated. The 16th and 25th Armies in Java and Sumatra were under the 7th Area Army at Singapore, commanded finally by ITAGAKI. The 7th Area Army came under the Southern Theater commanded by Field Marshal TERAUCHI.

The Military Administration operated under orders issued through ordinary channels of command and also those issued directly from the Ministry of War.

12,165

In the Celebes, Borneo and all islands east of the line through Bali and the Macassar Straits the Japanese Navy was in power. The system was not substantially different having the same principles of centralized administration and Japanese and Indonesian officials. In navy territory the administration was executed by the Minseihu at Macassar * under the command of the officer commanding the Second Southern Squadron at Sourabaya, who, in turn, was under the 7th Southern Squadron at Singapore.

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The Judicial System was entirely revised. In addition to the first period courts of military administration there was the Gun Kaigi, a Court Martial proper, to try Japanese personnel subject to court martial and the Gunritu Kaigi, a court martial to try violation of Army Ordinances. The military administration had jurisdiction to try violations of military government ordinances and regulations and former Dutch Ordinances continued. This jurisdiction was shared with the Gunritu Kaigi.

12,166

The final military administration courts were set up by the ordinance of September 26, 1942. There were eight types of courts, all having Japanese names and including the final court of appeal * and the intermediary courts of appeal, both of which were entirely manned at first by Japanese. The lower courts, corresponding to local administrative subdivisions, and the two special religious courts, all manned by Indonesians were directly controlled by the intermediary courts of appeal.

There was a prosecution section in each court centralized under the Justice Department. Later this was detached from Justice and combined with the police force under the renamed Public Security Department. In criminal courts with Indonesian judges a Kempei attended, sitting next to the prosecutor. In the initial stages the former Penal Code was maintained, however, since this was based on democratic foundations the Japanese introduced a new Penal Code in 1944, in which criminal acts were defined in vague terms and high minima of punishment were introduced.

12,167

* The administration interfered frequently in trials by Indonesian courts and in practice the Kempei determined the sentence in criminal cases. Only Japanese and Malay were spoken in trials and court martial trials were conducted in Japanese without proper interpretation. In other islands there was the same.

12,168

At the outset of the occupation the Japanese took over the Police School at Sukabumi, Java and in the various capitals of the districts introduced permanent courses for training police personnel. Propaganda courses for personnel in the service were conducted regularly in which the ideals of Greater East Asia and Japan's might were taught. A system of corporal maltreatment for the settlement of minor infractions was introduced. * This

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was seen daily in the streets and some sections of the Indonesian Police Force adopted these tactics. Later when a separate police department was set up it was established on centralized lines and the Japanese had all executive functions. The existing force was felt to be insufficient. The Kempeihoo, an Indonesian extension of the Kempei, trained by the Kempei, was organized and feared and hated by the people.

12,169 In April 1943 the Keiboodan, a village guard, was organized as an auxiliary force everywhere and reinforced the regular police by 1,300,000. * This organization had a variety of duties. It went into action in case of fire or other calamities, it had to assist the regular police in apprehensions of crashed allied air crews, paratroopers and others, did 24 hour guard duty and turned out for public meetings. Its main duty was spying. In 1945 they were used to train the people in guerilla action. This taught the simple farmer fear of foreigners and hate for Occidentals and led to barbarous display of cruelty.

12,170 * A third force was set up early in 1945 and called Keibotai, which operated only in towns. Its members were recruited from among the Chinese. The Kempei-Hoo was part of the Kempei, while the other two, although Japanese lead, were no part of the official Army organization. The members of the latter two * were volunteers, but insufficient volunteers led to drafting.

12,171

The prison system was reorganized. New courses for training new personnel and improving the old were introduced. Japanese designations and Japanese markings were introduced. Treatment of prisoners was inhuman. The military government laid down a revised educational program to reopen schools for Indonesians. Elementary education was revised with instruction in Japanese songs and dances and physical training. Reading and mathematics were substantially reduced and the remainder of the curriculum abolished. The various types of intermediate schools gave way to one type of public school with uniform curriculum. This school was divided into a First and a Higher school. The curriculum was very much simplified with foreign languages and general history dropped to make place for Japanese * and Japanese history. Texts on the history of the islands were burned and new ones introduced

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emphasizing racial ties with Japan. A new subject called 'Seisin' teaching the Co-Prosperity Ideals to the younger generation was brought in and the children were exhorted to fight tanks and other modern weapons with bamboo spears if necessary. Vocational schools were organized on Japanese lines.

12,173

Batavia Medical College was reopened under a new name on March 9, 1943 under a Japanese president, assisted by six newly appointed Indonesian professors. Six months later these Indonesian professors were demoted and succeeded by Japanese professors. Instructions in Japanese language was obligatory. The students pledged themselves to enter the military government service after graduation. They were billeted and subjected to a strict * and semi-military regimentation under special Japanese who instructed them in Japan's greatness and the ideals of the sphere. The curriculum was reduced by one-third.

Literary, Law and Technical Colleges were not reopened, but in 1944 a higher vocational school, with a limited program for three years was reopened under the same routine after medical college. Law College was supplanted by one year courses for the training of civilian officials and lawyers. Much time was spent in Co-Prosperity ideals and Japan's greatness. There was regimentation and a large amount of instruction in Japanese.

12,174

Private education remained taboo until 1933 and 1934 and certain private schools for Indonesians and Chinese were allowed to reorganize, but with an official curriculum. * Western teaching and teaching to westerners was prohibited and strictly enforced, and the mere suspicion of having taught Occidentals involved suspicion by the Kempeitai. Many college students, graduates and prominent Indonesian personalities were sent to Japan. All sections of society were organized into corporations along Fascist lines. This was carried out among all racial and political groups, as well as all professions and trades, economic sections, cultural groups, religious groups, the younger generation, sports organizations and women's movements. The Japanese kept a close grip on any social group through these organizations and used them for aid and support for the Army and military government. They had to turn out in force during mass meetings * and they were utilized for disseminating propaganda among members and to keep the Japanese abreast of

12,175

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public opinion and conduct espionage. The Propaganda Department maintained close relations with this organization. All addresses by Indonesians were not only pre-censored but were usually drafted there. The corporations were under close and strict supervision of the Office of Military Administration, all serving uniform purposes and all modeled on the same lines. They were begun by ordinances of the Commander-in-Chief, Java. All ordinances read the same and stated that the objective of the corporation was support to the military government.

12,176

The executives were appointed by Japanese and branch executives were responsible to the main one. Both were assisted by advisory councils appointed by or with the approval of the Japanese. The executive body could lay down regulations binding on the members as obligatory for a whole given group. * For example, the medical organization ordinance of August 3, 1943, stated that it was established to coordinate those engaged in medicine in Java, to train their knowledge and character and to raise their capability so that they can give their contribution to the utmost to Japanese Army in medical affairs.

12,177

Physicians, dentists and medical experts in Japan could become members if not enemy nationals. The organization was to carry out such work for conducting the Military Government. * The head could issue orders and instructions to carry out the work to the members after obtaining approval from the Chief of Military Administration who was to supervise it. Practically all other professions were similarly organized.

In all fields there was obligatory membership, unilaterally binding regulations, uniform objects and Japanese executives.

12,178

The importance of a truly Oriental artistic expression was emphasized and Occidental influences were considered inimical. Paintings and other art works were to be judged, not on artistic values, but their merits in relation to the Co-Prosperity Sphere. The organization for the control of this * showed the same characteristics. The Japanese attached much importance to the spiritual molding of youth and took the matter completely in their hands. The Indonesian Youth Movement, authorized in the beginning, was prohibited in the middle of 1943.

Page

In December 1942 the Japanese Commander-in-Chief, Java declared that the training of the younger generation to be good citizens of the Co-Prosperity Sphere was of such importance that the best Japan had to offer was not good enough and the matter was, therefore, kept an exclusively Japanese concern. The organ of control was the Jawa Seinen-dan (Java Youth Corps) established in April 1943 to convince the youth of Java so that they will energetically cooperate with the Military Government and render assistance in building the Co-Prosperity Sphere.

12,179

* In every district a Japanese training center for local instructors was established and a central training camp was opened, all under Japanese direction. Later a youth organization was organized in every locality and in some factories. These were organized into the United Youth Corps of Java on military lines and commanded by Japanese officers. Age limits were from 14 to 25 and men were drafted to make up deficiencies in volunteers. Only the physically fit and those tested for their enthusiasm were admitted.

12,180

Training consisted of the Japanese language, spiritual and military training and physical training, air raid precautions and Japanese music and dances. The manpower for the Defense Corps were from the youth corps. All other youth organizations * were prohibited.

Sports also were brought into line under this type of set-up. To cover the sports-world of all East Asiatic nationals in Java a branch was established in every local place and were organized in their respective districts and subordinated to the main body.

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The Indonesian women were organized into the Huzin Kai. * The purpose of this organization was to help the Japanese Army with efforts befitting the position of the women of the original inhabitants and also to raise the women's virtue. The working section was to carry out work necessary for improving conditions behind the front line and in savings, education, public safety and health. To deepen their conviction of their duties the organization was to give instruction in first aid and to organize lecture meetings and courses and establish close contact with the youth corps and village guards in developments in other islands roughly parallel to those in Java. The problem of political

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* coordination was tackled more sketchily.

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- 12216 One order from the Chief of Staff of the 16th Army,* Exhibit No. 1352, dated September 1944, stated that the Chief of Staff was notifying the recipient that, based on KOISO's proclamation on granting independence of the East Indies, the Army will meet the situation properly in accordance with certain stipulations. These were that the purpose for granting independence should be thoroughly understood; that it is not permitted to touch upon the time of independence, the sphere of the East Indies nor the form of government until they are finally decided; national consciousness is to be raised to the highest degree, especially during * the war it is to be utilized to strengthen defense and cooperation; There are to be no great alterations in operations and business structure of the military government, but participation is to be enlarged and strengthened; nationalistic speeches and activities are to be allowed, and for that purpose the people are to be allowed to sing the national anthem and use the national flag; use such words as "the Indonesian people"; in addition, nationals are to be appointed, but advocates of independence who are connected with the Communists shall not be allowed to exist; they shall recognize investigation and study necessary for independence under guidance of the military government; thorough measures are to be taken for spreading the Japanese language, institutions, and culture; * there is to be no distinction between natives and other races, but they must understand that they must participate in constructing a new society; all Japanese must realize and put into practice the mission of this era, in which hakko Ichiu is to be carried out; the idea of colonial subjugation is to be banned, and the natives must be approached with affectionate feelings while being instructed and guided sternly; haughty and arrogant speech is forbidden; in guiding public opinion, stress is to be laid on raising national consciousness and intensification of the war effort, with confidence and reliance on Japan. They must
- 12217 anticipate confusion accompanying changes in power, but it was forbidden to meddle in them; although resentment may arise against the Indonesians, the Japanese must not be hostile, but must guide them; in instructing the Volunteer Defense Corps, the Japanese must scrutinize the attitude of officers and men to deepen their feeling of unity, and not let them get the idea that they form an independent army. Special attention is to be paid to training instructors. In observing the real situation, Japanese must not make the error of believing that the attainment of securing native confidence in Japan has been attained from their enthusiasm, but must continue
- 12218
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- 12220 * to guide them.

Page DIRECT EXAMINATION of KLAAS A. DeWEERD,
By Mr. Hyde.

12182 In considering the third phase, it should be remembered that as early as the first period there had been some activity in the political field, but the policy adopted was one of wait and see. Immediately after the occupation, Ordinance No. 2 of the Commander-in-Chief, Java, March 8, 1942, prohibited until further notice, the participation in any organization, attendance at meetings, propaganda in favor of the enemy, and the posting or printing of placards.

12183 By Ordinance No. 3, March 20, 1942, it was prohibited to discuss and engage in activities, encourage or make propaganda on * the organization and structure of government. As a result of these, certain Indonesian leaders were arrested in April 1942, some to be released only much later. In December 1942 to January 1943 there was a large scale round-up of Indonesians engaged in underground work which might be construed as anti-Japanese. These, except for those executed or who died in prison, were not released until September, 1945. Even after January, 1943, the Kempei guarded and spied on all underground activity, with a large number of victims.

12184 In 1942 the Japanese initiated the "AAA" Movement, standing for Japan protector of Asia, Japan leader of Asia, and Japan light of Asia. The "AAA" was printed in large letters and in a different color.
* This movement elaborated the theme of Asia for Asiatics and hate against the white race, and against Western exploiters. The Japanese were stated to be of the same race as the Indonesians, and the words "The Indonesian people, who have the same ancestors and are of the same race" as the Japanese, appeared in Ordinance No. 1 of March 7, 1942. Western influence was designated a corruption of the Eastern soul. Japan was the saviour of Asiatic peoples, and the Co-Prosperity Sphere, under Japan's paternal leadership, was to liberate Asiatics. Aside from the slogans "New Java" or "a New Order in Java", the Co-Prosperity Sphere was not further defined. The word "Indonesia" politically was not permitted, and in most cases the Indonesians were referred to as the original inhabitants.

12185 While this movement was going on, further contact was sought for the Indonesians, especially those dissatisfied with the * former rule and progress for independence.

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Chief among these was SUKARNO, who having been brought to Java by the Kempei in July, 1942, formed the "Four-Leaf Clover" with three other nationalists. All of these became leaders, under the Japanese, of cooperative nationalists. These men saw in Japanese promises the means of attaining early independence. They believed in them, and therefore advocated cooperation.

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The Japanese also sought to contact the Indonesian intellectuals who had not been discontented and had held high office under the Dutch. In December, 1942, there was set up the committee for the study of former customs and political systems, to survey and study certain matters and to contribute toward administering Java. This group consisted of nine Japanese, including the chairman and ten Indonesians, including the Four Leaf Clover and certain former Chiefs of Departments, *professors, and members of the former council. This group was never important, and was abolished in November 1943.

The first request made by the four men was to be allowed to form a party. This was considered until December 8, 1942, when at a meeting in Batavia the Commander promised that a single party for Indonesians would be permitted. The decision to start would have to come from Tokyo.

On March 9, 1943, the "Putera" movement was begun, deriving its name from a symbolic abbreviation of words meaning the center of the people's spiritual power. The word "Putera" means "knight's son". Its aims and policies were similar to the previously discussed corporations, except its name was Malay. It was not a party, but only a movement, with leaders and advisory councils.

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* The leaders were appointed by the Commander-in-Chief and were assisted by an advisory council equally divided between Japanese and Indonesians. The Indonesians were nominated by the leader with approval of the military government, with local leaders appointed with Japanese approval.

The organization was governed by rules laid down by the Commander-in-Chief, and its aim was to arouse the strength and efforts of the people to support all measures for winning final victory to the war.

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12188 Since it is closely linked with the policies of military government, all leaders must have a profound knowledge and faith in the aims and objectives of the Japanese Army. Putera leaders were urged to be fully aware of existing limitations * and never lead the common people astray. They were to do their best to fulfill the aims and objects of the movement and cooperate in establishing the Sphere, and to build a new Java to be a member of it.

12189 Its functions were to impress the Indonesians with the duties and responsibilities in establishing a new Java; to eliminate Occidental influences; to participate in defense; to foster self-discipline; to deepen mutual understanding with the Japanese; to encourage the study of Japanese; * to raise Indonesian standards; to encourage care of health and sport, thrift, and savings; and higher production in every village.

The organization was only for Indonesians. The Japanese had five grades in the social hierarchy: Japanese, Indonesians, other Asiatics, mixtures, and Europeans. Indonesians were treated as privileged characters, while the 3 to 5 group were treated as foreigners, with Europeans and Eurasians receiving the worst treatment.

12190 When the Putera was adopted, restrictions on travel by foreigners was strengthened, and everyone had to immediately inform the police when lodging someone from outside his place of residence. Forbidden zones * covering the entire south coast and the eastern and western ends of Java were established.

Great enthusiasm for Putera dwindled when it became clear that its activities were to be restricted to the principles laid down by the propaganda service. There was great disappointment when its youth movement was forbidden and the Japanese set up their own. At the time, outside the East Indies great changes had taken place. Japan had been forced from the offensive into the defensive and lines of communication were seriously threatened.

In this background, on June 16, 1943, TOJO made a speech in which he stated that since the people of Java had shown their readiness to cooperate, they should be given participation in the government. He also promised independence to Burma and the Philippines.

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* In pursuance of this, TOJO visited the southern regions in person, and while enroute to Java repeated promises of independence for the Philippines and Burma. In Java he promised only participation in the government, coupled with the conditions that there will be complete cooperation with the Japanese to win ultimate victory.

In August, 1943, an Indonesian was appointed Chief of the Religious Affairs Department, with actual control in Japanese hands, and two other Indonesians were appointed Chiefs of Residencies, with actual power in the hands of the Japanese Vice-Chief. A number of Indonesians were appointed to lower positions, which they had held before, and were incorporated into the Japanese Administrative Corps and accorded corresponding Japanese rank.

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* The Adviser System was introduced, and Indonesians were nominated but acted only on referred questions. In all Residencies and in Batavia an advisory body was established to advise the Resident on local government, by Ordinance No. 37 of September 5, 1943, which prescribed the number of members to be appointed and elected. Elections were indirect, with secret nominations and open ballot. The function of these bodies was to answer questions of local government put by the district leader, with the right to make suggestions on the referred subject. It met only on orders, and its sittings were open and closed by orders of the officials of the leader's office, who could attend and participate.

The sessions were public only for the opening address and the closing session. Sessions proper were closed. At the final session motions already settled were put to a mock vote and passed unanimously.

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* Sessions only lasted four or five days, and its chairman was appointed from among the members by the district leader. Each local group sent representatives to the Central Advisory Council of Java.

This was established on September 5, 1943, by Ordinance No. 36. 23 out of 43 members were nominated in advance by the Commander-in-Chief. 18 of the remainder were elected by the Sangi Kat, and two were nominated by the Sultanates. The procedure was the same as the local body. They could only offer advice in response to questions of the Commander-in-Chief, and to make suggestions.

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12194 The actual direction of affairs of this central body was with the head of the Record Office, a Japanese, as were his other officials. The function of this office was to deal with the incoming and outgoing * correspondence, and to exercise internal supervision over the big body. The head and his staff were appointed by the Commander, and the first head was private secretary to TOJO.

The secretary of the local Council was always a Japanese, and from the very beginning these organizations were used for Japanese propaganda to recruit labor and volunteers, and to encourage the increase of agriculture and delivery of crops to the military.

Wider administrative powers were given to the Sultans of Central-Java in elementary education, local government at lower levels, public health, farming, etc.

12195 Simultaneously with the establishment of the Central Advisory Council, the military and administration took the view that the Indonesians should give expression of their appreciation for TOJO's promise translated into fact, by demonstrating * their preparedness to support the military administration by organizing a volunteer corps. The Propaganda Service stated that it should appear that the inhabitants desire to have their own army.

At the end of August, 1943, a friend of Sukarno asked for permission to set up a volunteer corps. In October, 1943, the Commander said he was favorably disposed, and by the beginning of October 1943, the army of volunteers for the defense of the homeland was set up, to call on the Indonesians for the defense of Java, based on the principle of joint defense of Greater East Asia.

12196 The 4th Article stated that the Corps should be convinced of the ideals and importance of the task of defense, and it was their duty * to participate in defending the home country against the Allies under the leadership of Japan.

These organs are commanded by the Commander-in-Chief of Java, and it was stated that it was not to form part of the Japanese army, and that it would have its own officers, trained by Japanese. It was not to be used outside Java, and would consist of volunteers.

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Recruiting started immediately, but on subsequent levies it appeared that there was insufficient enthusiasm so that each new levy contained a required number of volunteers. One of the chief activities of Japanese propaganda was to encourage enlistment. The training of officers began in October, 1943, and lasted three months.

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The plan was to form one or more battalions of a thousand men each in each district, as a unit for defense of the district. This object was achieved by the time of Japan's capitulation. The task of the volunteers was mainly one of guarding road * junctions, bridges, and strategic important points. Weapons were only supplied during drill, and most training was with wooden guns. The Beppan, a special section of the 16th Army, was charged with training and made use of its training to spy on the volunteers, as well as to use them for spies.

Prior to this, the Japanese had used Indonesians as auxiliaries. Shortly after the occupation, many Indonesian soldiers had been compelled to serve as auxiliaries. These units formed part of the Japanese Army and were issued Japanese uniforms. They were generally used in Ordnance Corps and to guard camps. They were sent off the island.

The Navy made similar use of auxiliaries. Both the volunteers and the auxiliaries were taught Japanese, and their commands and regulations were written in Japanese. They wore Japanese insignia, and were instructed in "Seisin".

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* One of the important aims of Japanese propaganda was the increase of crops and the delivery to the Japanese. They had to provide large quantities of food for occupation and fighting troops. The army of occupation was laying up large stocks of supplies. Java, which before the war could not meet its own food problem, was expected to produce more, yet an increase was obstructed by a lack of proper supervision of irrigation due to replacement of personnel and by haphazard methods used by the Japanese in forcing production of commodities unsuitable to climate and geography. This reduced the area available for food crops. It became less advantageous for the farmer to hand his product to the Japanese.

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12199 From the beginning, the Japanese adopted the NEI policy of stabilizing the price of rice. As the military guilder decreased in purchasing value, the official price * for rice fell far below its former value in relation to other commodities, and other articles became virtually unobtainable

The Japanese ordered that 60% of the harvest had to be delivered to them, and took far reaching measures to combat black market by closing regional economic areas, and by checkpoints on the highways. Threshing of rice in other than coordinated mills was prohibited.

The propaganda service exercised all powers to persuade the farmer to cultivate wider areas and to yield his crops to the military.

12200 Not only in Java, but everywhere, Japan used labor to build military fortifications, airfields, and strategic railways. Java was a source of this labor. From the beginning, the Japanese encouraged voluntary enlistment of the coolies and were at first successful, but when the inhabitants learned how they were treated, * their desire to work for the Japanese disappeared. This became worse when the coolies sent out did not return and there was no news. The Japanese thereafter adopted conscription, both for work in Java and outside.

In 1943 a vigorous campaign was started in which the economic warrior was represented as fulfilling a sacred task by working for the Japanese. One could not speak of coolies. The coolie was a soldier, and his contribution had to be appreciated. Recruiting was undertaken by every possible means. One was to give a sign to his home, pointing out that the public should honor such designated houses. His relatives were supposed to enjoy certain privileges in the distribution of scarce commodities, which they got only after the government officials had received their share.

12201 The * laborers received less care than the POW and internees, and their condition was aggravated by their ignorance and lack of hygienic precautions and medical care. The official estimates indicate that some 270,000 men were sent out, of whom not more than 70,000 have returned. Most received inhumane treatment. Accommodation, food, and medical care were either inadequate or absent altogether. During certain periods,

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laborers who had died of starvation and contagious diseases were carried out of certain camps by the carload daily. In religious matters, the propaganda service tried to obtain complete cooperation, particularly to influence the Mohammedans, who were in the majority. Priests and preachers of enemy races were forbidden to have services except for the enemy race, and if an Indonesian noticed an Indonesian among the congregation he had to make him leave.

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* With respect to the Mohammedans, the Japanese adopted three principles. One, the Japanese Army was the protector of Islam; two, religious associations would be authorized to carry on activities to propagate the ideals of Greater East Asia, and to support the Japanese; third, that the cooperation of the Mohammedans in education was acceptable in so far as it was directed at full support to the Japanese Army, and was imbued with the ideals of the Co-Prosperity Sphere. Within this restriction religious education would be permitted and supported. The religious office established a permanent training center in Batavia where three week courses in Japanese ideology were given to groups of religious leaders. These courses were also used to test whether Japanese propaganda had its effect and to select collaborators. These accomplices carried the propaganda * to the rural population, and were responsible for producing sufficient rice for a sufficient supply of laborers and for enlistments as volunteers.

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The Japanese worked on the fanaticism of the inhabitants, and tried to have the leaders declare the war a holy war against the unbeliever. When it was pointed out that the Japanese were unbelievers, the common ancestry of the Japanese and Indonesians were pointed out.

In the beginning of 1944 religious disturbances took place in certain districts, and the Japanese held the Indonesian leader of the religious affairs responsible, and replaced him by an old and popular Mohammedan leader. He accepted this post and spent one day in Batavia and then returned to his religious institution, leaving the direction of the department to the Japanese.

12204

From November, 1943, the Mashumi became the organization through which the Japanese ruled the Islamic intellectuals, and carried on * propaganda for

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the Japanese, sounded public opinion, and carried on espionage. Relations between the Mashumi and the Religious Affairs Department was strengthened until it was directed by the Religious Affairs Department for all purposes.

The Japanese established religious affairs sections in every district, under local leaders, who had the duty of making the military policy understood in the villages. The Religious Affairs Department issued a publication called "Asshu lay", edited in Malay, Javanese and Sundanese, printed in Arab script, which it distributed free of charge among all Mohammedan leaders.

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The Japanese made special efforts to coordinate the Chinese, the mainstay of the middle class, first by trying to induce leading officials of the Chinese associations to form one big organization, but the effort failed. In August, 1943, * they decided to establish an organization with the support of a few pro-Nanking Chinese. This was organized along customary lines, with leaders appointed by the Japanese and with cooperation with the military as the supreme object. They took no action on their own, and the organization was used to disseminate Japanese propaganda and to spy.

At the same time, the Japanese permitted limited Chinese private schools, and the sending of small remittances to families in Japanese occupied China. This latter promise was not kept.

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At first the Eurasians were ostracized, and were replaced in the higher ranks by the Japanese. However, not enough Japanese were available, and trained Indonesians were insufficient in number. The first effort to obtain Eurasian cooperation was made in September, 1943. They began to be treated as belonging to the native population, * but the Japanese stipulated that they had to realize that they were members of the Greater East Asia community under Japan's leadership, and to renounce their western ancestry. The Japanese promised to admit a number of Eurasian children to village schools reserved for Indonesian children. Separate schools for Eurasian children remained forbidden.

In the beginning of 1944 the Japanese decided to dissolve the Putera and replace it by an organization in which all Asiatics would combine. The Putera had failed to reach the simple villager, comprising about 80% of Java's population and supplied the manpower for the Japanese.

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12207 In addition, the movement had become too strongly nationalistic. The new organization followed the Japanese pattern and combined propaganda with organization for distribution of essential supplies. Beginning in January, 1944, * all of Java was divided into small communities of 20 houses each, called Tonari Gumi, organized on centralized lines. This was headed by a leader appointed from above and responsible to carry out his orders. All existing associations were absorbed by the Tonari Gumi.

The duties were extensive, such as distribution, training for air raid defense, and guerilla warfare. The head of the community had to lecture at least once a week on Japanese ideology and the practical application. Japanese aims in regard to population were extolled, according to instructions by specially trained Indonesians. Other meetings were held for larger units once a month, in which one member of each family had to attend.

12208 All inhabitants of one area of Tonari Gumi had to be members,* since only membership gave distribution facilities.

On March 9, 1944, the Putera was officially dissolved, and the Corporation for Communal Services in Java, comprising all Asiatics, was officially installed. This corporation remained the instrument of Japanese control until August 31, 1945, when it was dissolved.

According to the explanation of the Ordinance, it was set up as an organ of military administration to carry out its instructions in friendly cooperation with the people. It had the duty to see that these instructions reached all, and was to work closely with the Tonari Gumi. Its leader had to see that everyone was enlisted in positive support of the military. It was, in fact, an executive body, based on the principle of complete coordination of all inhabitants.

12209 The central direction * was appointed by the Commander, and only of Japanese. The Executive Bureau, under central direction, had several Indonesians. The branches were established in all localities, and its smallest unit supervised one or more Aza, which in turn supervised a number of Tonari Gumi.

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12210 The leader of each local administration was assisted by a council, which met at least once every six months to discuss ways and means of promoting assistance to the military. The Tonari Gumi, the lowest body, had the task of actively supporting the police and village guards in defending the country, during air raids, and other dangers, and to make the inhabitants understand the laws and regulations of the military administration; the stimulation of increased food production, and delivery and distribution; * the general support to the military, and mutual help and assistance.

The new organization absorbed all others pursuing similar aims, regardless of nationality, including the Japanese. The Womens Corporations, the Islamic Corporation, the Chinese Corporation, the Sports Corporation, the Cultural Corporation, were all incorporated into it.

12211 Activities by Eurasians for their mutual support brought systematic prosecution by the Kempei-tai. Dozens of leaders died in prison as a result of ill-treatment, starvation, diseases, or sentences. Anyone who attracted suspicion was tortured, till false confessions became a daily thing, bringing fresh victims within the Kempei clutches. A typical example happened in 1944 in Pontianak, *where more than 1200 prominent Indonesian and Chinese were executed on an unfounded suspicion of conspiracy. In Java the Indonesians constantly feared the Kempei-tai. Great care had to be taken, since spies were everywhere. There are hundreds of cases where people were cruelly tortured by reports of entirely innocent conversation, by the most horrible tortures.

12212 * Outside Java the same policy was adhered to on political and religious activities. A number of prominent Indonesians were appointed and similar bodies were established, but the process was slower than in Java. Naval territories were slower to follow than those under army occupation. In the naval areas the Central Advisory Council stage was never reached, although in Sumatra such a council was installed in February, 1945. No organization like the Putera was permitted, despite requests.

12213 Compared to Java, propaganda in the other islands was concentrated on the younger generation.
* Volunteer Corps were established.

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During 1944 the four basic aims of Japanese propaganda were given full play. Using the slogan of "Asia for the Asiatics" and religious hatred, the Japanese worked on all sections of society by holding courses of instruction. The first group dealt with was school teachers, followed by policemen, heads of villages, minor civil service officials, higher officials, doctors, pharmacists, lawyers, and government personnel. Even the smallest group was given attention.

12214 This propaganda, while crude, was to some extent successful, partly due to chaos and distress and hardships. The Japanese realized the potential dangers of the situation. It was the task of the propaganda service to bend these sentiments so as to distract from the Japanese occupation. There was an increasing campaign of hate against the West, particularly the U. S. and Britain, which with Holland were held responsible for the * sufferings of the people.

Prior to the fourth phase, September 1944 to August 1945, the strategic situation outside Java had considerably changed. The break-through at Saipan had occurred, the TOJO Cabinet had been succeeded by the KOISO Cabinet, which recognized that it faced the isolation of the South, and the necessity of the Japanese troops to stand there by themselves, and that it was more important to gain popular cooperation.

When the Japanese intentions became known in August, 1943, disappointment was expressed clearly among prominent Indonesians who had still confidence in Japan, and the Japanese were warned to accelerate national aspirations in the South if they were to retain full cooperation.

12215 On September 7, 1944, Prime Minister KOISO promised independence for the East Indies, * although it was not made clear what region would gain independence when granted. The promise was conditioned on the people defending their territory for the Co-Prosperity Sphere, and independence was defined only by reference to membership in the Sphere.

Previous to this, at the end of August, 1944, the 16th Army in Java had been informed confidentially of the contents of this statement, and it issued certain secret orders which were discovered in the office of the military administration.

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Planning and execution is the duty of the military government, and others must cooperate with it so that there will be no inconsistency. The 7th day of September is to be National Independence Commemoration Day, and the week from the 7th to the 13th is to be the National Festival. On the 7th the provincial governors will assemble, and the Commander will indicate the new policy. On the 8th there will be a ceremony for expression of gratitude. On the 9th or 10th there will be a special council in every province, and on the 11th a special session of the Central Council.

- 12221 Exhibit No. 1353, the order of September 7, 1944, from the Military Administration, stated * that the policy was to promote the racial consciousness of the Indonesians and to incite this into a hostile feeling for a complete war to exterminate the U. S. and Britain.
- 12222 * This racial consciousness promotion is to be planned. Responsibility and efforts of the race are to be stressed and the people made to realize their aggravated mission for the complete prosecution of the war. Measures for independence are to be left to the Army, and the people shall understand the need to offer themselves entirely to the military administration during the war.

They are to be influenced by looking at the independence and participation in government of the Philippines and Burma, and thus induced to increase their confidence and reliance on Japan.

- 12223 * Those who found fault with persons cooperating with Japan or who have not themselves cooperated, are to be ostracized, thus forcing out and checking all critical speech and action. By emphasizing the significance of the conference and the joint declaration, the people are to become conscious of a feeling of certainty regarding the construction.

- 12224 To check counter propaganda beforehand, they shall be reminded of past oppression by tracing the history of atrocities of the U. S., Britain, and Holland. The cooperation of the Chinese, half-castes and Arabs is worthy of attention. * These people must be made to exert themselves toward constructing a new society with the idea of concord of all peoples with the Indonesian race as the nucleus. The new policy will be glorified by utilizing the actual results.

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Measures to be adopted are to include every kind of information organization and primitive method. Newspapers shall issue extra bulletins, and there shall be no suspension of publication on Sundays; on the first two days of the week, four page newspapers are to be issued.

12225 The functions during the week after the official announcement are to be filmed and edited. In broadcasting the text of the official announcement in Tokyo, the statement of the Commander * and the talks of the military administration shall be repeated, accompanied by clear and cheerful music. The inspiration and determination of the natives shall be put into the daily program.

The national flag of Japan shall be hoisted for one week. The details of the Outline are to be planned and executed by the Department of Propaganda in cooperation with the Bureau of Native Affairs.

12226 * The witness stated that the promise made on September 7, 1944, by KOISO, was announced in Java, he stating that the nation to be set up would be a just and true nation, a link in the Co-Prosperity Sphere with the duty of contributing to the development of Greater East Asia under Japan's leadership. If all inhabitants want to raise the standard of the nation, it is necessary that they train themselves to become a Greater East Asiatic people, until final victory is achieved. If final victory is not won, then the construction of Greater East Asia cannot materialize and the East Indies will not get independence. The natives must endure all hardships and remove all obstacles that will come in the future. *
12227 While waiting for independence, all inhabitants must work hard to continue the war. The Japanese condoned the theme of Indonesian gratitude for KOISO's promise as propaganda for months to come.

At the same time, the 16th Army was instructed to advise the War Ministry as to the area to be declared independent, the date that it was to take place, and the form of the new State. The Military Administration submitted a report entitled "Gist of Measures for Guiding Independence", in which it proposed to make Java first independent. It suggested, in order to build national consciousness, the creation of the Academy for the Building of the State, and increased participation in administration.

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11228 Only two practical steps were taken to carry out the promise. On September 8, 1944, the people were allowed to fly the * Indonesian along with the Japanese flag on certain occasions, subject to regulations, and permission was given to sing the Song of Great Indonesia as the national anthem.

On September 11, 1944, the Commander convoked a special session of the Central Advisory Council to answer the question on how Indonesians could show to Japan and her army their gratitude for this promise, and how the will of the people to fight could be further enhanced.

11229 Another session was held on November 17, 1944, and a motion was adopted laying down the five rules for the conduct of life as a compass for the Indonesians. These five rules stated that the Indonesians, along with other nations, regard this war as one with Japan, and will contribute their efforts * in all sincerity because the war stands for justice and righteousness. They will found an Indonesian state which will be independent, unified, sovereign, just, and prosperous, and will value the spiritual merits of Japan and will live as a true member of the sphere. They will try to achieve greatness by keeping alive their civilization and culture, and by developing Asiatic culture.

While maintaining strong relations with the nations of East Asia, they will serve their country and people with an unwavering mind and believe in God Almighty. They will strive to achieve eternal world peace, based on Hakko Ichiu.

12230 On December 1, 1944, participation in administration was increased by appointing several Vice-Governors and some Indonesian officers. * A Board of Officers was established to meet regularly with the military administration in periods when the Advisory Council was not in session.

In the meantime the Propaganda Service had introduced a new slogan of "Java One Fortress". This was to bring a maximum war effort in the face of an Allied landing. The population was worked upon by powerful propaganda, and trained in guerilla fighting.

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During one propaganda meeting in Batavia, effigies of Roosevelt, Churchill, and Van der Plas, a Dutch administrator, were burned. The inhabitants were urged to declare holy war on the west.

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* Three new semi-military organizations were established, and the Tonari Gumi were used to reinforce the village guard. On no occasions, however, were the villagers told that such action would constitute a violation of the rules of land warfare and would compel the opposing party to treat them as "franc-tireurs".

This training had an unintended result. In February, 1945, a detachment of volunteer defense corps in East Java surprisedly attacked the Japanese guards and captured the town. An orgy of murder and robbery ensued, with all victims being non-Indonesians and included Japanese. The movement was partly settled by compromise, and partly by violence and bloodshed.

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There was also increased resistance against Japanese regulations in the economic field, especially against the delivery of products and recruiting of labor. To overcome this, stringent measures were adopted against Indonesian officials, * who were held responsible for poor results in recruiting. Many were dismissed and new ones substituted, especially those who had come to the fore through the big corporation or through the religious courses. These new arrivals were not fully competent, and they always had Japanese advisers. One-third was staffed with nationalists favorably disposed toward Japan. However, the required delivery of food and the recruiting of coolies were not achieved. The Japanese realized that they were increasingly dependent upon the cooperation of the people and would have to bear the consequences of their own propaganda.

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In September, 1942, Count KODAMA, an advisor to the Commander, visited Tokyo to try to arouse interest in local views. In November, 1943, SUKARNO was sent to Japan and pressed TOJO for independence, but got no answer. At the end of 1944, HAYASHI, highest adviser to the military government, went to Tokyo with the consent of the Commander-in-Chief in Java to persuade Japan to * support puppet independence.

The Academy for the Building of the State was started on April 29, 1945, to influence the minds of future leaders and to imbue them with Co-Prosperity ideals.

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In the meantime Java Headquarters pressed higher authorities for a speedy solution. On April 30, 1945, a conference took place at Singapore, attended by Chiefs of General Affairs Departments of all areas under the 7th Army in Java and Sumatra and commanded by ITAGAKI. At this conference the leader of Java explained how far the Indonesians had been awakened and pointed out that they could not regain their confidence except by carrying out the promise of independence.

12234 On May 15, 1945, Marshal TERAUCHI's Headquarters requested views of local headquarters on independence. Java responded with a proposal declaring * all of the NEI independent within a year. Singapore dodged the issue.

On May 20, 1945, at the instigation of ITAGAKI, a meeting was called of all Chiefs of Staff at Singapore, in which they recognized that war was turning against Japan. It allowed Java to convene a committee for the study of preparations for independence. This was installed on May 28, 1945, and took a solemn oath of loyalty to live and die with Japan.

12235 * The naval territories were not represented at the conference, and the measures discussed related only to the army, narrowed down to Java. Sumatra lagged behind. This new committee consisted of 60 members, including four Chinese, one Indo-Arab and one Eurasian. A Japanese was deputy chairman, and there were seven other Japanese members. The Committee had an Administrative Bureau with a Japanese Deputy Chief. The Ordinance founding this committee required its findings to be reported to the head of the Military Administration, and later a new Committee for the Preparation of Independence would be formed. The present Committee was to confine itself to study and could not make any decision. The Committee met twice, from May 29 to June 2 and from July 10 to 16, 1945, in closed session. * It drafted a constitution resembling that of the Philippines.

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There was much disappointment when it was learned that the Committee could not make decisions and had to restrict itself to Java.

On July 17, 1945, the Supreme War Direction Council decided to grant independence to the East Indies as soon as possible. This decision reached Java on July 21, 1945, and according to directives the territory was

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to comprise all of the NEI, while a Committee for the Preparation of Independence was to be set up in the near future.

12237 Emphasis was laid on the need to safeguard requirements for military operations. The Headquarters of the Southern Army at Saigon was ordered to work out the details. From July 30, 1945, at ITAGAKI's Headquarters * in Singapore, a conference was held of the heads of General Affairs Departments of the Military Administration of the regions concerned, and a scheme was drawn up for guiding preparations for independence, with the day set for the spring of 1946.

12238 In the Fifth Phase, in the beginning of August 1945, TERAUCHI received orders from Tokyo to hasten preparations for the new state and to create it in September, 1945. In pursuance of this order, on August 7, 1945, TERAUCHI set up the Committee for the Preparation of Independence. This was done by a proclamation of that date, which stated that based on the proclamation of Japan, September 7, 1944, the Southern Army had been taking measures * to guide the Indonesians. Due to the awakening of the people, the Indonesians have so far succeeded in training for government and for the defense of the country with burning enthusiasm. In response to the efforts of the people, the Southern Army approves installing about the middle of August a Committee for the preparation for independence for Indonesia which is to accelerate all measures for final preparations for an independent government.

12239 On the same day, the Commander-in-Chief of Java issued a proclamation in which he stated that Japan has promised to grant East India independence in accordance with Japan's basic principles. The East Indians * have worked hard so that their independence could be built fully and speedily. As an independent nation, she will now join and take her place in the battle-line for the common defense of Greater East Asia.

12240 The Chief Military Government stated that independence is based on humanitarian principles for contributing to form a new world order. The new nation must have sufficient strength, and its administrative machinery * must be organized speedily and smoothly. The first duty is to bring the war to a successful conclusion, and the Indonesian nation must develop its war potential to its fullest extent.

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12241 There was then a few days of silence while Japanese propaganda continued to elaborate upon the common ties of destiny between Japan and Indonesia. On August 9, 1945, three leading nationalists, including Sukarno, were flown to TERAUCHI's Headquarters at Saigon and received by him on the 11th. He stated that they were supposed to have been sent to Tokyo to receive the Imperial Decree directly, but because of difficulties and dangers of communications and time he had been instructed to transmit the contents of the Decree to them on behalf of Japan. The Decree stated that Japan had been pleased * to set up a committee for the preparation of independence. The new state was to include the entire NEI.

The day of independence was to be determined by Japan at its discretion as soon as preparations were completed, and the government would be installed first in the place where preparations had been first completed; and would then be extended to include other areas as preparations were completed. All Japanese demands militarily were to be complied with.

12242 Sukarno was appointed chairman of a committee, with 13 members from Java, three from Sumatra, and five from naval occupied territories. The members were appointed on nomination by local Japanese military commanders. On August 14, 1945, Sukarno returned and was selected as the new leader of Indonesia by the Commander-in-Chief and many of the military and Indonesian * authorities. Meanwhile the Committee members from Sumatra, Borneo, the Celebes, and Bali, were flown to Java after having received their instructions from the area military or naval authorities.

The first meeting of the Committee was fixed for August 19. On August 15 they were informed secretly of Japan's capitulation.

During the night of August 16 to 17, the Committee, with others, met at the residence of the Japanese Naval Liaison Officer, and it was decided to proclaim independence the next morning. The constitution drafted by the Committee for study was hastily altered, and the following morning independence was broadcast by Sukarno through the Japanese radio.

NARRATIVE SUMMARY OF THE RECORD
(December 6, 1946)
(Netherlands - DeWEERD-Direct)

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12243

* The people of Java, except for rumor, still did not know of Japan's capitulation. On instructions from the Commander-in-Chief, the Japanese Propaganda Service kept Japan's defeat secret, and the newspapers and local broadcasting stations, between August 17 and 21 made no announcement of anything but that of independence and the proclamation of the constitution.

On August 21, 1945, along with the text of the Emperor's broadcast of August 14 on the surrender, there was published a proclamation which stated that Japan will always be a friend of Indonesia, immutably and forever. Japan will never forget her oath.

Until August 21, the defeat had been kept secret; the period has been called the "stolen week".

CROSS-EXAMINATION BY MR. LOGAN, COUNCIL FOR KIDO

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12,245

* The witness states his report was based on investigations in NEI and he was not familiar with similar measures taken during the occupation in other countries. When asked whether the procedure was not proper for an army of occupation, the witness stated that not only were prominent sections of the Western Section interned, but all white people * were interned, which he thought unusual. It was obvious the deliberate intention on the part of the Japanese to eradicate Western influences. In no document did he find any indication of anything that the internment was solely a security measure.

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* He stated that the population of the NEI was 70 million. Before the war this included 250,000 Occidentals, the majority of whom were born in the islands * and the majority lived in Java. About 100,000 people, including military personnel were interned with slightly more than 100,000 left uninterned. It is perfectly correct to say that by the end of 1943 all Occidentals not born in the NEI had been interned with few exceptions.

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* In the 100,000 uninterned they were dealing with Occidentals not born in the Indies. When he stated the Occidental population he included both those born in the islands as well as those born outside. There are between 50 to 100 thousand full blooded Dutch in the islands and approximately 150,000 Eurasians.

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* The witness stated that all bank balances were frozen.

12,257

* The witness stated that on a few occasions there had been a few attempts to get in touch with the Dutch Government by transmitters in wireless receiving sets. The cases he knew of were transmitters that had been used to contact the Netherlands Government in 1943, while receiving sets had been sealed as far back as April 1942.

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* One of the first categories of books to be burned was one which contained anti-Japanese sentiments.

When asked whether the existing councils were anti-Japanese he stated he could not give a direct answer. He could only say that they were made up of representatives

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of all communities of Java and the Indies and it is possible or probable that there were some who had anti-Japanese sentiments. There were no restrictions on the grounds of racial descent, so all Javanese could be representatives on these councils.

12,259 It is correct to say that law courts were abolished and the new system had been set up by Japan, and these new courts administered criminal * and civil law in the Netherlands East Indies.

12,260 When the Japanese forces entered Java there had been some robbery by gangs. However, he did not see what advantage came about from instituting the new courts. At the beginning it may have been desired to prohibit gatherings and associations, but when he uses the term associations he means the gathering together of people, * but does not include the prohibition of the association.

The witness stated he understood English.

12,262 Prior to the war public broadcasts were handled by NIROM, a private concern bound by government regulations. Since the NEI was at war with Japan there were some anti-Japanese broadcasts made after the outbreak of the war and before the occupation. This is true as to newspapers. As to films, the industry in Java was backward and he did not know of any pictures having been made which expressed anti-Japanese sentiment. The radio and newspapers were not used for anti-Japanism for two months after the occupation. Newspapers, films * and radio came immediately under Japanese control and from what he had seen from the papers and heard over the radio there was nothing which could give offense to the Japanese and lead to restrictive measures.

12,263 He did not know the correct figures about literacy in the NEI, but it was approximately 10 percent and refers to all the people. The schools were closed on the day of the occupation. Indonesian primary schools were reopened on April 29 with a provisional curriculum. That is, the schools opened which were not used for billets or otherwise occupied by the Japanese forces. Not until August 1942 did all Indonesian primary schools reopen with the new curriculum. Such subjects as general history were dropped and other subjects of a non-political nature were maintained

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12,264 but suffered from the introduction of the Japanese language, dances and music. As a subject, history was entirely reorganized, reformed and it was not merely a question of eradicating occasional anti-Japanese sentiments, the whole subject was reformed * and an entirely new history was introduced, giving a Japanese view. Before the war both Dutch and general world history were taught and there was no particular prejudice in the teaching.

12,265 When he said in his statement that the basic principles for administration were substantially the same he meant that the administration in the islands outside of Java, as well as Java, were all along the same lines laid down in Tokyo. The NEI was divided into various areas, some under the Navy and some under the Army. In both areas there was * a military administration carried out by service officers.

In Java there were three distinct categories of officials, regular army officers of whom the military administrator was one, civilians with military rank and civilians without military rank.

12,266 In primary schools the teachers were chiefly Indonesian with only a scattering of Japanese. The same is true for intermediate schools. With respect to higher institutes, the medical college of Batavia had chiefly Japanese instructors. * This was the only medical college in the NEI during Japanese occupation. All the professors were Japanese.

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12,268

* The witness stated that the Japanese tried to restore law and order as quickly as possible after the occupation was completed. The Dutch Government personnel was interned * and was in no position to carry on the administration. It is correct to say that the Japanese introduced their own laws and suspended the Dutch laws. He, however, did not know of any Dutch acts which required such suspensions. The new law courts served a dual purpose. They tried criminal cases and heard civil cases. So far as civil cases were concerned * every inhabitant in Java could bring suit in those law courts.

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When asked about the control of industry by the Dutch prior to the occupation, the witness stated that they had to distinguish between two different categories. There were first state operated enterprises; and second, private concerns. The state enterprises were controlled by government bodies bound by certain regulations laid down by representative councils. The second category was largely in Western hands, but Indonesian and Chinese capital played a big part. The private concerns were subject to government laws * laid down by representative bodies.

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The Japanese used the transportation system to transport soldiers, material and supplies. Law and order were restored by the Japanese.

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* He could not state what the secret ordinances referred to in his statement were because at the time he left Java the scanning of the gazette had not progressed to a point where results could be ascertained.

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The information that the form of government was to be similar to Formosa and Korea was gleaned from Japanese authorities who expressed themselves in this manner and whose utterances were published. He had with him transcriptions made from newspapers at that time and could look up the speeches concerned. The only documents he had seen that refer to the matter are documents introduced and presented to the Court.

The witness stated that in 1938, 17,000 Occidentals were in government service, including those who were born in the islands. He, therefore, found it impossible to say what the proportions were of leading and non-leading government officials interned. He could not agree with

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12,274 the statement that those who were not government officials held key positions in leading commercial enterprises. He did not know of those interned if there was any potential spy or saboteur. * The women and children interned were families of the males. The Japanese occasionally stated they were interned for their own safety, but there was no reason to believe that they were in any way threatened by the native population. He would have to assume that the Japanese safeguarded these women and children against the potential threat from the Japanese. * Before the Japanese invasion the women and children were in no danger at all.

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With respect to the courts, the higher courts were at first staffed by Japanese and the lower courts remained staffed by Indonesians. Prior to the occupation there were Indonesian judges in both the higher and lower courts. The peoples council, prior to the occupation, consisted of 61 members. The president was of Dutch extraction, but there were three deputy chairmen, of whom two were Indonesian. * The remainder was made up of 30 Indonesians, 25 Dutch, and 5 Chinese or other Asiatics. He was not certain of the proportion between elected and appointed Indonesians, but believes two-thirds were elected and the rest were appointed. The remaining one-third was appointed by the NEI government in which Indonesians were represented as well as the Dutch. The Dutch did not have the final word in these meetings.

12,277 It is correct to say that under the Japanese more minor officials were Indonesian than under the Dutch rule, but the statement has to be qualified. The Japanese abolished the system of municipalities such as had been in force so far. * Before the occupation there was a division of administrative powers. Dutch communities were organized along Dutch lines, but the Indonesians lived in their own native organized villages.

It would be correct to say that the Japanese abolished this and introduced a uniform system of administration for all villages or towns. In the main cities and principal towns the Japanese appointed Japanese chiefs, while in the smaller villages and towns Indonesian chiefs were appointed. These were Indonesians who had been chiefs of their own organizations. Prior to the occupation there had been political parties which aimed at potential independence

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It is not correct to say that under the Dutch rule reference to independence was considered as treason. Each member of the council had the right to speak on any subject in any way and could not be punished. There were several political parties which had as their program eventual independence. He had never heard that the word "merdeka," which means independence was banned by the Dutch.

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* From the beginning of the occupation onward the Japanese tried to lay up stocks of food stuffs. So far as he had been able to trace, their object was to supply their own troops in Java and then to supply their troops elsewhere. Finally, these stocks were necessary to supply Java itself. Since prewar Java had been just about able to support herself it would not have been necessary to step up production if it were not for new conditions of a dual nature. * First, there was the occupation army of about 50,000, augmented by demands in connection with the necessary supply of troops elsewhere. The other factor was under Japanese management food production showed a tendency to decrease.

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After the Japanese in the beginning had abolished all schools where fishery and seamanship were taught they reopened them. Before the occupation the construction of wooden ships was of no great importance. After occupation the use of wooden ships was important to Japan for transportation * and the Japanese opened up wooden shipbuilding yards and schools.

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* The witness stated that he has seen more documents with respect to orders issued through the Ministry of War than have been introduced to the Court, but all the important ones have been introduced into evidence.

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The witness stated that as a matter of fact he had not witnessed the atrocities to 1200 Indonesians * but had learned of them from hundreds of reports from news items carried by the Japanese local paper and from eye witnesses. He had never seen any denial or contradictions, but he had seen confessions by the Japanese chiefly responsible for them.

The witness stated that during the period starting at the end of August 1945 and for several months thereafter

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when there were insufficient Allied troops available to maintain law and order in Java and elsewhere the maintenance of law and order under the terms of surrender were given to the Japanese.

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* When asked how he knew that the members of the committee for preparation for independence received instructions from the military or naval authorities, he stated he had seen one diary written by a member of the committee, a delegate from Sumatra stating that he had reported at Fort de Kock in Sumatra and received instructions from the Japanese chief civil administration and he had seen a similar passage in a diary written by the delegate for the Celebes. The instructions were not quoted in the diaries.

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* On August 15, 1945, the head of the General Affairs Department informed committee members of Japan's surrender, but they were not permitted to further broadcast this information. In Java the news of surrender was not broadcast before the 21st of August. The receivers had been sealed and could not be used to receive broadcasts from abroad. Some people did use their radios surreptitiously, but since the Kempei searched very carefully for various receiving sets it was very dangerous * to broadcast any news and to talk about it. As a result all sorts of rumors went into circulation but nobody trusted the source of information.

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* The witness stated that he had never read that the broadcast from Tokyo as to the surrender was not received properly by Japanese military authorities in Java. It is true that the Bemoeda, on the morning of August 16, kidnapped Sukarna and Hatta to have them immediately declare independence, * but this organization was entirely under Japanese control. According to what Sukarna stated he agreed to take immediate steps to declare independence. In reports that had read Sukarna and his followers were brought to Admiral MAEDA's by the Bemoeda.

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* He had stated in his statement that Sukarna conferred with General NISHIMURA, according to an interrogation of General YAMAMOTO. * NISHIMURA had stated to Sukarna that he could not declare independence, because he did not know whether or not the Japanese had actually surrendered and since they were military they would have to have new orders before they could countenance a declaration

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of independence. The exact number of people gathered before MAEDA, the witness did not know, but he did know that the Bemoeda collected all members of the committee for the preparation of independence at MAEDA's house. The next morning on the 17th they decided to proclaim independence and did so over the official Japanese broadcasting system.

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* The witness stated that the Governor-General on December 8, 1941 announced over the radio that the Netherlands Government at London had announced that a state of war existed between Japan and the Netherlands in the NEI.

CROSS-EXAMINATION BY MR. BLEWETT,
Council for TCJO

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* When asked where he obtained his information that the first head of the Record Office was the then Private Secretary of TCJO, he stated he found mention of this in the Chaheya, a Japanese managed Malay newspaper, published in Bandoeng. An article of October 15, 1943, stated the chief of the Record Office of the Central Advisory Council gave an interview and stated that he was at one time private secretary to TCJO. As spelled the name was UHABA and not WATABE. He had not * thought this detail important enough to check it, but assumed the Japanese propaganda service had sufficient knowledge of these facts and details. When asked whether he had investigated to see whether TCJO ever had a private secretary, he stated he had restricted himself to events and developments in Java.

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CROSS-EXAMINATION BY MR. LEVIN,
Council for SUZUKI

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The witness stated that he had been mobilized on December 12, 1941. * The army in Java was mobilized on the 8th of December 1941, while the army in the outer islands was called up a few days later. No general mobilization had taken place before December 8. Before that date there was in existence a skeleton of the regular army, a mere nucleus. It was all active service. The reserve and militia had to be called up.

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* The Malay newspapers brought into the camp contained nothing but Japanese propaganda. The publishers were without exception the Japanese prop aganda service.

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12,297

* His statement that Japan's policy in regard to the Southern Region was broadly laid down in Tokyo is based on the Imperial Conference which took place on November 12, 1941 and introduced into Court. It is also based on various reports and interrogations of Japanese authorities who had served in Java or other parts of the NEI.

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* The witness stated that there were a great number of internment camps all over Java in various places and he found it impossible to say where the special so-called workers camps were located. He visited these camps only after September 10, 1945. His statement that the contact with the outside world was restricted as much as possible is based on hundreds of camp and individual reports.

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* With respect to Red Cross supplies, he could only tell of his own experience and he received Red Cross packages twice. One at the end of 1944. According to the address on these packages, they had been sent at the end of 1942 on board the so-called Exchange Ships. These packages had to be divided up--one among 44 men. The second was received in May 1945 and was divided among 8. He did not know how many packages were sent, but there were a great many more in Japanese guarded warehouses than were distributed. He based this statement on what was told to him by fellow prisoners who looked in these warehouses.

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* When asked how he knew the Chinese who were interned were supporters of Chiang Kai-shek, he stated that the internment of important Chinese was according to a regular program, a list of people who had contributed before the occupation to a fund to aid Chiang Kai-shek. They were simply arrested and interned without legal proceedings. He stated the Japanese requisitioned whatever took their fancy generally without any payment of compensation. This statement is based upon hundreds of affidavits and similar documents. * It can be stated as a general rule that no payment was made at all and that in very few cases where compensation was made it was a matter of surprise. Generally no paper showing indebtedness was issued, but it did happen in a few cases.

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Conditions were rather upset in 1942, but in his opinion it would have been better to send the children to

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12,303 school and help keep conditions normal. * It is correct to say that by September 1942 the primary schools had reopened and attendance was again normal but these primary schools were only those for Indonesians. It is not correct to use the word reopened with respect to secondary schools, because the schools were all new ones. The figures of school attendance are completely unknown to him.

12,304 Meetings were limited to various groups, such as sports, scientific, cultural groups, etc. Organizations, especially those concerned with politics, were not permitted to meet. * Before the occupation it was usual to get permission from the police to hold certain meetings. So far as he knew the prohibition of possession of money was effective for all persons and he did not know that this measure was taken to prevent military men and others from obtaining Dutch money from the Dutch by illicit means.

12,305 * Until the prohibition was laid down, Dutch money was used to pay taxes, but in 1944 taxes had to be paid in military script.

12,306 The witness stated that the relationship between the Tekisan Kanribu and the Hudocsan Kanrikoodan was such that the Tekisan Kanribu handled the administration of enemy property while the Hudocsan Kanrikoodan administered the property taxes. Tekisan Kanribu administration began only in 1944. * Sources on this matter are rather confused. The first ordinances mention property exercised by the army, while the word "administration" was only given and used in later ordinances. It is only partially correct to say that private estates were appropriated, because the proprietors of these estates were absent. The majority of these estates belonged to Chinese who were never interned and whose possession was not vacant.

12,307 * The witness stated he had never attended a court martial of the Japanese but he had obtained his information by statements from witnesses. He had read a number of translations of verdicts. It never appeared from these translations whether a correct interpretation had been available.

12,308 The Kehoodan consisted of Indonesians only with Japanese instructors. * When asked what he meant that there was "the same picture of obligatory membership, unilateral binding regulations," on Page 25 of his statement, the witness

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reviewed the various provisions of the ordinance with respect to the medical organization and said there were similar regulations to be found in ordinances establishing economic corporations.

12,309 When asked whether there were any objections to the Futera except that it was Japanese controlled, * the witness stated that the organization was set up entirely on fascistic lines and he personally did not join.

12,310 The witness stated that he had never said that all Eurasians and all persons of Occidental extraction were * taken out of technical and administrative functions.

The promises to the Chinese of sending remittances to families in Japanese occupied China were not kept. The Kakyoo Sokai was established and its services were enlisted to list those Chinese who wanted to make remittances. Applications streamed in, but nothing was ever heard about them. It is possible that a few remittances were made but the majority of the applications were not handled.

12,311 * He could only repeat what he found in reports on the matter and in a few cases remittances had been sent, but in most cases they had not been sent.

CROSS-EXAMINATION BY MR. DRUCKS.
Council for CRAMA

12,313 * The witness stated that he had no knowledge of what was known to the Netherlands authorities of Japanese plans prior to the outbreak of war.

12,316 * The witness stated that his statement that Japan's policy was broadly laid down in Tokyo is based on Exhibit 877, the liaison conference of November 20, 1941, in which it is stated that all important matters concerning local government would be decided by consultation between military and civilian authorities on the spot. * He learned about this document since he arrived in Tokyo. All reports drawn by Japanese authorities on the spot mention the fact that they acted on instructions from Tokyo.

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The first measures mention the dissolution of the Peoples Council was never rescinded and was permanent.

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12,318 The abolition of courts of laws and the introduction of new courts * was permanent and not temporary, as were the abolition and ban on all organizations except those concerned with sports. Police of the few remaining organizations was also permanent. * The original total ban on meetings and associations was modified in the case of sports. All existing organizations were substituted with Japanese ones. * It is correct to say that Japanese policy in the case of permanent changes was to replace Dutch control with Japanese control. The key positions were taken over by Japanese and this applies to key positions formerly held by Indonesians.

12,321 * When asked after the capitulation of Japan how the people were treated who acted in violation of the rules of land warfare, the witness stated that in Bekasi, a British plane, carrying Indian soldiers made a crash landing in November 1945, * the population was scared and massacred the Indian soldiers just as they had been instructed to act by the Japanese.

CROSS-EXAMINATION BY MR. CUNNINGHAM,
Council for OSHIMA

12,323 The witness stated that he was an officer in the reserve of the Royal Netherlands Indian Army. * He has not yet been demobilized and has been assigned to the Attorney General's office temporarily. He considers himself to be a representative of the Attorney General's Office, Batavia for investigations * in Tokyo. He has no other status but that of official representative of the Attorney General of Batavia. He had not testified in any other trial and his testimony has not been used in any other trials involving Japanese defendants. He has not made any report which has been used in any other trial. His report has not been officially approved by the officials of the Dutch East Indies. * In making his report he has tried to be as objective as possible and bring out only important things.

12,326 He was in the NEI when the liberating troops of Britain and Holland arrived. * He had made no estimate of the number of casualties resulting from Japanese occupation.
12,328 * So far as the witness knew Java was occupied by a force of approximately 50,000 men. There were about 45,000 in Sumatra and the number in navy occupied territories is not known to him. The whole of the entire NEI territory was

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12,329 occupied except for a small part of New Guinea and probably the whole of the NEI under the occupation of Japan.
* The Japanese command of the NEI surrendered to Lord Mountbatten.

CROSS EXAMINATION BY MR. OKUYAMA,
Council for PACIFIC

12,330 The witness stated that he practiced law until December 12, 1941 and had practiced law for about ten years.
* Most of the time he was primarily concerned with civil cases, but did take up some criminal ones.

Altogether he was in eight different internment camps. The last place was Bandoeng. The place where he collected data and buried it was Tjimahi about seventeen kilometers from Bandoeng. At the beginning of his internment he was an interpreter of the Malay papers.

(December 10, 1946)

12,333 * Quite a few persons were concerned in drawing up the material with the witness. There was a nucleus of four people working with him, among them were those who could read Japanese newspapers. His helpers had normal jobs in the camp working at that time in the vegetable gardens.
12,334 * The solder and other utensils to hide the stuff came from the work shops. None of his accomplices worked in the factories. His statement is based on materials found in the official gazette * and has been added to by other newspaper material. The material collected while in the internment camp has been used as additional evidence. The evidence which he collected in the POW camps has not been presented to the Court as such, because it would have been too much.

12,336 The witness stated he does not belong * to the IPS. Most of the documents he saw since coming to Tokyo were in the possession of the IPS.

12,338 * The witness stated the jurisdiction of areas occupied by the Navy was regulated by an ordinance of November 1943, setting up the final establishment. Before that there had been a provisional system. Aside from this, a judicial system was otherwise similar to that in Java under a different name.

NAME: THE SUMMARY OF THE RECORD
(Dec 1946)
(d--cross)

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12,341 With respect to the words "to receive the Imperial Decree direct from the Japanese government" * the witness stated the words were taken from the report on the meeting between TERAUCHI and the delegation made by a Japanese interpreter who was present.

12,342 * The witness stated that he had stated he was with the staff of the First Division of the NEI Army and the only thing he had to do with preparation of military plans before December 1941 was that he was connected with the preparation of defensive preparations in West Java.

12,348-12,376--Opening statement by Mr. Lopez.

12,378 * Exhibit No. 1355, affidavit of Alva C. Carpenter, Chief of Legal Section, SCAP, certifying as to 317 reports on atrocities committed in the Philippines was offered and received in evidence.

12,381 * Exhibit No. 1356, a map of the Philippines, showing by dots the places where atrocities occurred was offered and received in evidence.

12,382 Exhibit No. 1357, a radiogram from the War Department, Washington, July 9, 1946, * showed that the number of U.S. Army, including Filipinos, murdered was 2253, recipients of cruelty and torture 1646, starved and neglected 35,092, * other assaults and mistreatments 267. As to American civilians, murdered 317, cruelty and torture 25, starvation and neglect 244, other assaults and mistreatments 0. Filipino civilians, murdered 89,818, cruelty 1258, starvation 7, other assaults and mistreatments 101.

12,384 Exhibit No. 1358, a chart of the War Department, U.S., on war crimes death victims of U.S. and Filipino armed forces and civilians * showed the total U.S. armed forces victims killed 23,039, Filipino armed forces 27,258, U.S. civilian victims 595, Filipino civilian victims 91,184, a grand total of 142,076.

12,386 Exhibit No. 1359, JAG Report No. 11, on atrocities committed at Headquarters of the Philippine Red Cross in Manila in February 1945, stated * about six o'clock in the evening when 70 persons, including patients, staff members and refugees were in the building, shots were heard at the back gate, and a woman came in screaming * that her child had been shot. Four Japanese marines, including an officer, came in and began to fire a revolver at the children. Everyone lay flat on the floor except one child who was shot. Through an interpreter the Japanese were advised that they were in a Red Cross building. This did not stop them. Dr. Venecis was shot and killed, and a volunteer attendant * was bayoneted when she attempted to protect him, as were 6 other patients. This same marine went through other parts of the building, killing and bayonetting the victims. Patrocinio Abad, a movie actress and refugee at the headquarters, was

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12,389 shot and bayoneted * 9 times and her child killed. The carnage lasted for 20 to 30 minutes, after which the Japanese left. The building was burned on February 13 with the bodies still in it. Records, files and safes were destroyed before they could be examined. The number killed was variously estimated from 20 to 50.

DIRECT EXAMINATION OF WANDA O. WERFF
BY MR. LOPEZ

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* The witness stated that she was 25 years of age and worked for Headquarters PACUSA as a secretary. * When the war broke out in the Philippines she was working for the War Department at Fort Santiago, Manila, as a secretary. At present she is secretary to the Judge Advocate of PACUSA * in Tokyo. When the Japanese first entered Manila on January 2, 1942 she was at her home in Manila. She was arrested on January 3, 1942 by the Japanese and put in Santo Tomas Internment Camp where she remained until December 10, 1944. From December 10 until liberated she was interned at Los Banos Internment Camp. On December 10, 1944 150 internees at Santo Tomas were ordered by the Japanese to get ready to go to Los Banos. At 2 o'clock in the morning the 150 were gathered, counted and put on trucks * and taken to the station where the roll was called. They were told by Japanese guards to load into a steel windowless box car. The group consisted of 120 persons over 50 and 30 under 30. They all went into the box car with 7 or 8 guards. Most were standing, with a few older ones sitting down. The train left at 2 o'clock and arrived at Los Banos at 11 o'clock in the morning. Some of the older people had passed out from suffocation. When they got off at the station they were made to line up on the road, exhausted and weakened. They stood at attention under the hot sun until 4 o'clock, when they were then marched to a place two miles south, arriving at 8 o'clock. Only half of the group arrived, the rest having fallen out. Some of those who fell out were never seen again. * When they arrived there was no food prepared and they did not eat until the next morning when they got the usual rice, corn and water.

12,397

There had been originally 1950 internees and the new group increased it to 2025. In the camp living conditions were poor with 96 to one barrack. The water supply was poor, they often going 4 or 5 days without it. The latrines were open type and no disinfectant was issued. Drinking water was usually too dirty to wash clothes in. * No medical supplies were issued and the little on hand could not have been divided equally among the patients with any effect.

12,398

At that time they got 200 grams of rice, corn and water, one meal a day. The area of the camp is one of the most fertile regions in the Philippines, where she used to go to visit before the war because of the hot springs. Abundant crops there are corn, coconuts, rice, sugar, bananas, sweet potatoes, mangoes and chocos. * The prisoners complained to the Japanese about the lack of food but were told that there was not enough food to feed them and even the Japanese did not have enough. This was not true, because the Japanese killed pigs and chickens for their meals. On one occasion she saw a truckload of rice being brought in which the prisoners never got. The Filipinos tried to bring food to the prisoners from the mountains, but were driven away by Japanese guards. About 20 feet from the fence one could see thousands of banana trees loaded with bananas. One side of the camp was surrounded with banana groves and the other side with coconut groves. * The milk of coconuts is very nutritious and would have been good for the 400 children in the camp. The prisoners asked permission to pick some of these fruits, but it was never granted.

12,399

At one time the Japanese allocated an area of land to the prisoners. The men plowed, using one man as a draft animal, and the women planted corn, lettuce, cabbage, radishes, garlic, onions, sinkamas and pichay. When the harvesting season came the area was put off limits and any internee * caught near the area was threatened with shooting on sight. At that time the food consisted of one meal a day of rice and water. Added to this the prisoners ate dogs, cats, cockroaches, snails, slugs, and some even ate rats and weeds.

12,400

The witness stated that George Lewis was a Pan-American airways employee, 28 years old and a POW.

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12,401 On January 28, 1945 Lewis was digging for some weeds in the gutter and he was shot by a guard. Without any trial on that day he was executed for attempting to escape. * When she was liberated she weighed 88 pounds and when she entered Santo Tomas in January 1942 she weighed 152.

12,402 CROSS-EXAMINATION BY MR. BOMIYA

12,403 The witness stated that she did not recall ever knowing of the Philippines suffering from a severe food shortage. The climate at Los Banos is divided into dry and wet seasons. To her knowledge there is no shortage of water there during the dry season. There are quite a few waterfalls. She did not remember that area ever having a shortage of water. The waterfalls * do not dry up during the dry season. There was a water system at camp from the mountains in a bamboo tube.

CROSS-EXAMINATION BY MR. BIEWETT,
COUNSEL FOR TCJO

12,404 When she was at Los Banos the witness stated Mr. Hikert was chairman of the committee. The commander of the camp was Major IWANAKA and a sergeant. There were about 50 guards around the gates and the commandant had about 15 on his staff. The guards wore military clothes. She did not understand Japanese Army military rank but the men had stripes on their sleeves and on their shoulders. * She gathered that they belonged to the army. She could not tell whether the guards were army, navy or marine, but the commandant was army. At Santo Tomas the highest officer was General HOMMA. The witness stated she had said nothing about Santo Tomas.

12,406 Exhibit No. 1360, JAG Report No. 88, showed that on February 17, 1945 63 civilians had taken refuge at the home of Dr. Moreta in Manila. At noon about 20 Japanese marines entered and separated the men from the women. Grenades were thrown into the rooms where the people were segregated. Many women were bayoneted, stabbed or shot. * No one witnessed any rape, but the bodies of several of the women showed indication of violation.

12,408 * that on February 9, 1945 from 200 to 700 people were
12,409 assembled at the Price residence. While Japanese sen-
tries appeared at regular intervals, they did not mo-
lest the refugees until about 5 o'clock * when 30
marines appeared. When they appeared many refugees
were both inside and outside the house. The people
inside were ordered out. When they came to the garage
at the rear, the Japanese opened fire with machine
guns, rifles and pistols. The Japanese then adminis-
tered coup de grace to those who made any sound or
movement. The Japanese, after an orgy of drinking,
urinated on the dead bodies and permitted a pig to
lick the blood off the floor.

12,411 Exhibit No. 1362, the affidavit of Basilio
Umagap, stated that in February 1945 the Pons residence
was entered and the Japanese shot 10 people including
a baby. The witness by feigning death * was able to
escape.

12,411 Exhibit No. 1363, JAG Report No. 27 on the
12,412 massacre at De La Salle College, Manila, stated *
that due to war conditions the college was not in
active operation and was temporarily used * by the
Japanese as a hospital until January 1945, when cer-
tain eminent Filipinos, 17 lay Christian Brothers,
7 servants and a refugee priest took residence there.
Shortly thereafter an unidentified number of Japanese
marines or navy men occupied a portion of the first
floor.

12,413 On February 10 the officer instructed the
soldiers to murder all the people and they began
shooting and bayonetting. Many took refuge in an
improvised air raid shelter, but were ordered to
leave * and struck down by guns, lined up and killed.
There was evidence that attempts had been made to
rape some of the victims. On February 13 the Jap-
anese returned and there is evidence that some had
intercourse with a corpse. That evening the Jap-
anese came back and kicked the bodies to find out if
they were still alive. Attempts were made to burn
the south wing of the building and a Christian Brother,
trying to extinguish the flames, was seen and killed.

12,415 Exhibit No. 1364, the testimony of Nena Alban at the trial of General HOSMA stated * that she was a nurse in 1941, working as a social worker through the American and Philippine Red Cross. During July of 1942 the Japanese Army was occupying the grounds of San Beda College. On the first afternoon she saw 4
12,416 Filipinos beheaded by Japanese soldiers. * She later saw 2 more and thereafter saw 7 more who were made to kneel across a hole in the ground and were beheaded. She later saw 10 more beheaded and she saw 4 Filipinos killed by judo by being thrown head first on the concrete pavement. She saw other atrocities. * She saw
12,417 Filipinos tortured, boxed, kicked, beaten with heavy wooden sticks. She saw 20 Filipinos tied up and then tortured in many ways. When they screamed or cried they were placed under the very hot sun. Another group of Filipinos were placed under the sun and hit in the stomach and beaten in many ways and when they were
12,418 sleeping water was thrown on them. * Four Filipinos were bayoneted right near San Beda College.

Filipinos were hung by a chain to a tree and were beaten by Japanese soldiers who passed. She saw
12,419 at least 8 other Filipinos receiving barbarous treatment. * She saw other groups held in the stock by the leg, in two groups. Their hands were also held in the stock. They were pushed back against the barbed wire fence and were burned with burning cigarettes, and some were burned by pieces of flaming wood put under their armpits. Two more Filipinos
12,420 were beaten to death. She saw 9 or more Filipinos bayoneted through the eyes * by Japanese soldiers. She saw at least 7 Filipinos have their tongues pulled out by pliers.

Exhibit No. 1365, JAG Report No. 66 on the
12,422 massacre at the German Club in February 1945 in Manila stated * that the German Club was managed by a couple of German citizens. On February 6, 1945 all houses
12,423 in this vicinity were surrounded by Japanese Naval Ground Forces. The district was then * being bombarded and shelled. From February 7 to 10 there were at least 500 civilians who took shelter underneath the Club in a 4 foot space between the concrete floor of the Club and the ground. They stayed there until

12,424 February 10 leaving only on secret trips for food and to go to the latrine. About 10 o'clock on February 10 the Japanese surrounded the Club and forbade anyone to leave the shelter. While guarding the victims with aimed rifles, the Japanese built an inflammable barricade completely surrounding the Club and hemming in the victims. Gasoline was poured over this and ignited. As the heat from the flames mounted * many ran out and tried to leap over the barricade. Most were bayoneted and shot. Some women were raped. After they were raped their hair was ignited with gasoline, and the breasts of some of them were cut off. The genital organs of an eye-witness were cut off.

12,425 Exhibit No. 1366, testimony of Mariano del Rosario in the trial of YAMASHITA stated * that he was city undertaker for the City of Manila during February 1945. He went to the Campos home after the fighting had diminished with Major Binkley, Division Sanitary Inspector, to remove the dead bodies in the locality. He found about 100 bodies in the Campos yard. He was able to notice the type of wounds on the dead bodies. They found a lady whose breasts had been chopped off * and another whose genital organs had been ripped out with a bayonet.

12,427 Exhibit No. 1367, testimony of Rosalinda Andoy in the YAMASHITA trial, stated that in February of 1945 * she went to the Manila Cathedral as ordered by the Japanese and stayed there one day and was then taken to the Santa Rosa Church. She was there with her whole family except her father *
12,428 who had been killed by the Japanese at Fort Santiago, having been taken from the cathedral. They were then
12,429 ordered to go to Santo Domingo * where immediately some grenades were thrown by the Japanese. Her mother is now dead, having been killed by the Japanese inside the church at Santo Domingo. The witness saw her killed.

12,430 The witness was wounded with bayonets and received * 38 wounds. She, her mother and a person by the name of Salin were together. The witness' wounds were in different parts of her body. She had
12,432 10 on the left arm, 4 on the right arm * an unknown

12,424 February 10 leaving only on secret trips for food and to go to the latrine. About 10 o'clock on February 10 the Japanese surrounded the Club and forbade anyone to leave the shelter. While guarding the victims with aimed rifles, the Japanese built an inflammable barricade completely surrounding the Club and hemming in the victims. Gasoline was poured over this and ignited. As the heat from the flames mounted * many ran out and tried to leap over the barricade. Most were bayoneted and shot. Some women were raped. After they were raped their hair was ignited with gasoline, and the breasts of some of them were cut off. The genital organs of an eye-witness were cut off.

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12,430 The witness was wounded with bayonets and received * 38 wounds. She, her mother and a person
12,432 by the name of Salin were together. The witness' wounds were in different parts of her body. She had 10 on the left arm, 4 on the right arm * an unknown

12,433 number on her chest, certain wounds on her abdomen. As a result of the wounds on her abdomen her intestines came out. She had one wound on her back and 5 wounds on her leg. * That night the witness slept at Santo Domingo beside the dead body of her mother. She left Santo Domingo in the morning. When she left she saw a boy child tossed up in the air and caught with a bayonet. * The baby was about 3 months old and the bayonetting was done by a Japanese.

12,434

12,435 Exhibit No. 1368, JAG Report No. 53 on the massacre of 200 civilians at St. Paul's College, Manila, February 1945, stated * about 250 people were placed in the premises and the doors and windows shut and barred. The three hanging chandeliers were wrapped in black-out paper with strings running from inside outside the transom. Five Japanese brought in some food and liquor and the people were told that they could eat and drink when the Japanese left. The people rushed for the candy and biscuits and in a moment there were three explosions, there being grenade traps in the chandeliers. The Japanese began machine gunning and throwing grenades into the rooms and corridors. Holes were blown into the walls and people tried to escape. Many were killed * by machine gun and rifle fire while trying to escape.

12,436

12,437 Exhibit No. 1369, JAG Report No. 63 on the atrocities in the Campos residence showed that on February 7, 1945 four Japanese navy men came to the Campos house and looted the place, taking pesos, jewels, watches. They then took two of the Campos boys to the Nippon Club * promising to bring them back, but they were never seen again.

At about 4 o'clock on February 12 four Navy men ordered all occupants of the house to leave and go to the garden. The men and women were separated, searched, and gross indignities were given to the women. The Japanese took a great deal of money and valuables and burned the house of one of the inmates.

Exhibit No. 1370, JAG Report No. 84, on the massacre of more than 1000 civilians at Lipa,

12,438 Luzon, showed * that during the latter part of February 1945 the Japanese engaged in a program of murder, looting and destruction in Lippa. One civilian woman was bayoneted to death. Two groups of civilians, each having from 200 to 300 persons, were pushed into wells where they died by drowning, by crushing, or by gun fire. A group of over 500 civilians were bayoneted. Another group of 600 were assembled at the Cathedral and bayoneted. Other bayonettings and murder took place. In March 1945 the Japanese burned Lippa and destroyed its utilities, including the water system.

12,440 Exhibit No. 1371, JAG Report No. 117 on additional massacres at Lippa in March 1945 showed that about 9:00 PM * on March 5, 1945 about 1000 Filipinos were required to assemble in the Barrio of Bulihan. Men were separated from women and children and led to the edge of a cliff where they were blindfolded, bayoneted to death, and their bodies pushed into the stream. The women and children were disposed of in the same way, the slaughter lasting for 5 hours.

12,441 Five hundred to 600 * corpses were later seen on the edge of the river.

On the same night 500-600 Filipinos were assembled in the Barrio of Suloc, two kilometers from Bulihan. About 200 of these were released, but the remainder were taken and bayoneted to death and their bodies thrown on to the bank of the stream. Nineteen other males were similarly killed.

12,442 Exhibit No. 1372, the affidavit of Apolinaria Navarro, stated that in February or March 1945 * about 500 residents of Suloc with a few men were taken to a schoolhouse. About 200 people were selected and placed in different places. There were 300 people remaining. The Japanese bayoneted the two children of the witness, a boy age 10 and a girl age 6. The witness was bayoneted by 5 Japanese in the back.

12,443 Because of the force of the bayonets * she automatically fell to the side of the river on top of many dead bodies.

Exhibit No. 1373, JAG Report No. 106 on the massacre of 194 Filipino civilians at Santo Tomas stated that at 0500 on February 11, 1945 the Japanese came to Santo Tomas and went from place to place stealing, killing many inhabitants and burning the dead and wounded. Three of the victims were subjected to attempted or actual rape, and 194 residents were murdered.

12,444

At one home * there were between 65 and 70 people. About 25 were taken to a cemetery. Three of the men were taken to a latrine, bayoneted and thrown in. Another group of 50 were taken from their hiding place, bayoneted, stabbed, doused with gasoline and set afire. Another group of 50, after being shown the bodies of 20 killed, were stabbed and burned by gasoline fire. * In one instance the Japanese were chattering and laughing while the bodies burned.

12,445

Exhibit No. 1374, JAG Report No. 69 on a massacre of civilians at Bauan showed that on the morning of February 28, 1945 Japanese Army men stationed at Bauan notified all residents of a mass meeting at the Catholic Church and that all must assemble. Guards were placed on all roads leading from the town. By 10 o'clock everyone in the village had congregated at the church, where men and women were separated and the women taken to the elementary school. The men had to remain in the church, were searched, and their property taken. They were made to sit in the pews and were counted, there being a total * of 328 men. About 1 o'clock the men were marched in groups of 100 to the basement of the house of one. The doors were closed. There was an explosion which either killed or wounded most in the basement. Those not killed by the explosion were shot and bayoneted as they attempted to escape. A few did escape.

12,447

12,448

Exhibit No. 1375, JAG Report No. 90 on the massacres of civilians in Taal showed * that by 10 o'clock on February 16, 1945 the Japanese had begun to burn all barrios near Taal. Sixty Filipinos tried to take refuge in a ravine. Six or 7 Japanese threw hand grenades into the ravine, killing 10 to 15, and machine gunning the survivors.

12,449 Exhibit No. 1376, JAG Report No. 96 on the massacre at Cuenca showed * that on February 16, 1945 about 175 civilians were assembled in one house in the barrio of Mantug. The Japanese took the men out in groups of 5 and none were seen again. On February 13, 1945 52 civilians, including 2 women, were put into a house and each victim was held by Japanese while 3 others bayoneted them. The bodies * were thrown into a well. Only 2 escaped.

On March 11, 1945 90 civilians were taken from a shelter and imprisoned in a tunnel. On March 19 they were ordered to come out. As they left they were bayoneted and shot. Six escaped.

12,451 Exhibit No. 1377, JAG Report No. 101 on the massacre of civilians at San Jose stated * that throughout January, February and March 1945 the Japanese carried out a program of burning and killing in the barrios of San Jose. At least 107 Filipinos were killed; many were tied and bayoneted. Some bodies were mutilated by cutting off hands and feet.

12,452 Exhibit No. 1378, JAG Report No. 74 on the murders at Lucena stated that early in the morning * of March 13, 1945 about 15 soldiers came to Rosario and began shooting and bayonetting all they could find, without distinguishing between men, women and children. Since the men could run away, most of the victims were women and children.

Exhibit No. 1379, JAG Report No. 126 on the massacres at Tapsal showed that in July 1945 the Japanese surrounded the huts in that town along the beach and when the Filipinos ran they were machine gunned and bayoneted.

12,453 Exhibit No. 1380, JAG Report No. 197 on atrocities in Zamboanga showed that in February 1945 * the Japanese took people from their homes and bayoneted or stabbed them.

12,455 Exhibit No. 1381, the testimony of Jose Habana in the YAMASITA trial stated * that he went to the

12,456 Catholic Church in Calamba on February 12, 1945 where there were about 2000 people. When the witness was able to uncover his eyes he saw around 5 feet of bodies, some of whom were still alive. * There were about 500 bodies in the room. All 2000 people were civilians and none of them were armed.

12,457 Exhibit No. 1382, JAG Report on the burning of Manipil and the murders on Tatig Mountain showed * that early in the morning of April 15, 1945 6 male Filipinos and one woman were captured on the road by about 1000 members of the Tiger Unit under Major SAITO. After being questioned on the location of guerrillas, they were forced to go to Cabala Mountain with the Japanese. Early the next morning the Japanese entered Manipil and burned the village and shot some of its civilians.

12,458 After burning Manipil the Japanese took the 7 prisoners to Tatig Mountain, forced the men to take off their clothes and walk on a ledge at the edge of a precipice, with their hands tied. Two Japanese attempted to behead them one by one, one striking the victim with the saber, while the other pushed the decapitated bodies over the edge. * All were killed but two. There was no definite proof that the woman was killed, but a survivor heard her scream with pain. She has not been heard of since.

12,461 Exhibit No. 1383, JAG Report No. 267 on the execution of 21 Filipinos at Barrio Angad showed that in November 1944 * a number of Filipino parolees were summoned to a meeting where the names of 27 POW's were read. These men were grouped and marched to the garrison where they were questioned and 6 released. The remaining 21 were placed on a truck and taken to a nearby barrio. Later machine gun fire and screams were heard and flame and smoke seen. Charred bodies were later seen by civilians.

12,462 Exhibit No. 1384, the testimony of Mariano Bayaras in the MANAYAN trial stated * that he was Mayor of Basco and he had been given a list by the Japanese of persons killed there. There were 74.

He had never seen anyone mistreated, but he had seen those who suffered from bad treatment. He had seen them with their hands tied behind, eating food without using their hands. Some had broken hands. Some had bruised faces and one was missing an eye.

12,463 Exhibit No. 1385, JAG Report No. 304
* showed that on March 10, 1944 two Americans and some Filipinos were taken from the Japanese garrison at Dagupan to Alaminos. The following morning their bodies were seen in a grave, the Americans having been beheaded and the Filipinos bayoneted.

12,464 Exhibit No. 1386, JAG Report No. 1 showed that * about 9 o'clock on December 29, 1944 a patrol of about 50 entered the barrio of Dapdap. Shortly after arriving at the plaza about 400 to 500 people were ordered to group in families and assemble in the church so that they would be unobserved from a strafing plane. The people followed instructions. Some people were taken out. When the church was about half empty, the remaining became apprehensive. Some saw blood running from a nearby shack and a few saw the Japanese soldiers cleaning their bloody bayonets. Others saw that when people were taken outside they were shackled with ropes. The remainder were urged by one of the survivors to fight and attempt to escape and he threw a rock at the door ward. Many made a break for the door and were machine gunned or stabbed with bayonets. No mercy was shown. A very few escaped unscathed and found safety in the sea and swamps.

12,466 On January 16, 1945 certain American officers * went to Dapdap, made an investigation, and disposed of the dead bodies. Before arriving they met 3 survivors with numerous wounds. The foul odor of dead bodies filled the air. They saw many bodies in a bad state of decomposition and dogs and other animals had eaten away large portions of the bodies. Evidence shows that there were many women and children in the groups. They found similar conditions elsewhere.

12,467 They found 100 bodies in the church grounds. * Dogs, pigs and chickens were eating the remains. They counted 250 dead and estimated there were about 500 bodies in the barrio. Pictures were taken.

- 12,468 Exhibit No. 1387, JAG Report No. 137 stated * that in the early part of August 1945 six Japanese were seen going to a certain home. The Japanese bayoneted all 5 occupants and ate the flesh from some of their victims during the two-day period they stayed in the house. They ate the bodies of 3 victims. One other victim was thrown into the river and the other 2 victims were not touched. Two observers, after the Japanese left * saw some of the flesh in the kettles used by the Japanese.
- 12,469
- 12,470 Exhibit No. 1388, affidavit of Isidro Cabusas stated that about 9 o'clock in the evening of August 19, 1944, the witness and others left Cebu and were taken to Cordova. When they arrived there the Japanese soldiers gathered all civilians in a central school house. The women were compelled to disrobe completely. * Many of the men were beat with clubs, baseball bats, and rifle butts. All money and valuables were taken. The next morning 3 men were beheaded.
- 12,471 Exhibit No. 1389, JAG Report No. 253 stated * that during August to November 1944 the Japanese military had a garrison near Pogo. For 4 months civilians were beaten, shot, bayoneted and raped. On October 12, 1944 two women were bayoneted and a third severely beaten, 2 girls raped, one of them by several soldiers. One victim had to live with a Japanese corporal as his mistress for 3 weeks. On October 17 the soldiers * burned houses and warehouses and on the same day 25 were bayoneted to death for sabotage and guerrilla activities.
- 12,472
- 12,473 Exhibit No. 1390, JAG Report No. 180 showed that in August 1944 the Japanese bayoneted 2 women and threw a young child into the sea at Dumanjug.
- 12,473 Exhibit No. 1391, JAG Report No. 174 showed * that during the summer of 1943 20 to 40 Filipino men were arrested as spies and investigated at Calbayog. Two or three weeks later 5 were executed by the commanding officer, who stated that this was by order of his commander at Catbalogan.

Exhibit No. 1392, JAG Report No. 298 showed that 37 were killed in Pilar in December 1944.

12,475

Exhibit No. 1393, JAG Report No. 142 showed that on December 18, 1943 Japanese officers and enlisted men left Iibacao for Iloilo City. The next morning they reached Camp Hopevale, which they surrounded and entered. Sixteen Americans and 3 others were placed under guard without food or water. On the afternoon of December 20, 1943 one American woman was seen kneeling with hands tied and asking for mercy. * This was refused. An hour later a house was found in flames with 12 bodies in it, some of the victims having been bayoneted and others beheaded.

12,476

Three weeks later another witness visited the scene and was able to identify the remains of the victims and buried them. On the day of the execution one Filipino saw blood on the trousers of a Japanese guard and was told that the Americans were now gone and the Filipinos should obey the Japanese. Another witness saw the smoke from the area and said her relatives had seen the bodies. Some of the remains were identified. All of the victims were members * of the faculty of the Central Philippine College at Iloilo.

12,477

Exhibit No. 1394, JAG Report No. 140 stated that from time to time a group under Colonel WATANABE made punitive expeditions throughout Panay Island. In Barrio Iungao many Filipino civilians were questioned, killed and their bodies burned. The whole barrio was burned. Children were killed.

12,478

* On October 17, 1943 another punitive expedition arrived at Bataan. All civilians were investigated and beaten with clubs and made to walk through fire. In the morning the Japanese received orders to proceed and 140 civilians including 2 priests were beheaded by Japanese soldiers. * In Altavas 30 to 40 old people and children, and in Balete 30 men were killed. A blind woman unable to flee had her clothes stripped and was manhandled. Hundreds of people were killed by the same expedition in Bataan, Altavas, Balete, Iibacao and other places.

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12,482

* Exhibit 1395, JAG report No. 303, stated that 26 POW's were taken at Malaiba, questioned, beaten, threatened and bayoneted. Only four survived. The other 22 were identified and buried the following day.

Exhibit 1396, JAG report No. 300, stated that at Malaiba in February 1944, 35 Filipinos were questioned, beaten and taken to a corn field where they were bayoneted. The following day 14 dead bodies were found with bayonet wounds.

12,483

Exhibit 1397, JAG report No. 263, stated * about March 1, 1945, Luis Saban and a companion were taken by 60 Japanese to the bank of the Tagbuos where they joined approximately 35 Filipino prisoners, among whom were women and children. These prisoners were divided into three groups. In one group of 20 Saban was struck by a saber and bayoneted. When he regained consciousness the Japanese were gone and all other POW's were dead.

About the same date approximately 100 Japanese soldiers were seen with approximately 70 Filipino civilians, including women and children, near the Tagbuos River. The victims were all tied and bayoneted to death.

12,484

Exhibit 1398, JAG report No. 291, stated * that in October 1945, the Japanese raided a home in Jagna and wounded the owner and carried away two women. The older woman escaped but the other was kept until the surrender in February 1946. During this period she was raped by 19 different Japanese.

12,485

Exhibit 1399, JAG report No. 290, stated * about the middle of June 1942, a young woman was ordered by the puppet governor to go to the home of Col. MINI in Tagbilaran. When she refused they threatened to kill her and burn her home and forced her into a car and drove her to Col. MINI. Col. MINI tore off her clothes and threatened her. When she refused to submit to him, he tied her hands, fastened the rope to the head of the bed and raped her. The following night she jumped out of the window and succeeded in escaping to a nearby island.

12,486

Exhibit 1400, affidavit of Jose G. Tupaz, stated * in August 1943 at Tigbuan, after an investigation of an hour, 24 men and three women were all tied with hands behind their backs and strung on a piece of rope and pulled to a

Page

thicket where they were beheaded. A three-month old baby was thrown into the air by a Japanese and impaled on a bayonet.

Exhibit 1401, affidavit of Nonito Tubungbanwa, stated that at the barrio Salngan the first group of Japanese soldiers had caught a large number of civilians. When they left they killed all civilians and threw their bodies into the fire burning the whole barrio.

12,488 Exhibit 1402, affidavit of Cayetano Narra, stated * that in September 1943 he saw Filipino civilians killed by Japanese soldiers. One was chopped in the neck with a sword and thrown into a house which was later burned. The other was crucified on the ground with three six-inch nails being driven one into each wrist and the other into the base of his skull.

12,489 Exhibit 1403, affidavit of Lorenzo Polito, stated * that in March 1944 on the second day of the patrol prisoners reached Canangay early in the afternoon. A young woman was caught hiding in the grass. The officer in charge tore off her clothes while she was held by two soldiers. He took her to a small hut and the officer in charge cut her breasts and womb with his saber. She was left lying in the hut which was set afire.

12,490 Exhibit 1404, affidavit of Radimoda, stated that * one early dawn in August 1942 some Japanese soldiers from Dansalan City, under the command of four officers, raided the witness's barrio, which had a population of about 2,500. They immediately began bayonetting the people. They burned down the whole barrio. It was only when the houses were afire that the people knew what was happening. In the commotion * four Japanese soldiers were killed. The Japanese kept on firing and bayonetting until they had completely gained control of the barrio.

12,491 Exhibit 1405, JAG report No. 233, stated that in Davao Penal Colony and City Civilian Internment Camp between October 1942 and June 1944 there were from 2,000 to 2,200 American POW's and their number gradually decreased due to deaths, escapes and transfers. On March 14, 1944 over 500 guerrillas were brought to the penal colony. * Prisoners were forced to construct airfields. They were beaten with fists, rifles and every conceivable weapon. They were

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12,493 threatened in different inhuman ways by being kept in a kneeling position for three days, by being forced to kneel on rocks and cinders and to carry boards and bricks with the body leaning backwards. They were compelled to stand in water or tea while live electric wires were applied to their body. They were tied to a barbed-wire fence while burning boards were applied to the body or face. They were used to hit each other. American POW's were used as bayonet targets. * During bombing raids POW's could not seek shelter and they were forced to work from ten to fourteen hours per day.

Exhibit 1406, JAG report No. 166, stated that in May 1945 at Tugbek they counted the bodies of 89 people killed.

12,494 Exhibit 1407, affidavit of Miguel Estimada, stated * that at Bacaca he saw 34 people in all. A Japanese soldier came and dragged out a 17 year old girl and she was held outside the shelter by Japanese soldiers. The soldier came back and pulled out another girl and she was forced to go with some Japanese soldiers. The first Japanese grabbed the first girl * from the soldiers who were holding her and tore off her clothes until she was completely naked. The other three soldiers grabbed her and forced her to the ground, two soldiers holding her feet and another her arms. The first soldier had intercourse with her. The others each took their turn. Later the first soldier carried the girl back into the air-raid shelter. * Later the second girl was brought back and stated she had been abused and raped.

12,496 Exhibit 1408, JAG report 282, stated that on March 23, 1945, Japanese rounded up civilians at Sitio Bitute and confiscated all bolos. The prisoners were tied and some were taken to a nearby stream where they were slashed with sabers, bolos and picks. * One victim was bayoneted and one woman was raped.

12,497 Exhibit 1409, JAG report No. 266, stated that on * October 1, 1944, about 50 Japanese soldiers entered the hospital area at Barrio Umagos and bayoneted two Filipino guards and one civilian. Two bedridden patients were bayoneted to death. Three days later the Japanese burned the buildings and about 32 houses and left. The bodies of the victims were later identified and buried.

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- 12,499 Exhibit 1410, JAG report No. 272, stated that during the latter part of February * 1945 in Butuan, an aged couple and their son were harvesting when they saw four Japanese soldiers. The couple was tied and taken while the son hid. Several days later the bayoneted and beheaded bodies of the couple and another Filipino were found.
- 12,500 Exhibit 1411, JAG report No. 281, * stated that on June 6, 1944, about 300 Japanese together with Filipino Constabulary and Moro troops entered Ranao-Pilayan and gathered the civilians. On June 7, 20 prisoners were put in one house where they were bayoneted and the house set on fire.
- 12,501 Exhibit 1412, JAG report 302, stated that from December 10, 1941 to April 3, 1945 * Japanese soldiers at Vigan followed a usual pattern of operation against innocent civilians, raided and looted private homes and killed and mistreated people. On April 10, 1944, six Japanese bayoneted one woman. On August 27, 1944, soldiers fired on people in the cockpit in Santa Catalina, wounding one and killing several. On October 20, 1944, 30 were arrested and tortured. On November 15, 1944, three prisoners were beheaded. On December 27, 1944, several persons, after their homes were looted, were tortured and on January 7, 1945, nine of the prisoners were beheaded.
- 12,502 Exhibit 1413, JAG report No. 109, stated * that the record as to Fort Santiago contains innumerable instances of the brutal and barbaric treatment of many taken their for questioning. This practice prevailed from January 1942 to February 1945. When they knew Manila was lost the Japanese engaged in an orgy of mass murder by shooting, bayonetting and burning alive all prisoners in the Fort. They cannot detail the treatment received by each, but in general the forms of torture were imposed in whole or in part upon the prisoners. Some victims were American POW's and nationals.
- 12,503 * Upon arrival at Fort Santiago for investigation a person was placed in a small cell with many other people, not enough room to lie down. Talking was prohibited. The diet was inadequate and consisted of a small amount of rice and occasionally some vegetables. Practically all witnesses lost 25 to 75 pounds during the time they were held. Sanitary

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conditions were unbearable, the only toilet being an opening in the floor at one end, which was not cleaned more than once a day and the receptacles were inadequate. There was insufficient water though each cell had a faucet. No soap was issued and bathing was infrequent and sometimes less than once a week. * The men had to bathe in view of the women. The only ventilation was small windows high at one end and the stench was over-powering. The cells were infested with lice and vermin. Persons who were tortured were returned to the cell and some died there. Only one was raped. Some prisoners were kicked and slapped in the face, beaten with the flat of the sword across the back, shoulders and kidneys, others were beaten with iron rods, baseball bats, clubs, poles, ropes and telephone wires and some were thrown by Jiu Jitsu methods. The water treatment whereby a victim was tied to a bench and a water hose put into his mouth and nostrils and water was forced into his stomach until he became unconscious. Prisoners were suspended for hours from the floor by poles inserted through their arms. Others were hung by their arms.

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* Sticks were inserted in the openings of the genital organs and others were burned with lighted cigarettes. Fingers were broken by being squeezed against ammunition. Bambooslits were placed under toe and fingernails and often the latter were pulled out by pliers. Electric shock and burning were used. A man was forced to eat his own skin. Skin was twisted with wooden pliers. Toes were ground under hobnailed boots. Three American pilots received sword thrusts through their shoulders and were burned by lighted cigarettes. Holes were made in the fingers and wires inserted and men suspended. Many prisoners were executed. To intimidate prisoners they were shown headless men and beaten men. * Intestines were removed from living people. One prisoner was forced to behead another. Dead bodies were thrown into the river. This torture extended to men, women, nuns and to priests. Some victims died after release. In February 1945 the cells were packed. Doors were barricaded, gasoline poured and set afire. Hundreds were burned to death. Others were executed. Civilians who escaped the burning buildings were shot by guards while escaping or swimming.

Exhibit 1414, the testimony of Justina Manlisik in the YAMASHITA trial, stated that in February 1945, in Tanauan the Japanese slashed open the stomach of her pregnant sister and as the baby came out cut off its head.

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Exhibit 1415, JAG report No. 262, stated * from June 1944 to March 1945, several persons were apprehended by the military police of Dumaguete, tortured and mistreated. While being investigated they were beaten, kicked, burned, 'water cured,' choked, tossed about by judo and hung by their wrists. Food was inadequate, sanitary facilities were not provided and the prisoners were given salty water to drink. They could not take shelter in air raids.

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Exhibit 1416, JAC report 161, stated that at Bacolod, prisoners * were beaten by the Kempei-Tai. One after being beaten was, the next night, forced to jump from an 18 to 20 foot window into an asphalt pavement where he dislocated his hip. The Japanese beat one man until he was a mass of blood. Another was strapped to a table and his wrists burned with an alcohol flame. A third was bayoneted and questioned while the bayonet was being forced through him.

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Exhibit 1417, the affidavit of Leonora Palacio Villas, stated * that in the middle of February, on a Sunday, she, her two brothers and others were taken to the municipal building in Palo. At their home there had been a number of guerrillas and friends of the family. One of the guerrillas was discovered and the Japanese, believing there were others, took these people to the jail. These

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* people were not questioned during the night. The next day one of her brothers had his hands tied behind his back and he was suspended by his hands from a tree where he hung stark naked. A Japanese soldier beat him, drawing blood from all over. He was whipped with a thorn branch for a period of three hours. The Japanese poured gasoline under his arms and around his privates and set it afire. The

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same was done to her other brother. On Tuesday * she was taken by Japanese soldiers to the municipal building where they removed her clothes and beat her with a whip. * She was allowed to redress, was given a little water and spent three days in jail without any medical treatment.

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Exhibit 1418, affidavit of Tayambong Chagse, stated that he was about 60 and was a Filipino-Igorot, living in * the Mountain Province. On the morning of March 13, 1943, the Japanese arrived at his town. They asked for American and Filipino soldiers. When the witness answered that he had not seen any, he was tied up in his house with his hands behind his back. They again asked for the Americans.

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- 12,515 When he stated he did not know, they laid him down on the floor and gave him a lot of water then they tied him up, burned his buttocks and legs and knocked out two teeth with a big piece of wood. He was hung by his hands which were tied behind his back about four feet from the floor. While he was hanging there the Japanese lit a candle and held it close to the G-string he was wearing. * The G-string caught fire and burned until only two feet were left. Then the G-string was put around his head and burned. The Japanese laid him down on the floor and made him drink a petroleum can of water. They then asked him the questions and beat him. Another stepped up and down on his chest so that the water would come out of his mouth. One soldier sat on his stomach and another held a rope tied around his neck. After while they stood up and one began to hit him with wood * repeating the same questions. After that they untied him, put the rope on his hands and took him to the forest where one of the Japanese picked up a stone, hit him and tied him there. After being untied by friends he went home and the Japanese did not bother him again. There were about 70 Japanese in the group, including two officers.
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- 12,517 Exhibit 1419, JAG report No. 55, stated * that Dr. Gilbert Isham Cullen at Iloilo City was questioned for several hours and struck in the abdomen with a club, slapped and kicked. They pulled his toe nail from his great toe with pliers. After being clubbed he was suspended from a cross beam by his thumbs with his feet off the floor until the fingers of his left hand were bent and twisted until some of them were broken and dislocated.
- 12,518 As a result of the treatment * Dr. Cullen had a broken nose, several cracked ribs, a broken right leg, loss of his big toe nail, broken and dislocated fingers and an injured jaw. This was all done to him to make him reveal the names of local citizens who were sending radio messages and to force him to reveal military information. The torture lasted from morning until late in the afternoon.
- 12,520 Exhibit 1421, JAG report No. 61, stated * that on February 9, 1945, American troops were closing in on Manila and bombing was continuous. Shelter was sought by countless refugees throughout the city. During the afternoon Japanese patrols * routed people in a certain district and brought them to the Plaza Ferguson. They were told that this was done because the Japanese desired to protect them. Most of
- 12,521

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12,522 the citizens went voluntarily. By five o'clock some 2,000 people, all civilians, had been brought to the Plaza. At that time the men and elder male children were separated. The men were taken to the Manila Hotel and women and children to the Bay View Hotel, except 120 girls who were taken to a restaurant. This latter group was later taken to the Bay View Hotel. Between six and four thirty the following morning * the Japanese in twos or threes came to the rooms in which the women had been quartered, selected the girls they wished, took them to other rooms and raped them. Similar scenes were enacted at the Boulevard, Alhambra and Miramar Apartments. Young girls in all three places were forced to go with the Japanese.

12,523 In the afternoon of February 10 one of the women was informed that the Japanese had white women and their orders were to kill all of them, but they had decided to use them as a front line to keep the Americans from coming in. While only seven would admit being raped the proof is clear that at least forty * were violated. Thirty-six stated that attempts had been made, but the evidence indicates that despite their denial these attacks came suspiciously close to fruition. The treatment continued for varying periods. Those at the Bay View Hotel were released on February and those at the others on February 13.

12,524 One night one 24 year old girl was raped 12 to 15 times, and the Japanese, despite her weakness continued to rape her until four A.M. * Kicking girls as they lay prostrate was a common occurrence, and there were instances where the girl was dragged away by her leg and pulled along on her back. * A few escaped because they claimed they were menstruating, although proof was usually required. Some girls acquiesced without resistance because of fear and promises of freedom. White girls were favored because of their white complexions. Some people managed to escape.

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12,526 * Three prostitutes thought for fellow captives they would submit and try to protect the younger girls and married women.

At the Miramar an officer, when a Filipino girl refused to go to bed with him, proposed marriage and she refused and he sent her away. None of the incidents occurred in the day time, although thirst and hunger was bad. Dirty water was given to them to drink. For food there were a few biscuits, a small can of fish and some vitamin pills. They were

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12,527 given some tennis shoes. In one room, * except for the molestations, the women felt that they had been comparatively well treated. In the main dining room two or three Red Cross ladies set up an aid station and on February 10 took care of 200 to 250 women and children. This refuge was temporary and on the following nights girls were taken from the dining room and raped. The attacks mounted during the third and fourth nights. One Japanese officer told one lady on February 13 that he was going to fight the Americans and die and before he left he wished to have intercourse with her daughter as his last worldly pleasure. Others stated that they were a suicide detail and behaved even more brutally than before.

Fires which broke out proved the salvation for the victims.

One girl contracted gonorrhoea and nearly all of them had medical examinations when the Americans arrived. There were no pregnancies and no deaths, although two ladies had to be treated for shock and generally weakened conditions.

12,529 Exhibit 1422, affidavit of Easter Garcia Moras, stated * that when the girls arrived at the Bay View Hotel they were marched up stairs and taken into an empty room. The Japanese shut the door on her group, but they could be heard on the other side. * The room was entirely unfurnished except for a few nets and old mattresses. There was a small bathroom, but no water. There was one window and the room was about seven yards square. Everyone was nervous and praying. There was hardly room to lie down. In about ten minutes five Japanese came in and began to look around. Girls tried to hide. The Japanese completed their inspection and left the room, closing the door. In about another five minutes three Japanese came in and grabbed her two sisters and pulled them out of the room, the girls resisting. * One sister returned in a half hour, crying and stated the other sister was having things done to her. Nothing happened to her because she was menstruating. She did not ask her sister for particulars because she was so upset. The other sister came back in about twenty minutes, all perspiring and dirty and stated she wanted to die. The witness did not question her * because she knew what had happened. About five minutes after her first sister returned three Japanese came in and took out this sister and

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12,534 another girl. The witness tried to hold this sister back but was not strong enough. She did not see her sister nor the other girl until the next morning. About ten minutes after her second sister came back four Japanese came in and took some of the other girls. The witness stated she was sick, but they took her. These Japanese were just marines. She was made to lie down on the floor. * The Japanese lifted her dress and tore off her underclothes. Two of them stood around and laughed. The witness struggled and kicked but she got slapped. Finally she became dazed from the slapping and became exhausted. * After this all happened the witness crawled on her hands and knees and managed to get back to her room. She had been gone about twenty minutes and returned about midnight. The witness fell to the floor and sobbed. * The witness stated she was raped between 12 and 15 times during the night, but she doesn't remember exactly. It was a living nightmare. The Japanese would come in singly and in groups and drag her out hardly before she had fallen to the floor from a preceding raping.

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12,537 Exhibit 1423, the testimony of Nena Alban in the HOMMA trial, stated * that she was walking and she saw naked Japanese standing on the corner. She saw two of them rolling in the street. When she came near she saw two Filipino women pause and they were abused by the Japanese. The Japanese took hold of the women's legs. The witness tried to get away from that place because she was afraid the Japanese would see her so she went a little bit further and when she looked back the Japanese were using the girl.

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12,541 Exhibit 1424, the testimony of Apolinaria Due Tuazon stated that on February 2, 1942 * about midnight eleven Japanese soldiers came to her house and fired shots into it. As soon as they entered the house the Japanese took hold of her husband and held him while three Japanese abused her. * Afterwards they stripped her naked, held her by the hair and dragged her down stairs. Other Japanese were down there and they also abused her. There were about four or five down stairs. Her husband was blindfolded and thrown out the window. While she was downstairs she saw her husband. She tried to talk to him and one of the Japanese was about to strike her husband with the butt of his gun. The witness * intercepted the blow.

Exhibit 1424, testimony of Celestina de la Rosa in the HOMMA trial, stated * that when she tried to struggle

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12,543 she was threatened with a fixed bayonet. The man then used her. Another Japanese did the same thing when she was down on the floor. The witness then escaped. The Japanese took her jewels and sent her out of the room.
* She became pregnant and was delivered of her child.

12,544 Exhibit 1426, the testimony of Amadeo Cabe in the HOMMA trial, showed that the latter had stated that he had received complaints in connection with rape cases in January 1942. * The report submitted by an officer stated that the two daughters of a Mrs. Webb had been forced by the Japanese after beating. The girls were told that they would be killed if they did not give in. An examination at the hospital showed that the girls were really raped.

12,545 Exhibit 1427, the testimony of Juan Etujera in the YAMASHITA trial, stated * that he had a conversation with his dying niece. She told him she had been raped, bayoneted in the abdomen and then thrown into the fish pond. All of her nine companions, including two married women, were raped.

12,546 Exhibit 1428, JAG report No. 287, stated * that in September 1945 at Balilihan and Sikatuna a group of six Japanese looted a home and forced the son and daughter to go as guides. The son was bayoneted and left for dead. The body of the daughter was found about a month later with six front teeth missing and her legs severed from her body.

12,547 Exhibit 1429, the testimony of Francisca Bernardo de Luna, stated * that on the 10th of January 1942 she saw some Japanese soldiers at the barrio of Sampaloc who searched and arrested people. She was threatened with a bayonet, although at the time she was pregnant. She was also beaten on the face, arms and on the thigh and then was raped by a Japanese Captain.

12,549 Exhibit 1430, testimony of Vincente Arias in the YAMASHITA trial, * stated that on the morning of February 5, 1945, he saw a group of soldiers set fire to the north of Carriedo Street, * setting fire to a large number of buildings.
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Exhibit 1431, JAG report No. 71, stated that on December 26, 1941, Manila was declared an open city. The

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12,552 announcement was published in the press, broadcast over the radio and announced on the streets. On the night of the 26th all city lights were turned on and the text of the announcement was cabled to the U.S. * Twenty-one Japanese bombers, plainly marked with the rising sun, flew over Intramuros at an altitude of 2,800 feet. They dropped 100 and 300 pound bombs. On the 28th various university buildings and many other buildings were destroyed by fire as a result. The total estimated damage was over a million pesos, excluding private residences.

12,553 Exhibit 1432, testimony of Dominador Santos at the YAMASHITA trial, stated that in February 1945, * within 20 minutes after the Japanese went into the Singer Building he had heard an explosion. The Japanese had left before the explosion. The explosion was followed by a fire. The witness * went back on February 5 and the buildings were all burned.

12,556 Exhibit 1433, the testimony of Amando Alvarez in the YAMASHITA trial, stated that in February 1945 he saw the Japanese trying to break down the door of the bank of the Philippine Islands but could not break it. He heard a command given and he saw a soldier bring back rags on which gasoline was poured and these rags were thrown into the building. One soldier carried a long pole with gasoline soaked rags on it, lit the end of the pole and threw it inside the building. * The whole building was burning when the witness left.

12,557 Exhibit 1434, the testimony of Rosa Calalong in the YAMASHITA trial, stated * that in February 1945 there were between 4,000 to 5,000 people in the Manila Cathedral. She saw some Japanese come into the Cathedral during the night. They went inside and pulled girls out. She saw two Japanese raping the women right in the Cathedral. After 12,558 the witness left the Cathedral *she saw it burning. There had been an explosion from inside the Cathedral. There was no American bombing or shelling yet. She saw drums around the Cathedral.

12,559 Exhibit 1435, the testimony of Juan P. Juan in the YAMASHITA trial, * stated that in February 1945 he was present in his home when the Red Cross building was destroyed. Early on the 14th he saw flickering lights inside the 12,560 manager's room. * He didn't notice anybody in the building.

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In about an hour or so he saw the light burst into flame. He saw several soldiers on the street in front of the Red Cross building. He did not notice that the Red Cross building had been hit by shells prior to the time it burned. The men he saw around the building were Japanese soldiers because they wore the uniform and civilians could not roam around the building.

12,562 Exhibit 1436, summary report, dated September 27, 1946 of physical destruction and other losses in the Philippines by Japanese aggression from December 8, 1941 to June 4, 1945, showed that * property to the value of 2,740,000,000 pesos was destroyed, including therein 270,000 private structures, making one and a half to two million people homeless, about 1,200 government buildings, about 12,563 15,000 school buildings, or a total destruction * of 295,000 or 300,000 buildings.

12,565 Exhibit 1437, JAG report No. 151, stated * that on the morning of January 26, 1945, Japanese soldiers entered barrio San Indres, where they rounded up the inhabitants and took them to the school building. About 50 blood-covered bodies were scattered over the area three Filipinos were bayoneted to death. On February 19, 1945, about 30 Japanese soldiers and others approached a house in Malvar, surrounded it and one of them entered. After a while he came out and the soldiers burned the house down. The bodies of six occupants were found in the ruins.

12,566 Exhibit 1438-A, a mimeographed and handwritten file of the Manila Defense Force and Southwestern Area Fleet Operation order, December 23, 1944, to February 13, 1944, showed that the people were ordered to make no mistakes in 12,567 * time of exploding and burning when the enemy invaded. * When killing Filipinos to assemble them together in one place so far as possible. They should be assembled either in houses to be burned or blown up or to be pushed into the river.

12,568 Exhibit 1438-B, the diary of a Warrant Officer YAMAGUCHI, Tenth Tank Regiment, stated that they had been ordered in the latter part of 1944 * to kill all males they find and that the aim was to kill, or wound men and collect information. Women who try to escape are to be killed.

12,569 Exhibit 1439, diary of Pfc MATSUOKA, March 27, 1945, stated that taking advantage * of darkness they had

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gone out to kill natives. The cries of the women and children were horrible. He himself stabbed and killed several persons.

- 12,570 Exhibit 1440, the diary of a Japanese soldier, November 19, 1944, stated * that they had received information that thirty guerrillas had attacked Lipa Air Depot and 11 had been captured. The MP squad requested that the GIGO force dispose of the captured guerrillas. During the night holes were dug in the coconut grove and the men were bayoneted and killed. Some were as small as children and had not been fed for three days since their capture. With their hands tied they stood in front of the holes with their heads slightly bent and said nothing. * Later, one by one the members of the section bayoneted the guerrillas. The writer bayoneted the second. After bayonetting them they covered them with soil and laid coconut leaves on top.
- 12,571
- 12,572 Exhibit 1441, notebook diary of a member of the Akatsuki Force stated that on February 7, 1945, 150 guerrillas were killed by him. * On February 9, 1,000 guerrillas were burned. February 13, 10 guerrillas were stabbed to death. At 1600 all guerrillas were burned to death.
- 12,573 Exhibit 1442, a loose, handwritten sheet containing a battle report of April 13 of the Ijichi Unit, stated that he had expended 28 rounds of ammunition for killing natives. At noon 22 natives * were stabbed or shot to death.
- 12,574 Exhibit 1443, police affairs B No. 2, July 1 to January 12, 1944, of the 14th Army MP Unit, stated * the troops gathered all men and boys in the church and questioned those connected with the guerrilla unit. They made them drink water and then hit them. They then shot and speared them to death with bamboo lances.
- 12,575 Exhibit 1444, a handwritten diary from November 14, 1943 to April 17, 1945, of a member of the Fujita Unit, stated that for security reasons all inhabitants of the town were killed and their possessions * confiscated on February 13. On February 17, 1945 he noted that the Filipinos are not pro-Japanese and headquarters had ordered them punished. In various sectors they had killed several thousands and burned their homes and taken their valuables.

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12,576 Exhibit 1445, a captured diary of the Japanese soldier, stated in February 1945 that they spent each day in hunting guerrillas and natives. He had already killed more than 100. * He now felt that he was a hardened killer, which he knew was sheer brutality.

Exhibit 1446, a captured Japanese memorandum concerning the training of all officers and men for prevention, November 18, 1944, stated that while it is not prescribed in the criminal code, those who eat human flesh, except that of the enemy, knowing it to be so, shall be sentenced to death as the worst criminal.

12,577 Exhibit 1447, statement made by POW YANAGIZAWA, stated, * that on November 1, 1944, Major General AOTU, division commander told his troops that they must fight the Allies even to the extent of eating them. On December 10, 1944 an order was issued from 18th Army Headquarters that troops could eat the flesh of Allied dead, but must not eat their own dead. Rumors were prevalent that troops were eating their own dead. On December 15, four men were executed for disobeying this order.

DIRECT EXAMINATION OF S.B. MOODY,
by Mr. Lopez

12,578 * The witness stated he was a Staff Sergeant from Lynn, Massachusetts and had been in the regular army since November 1940. He was with the troops of General King which surrendered in Bataan in April 1942 and took part in the Bataan Death March in which it took him two days to walk 120 kilometers. They received no food or water from the Japanese but got the water out of caribou wallows and ditches on the highway. What food they did receive was from the Filipinos who threw it to them. Men would break out of ranks and run into the fields to get sugar cane and sinkamas. They were treated badly throughout the march, being beaten, bayoneted * stabbed and kicked with hob-nail boots. Five of his best friends, including his closest friend, were killed. If a man lagged to the rear, he was immediately bayoneted and beaten. His best friend had severe dysentery from drinking muddy water. When he fell to the rear he was bayoneted several times and beaten and died. The witness saw many dead bodies littered on the highways. He also saw dead women * and some dead priests.

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As the Japanese troops came toward the Americans the men were beaten by the incoming troops and stabbed and bayoneted. The witness, by looking ahead, could see his friends stabbed and beaten or could hear their groans from behind.

12,582

* The witness arrived at Gapan on May 1, 1942. They were treated very badly. If the men did not count off in Japanese, they were mistreated. He was the first sergeant on the detail and did not go out on the job, but the rest of the men worked on bridge construction, carrying heavy materials. The work was so heavy and strenuous that many men ruptured themselves. The food was a small amount of rice, the skins of pigs, the rotten onions and squash that was * left over from the Japanese. The Japanese were eating meats, eggs, lots of rice, sweet cakes, peanuts and had quite a bit of tobacco and beer. Thirty-seven men died in Gapan, the witness personally burying each of the men. The gaskets had been prepared in advance, three or four at a time.

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On one occasion the Japanese provided medicine. There were so many men dying that the POW's demanded of the camp commander some quinine to save the men's lives. Instead he gave them a case of bromo-quinine, a mild laxative, with strict orders that each man would take the pills every night. * They were moved out of the camp on June 30, 1942, because there were no more men left to work. Of the 203 men that went on the bridge detail only seven are alive today.

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CROSS-EXAMINATION BY MR. SOMIYA

12,585

The witness stated that the Bataan Death March started at kilometer post 181 and ended at San Fernando, Pampanga. * He had not received any cigarettes or tobacco from Japanese soldiers, but at the last year of the war they were issued, he thought, by the Japanese government.

CROSS-EXAMINATION BY MR. LOGAN,
Council for KIDO

12,586

The witness stated he did not know who was the high ranking officer in the death march or the name of the officer in charge. * The only order that he had heard about in connection with the march was that all were supposed to have been killed. He just followed the rest of the men.

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* When they got to the main prison camp at Camp O'Donnell they were all lined up and the commander had a paper in his hand and from what the witness could gather from the speech made they were all supposed to be the commander's slaves. This was at the end of the death march. He, however, did not know anything about orders about the death march. In the camp that he was in from May 1 to June 30, 1942 there were 200 enlisted men and three officers. The high ranking Japanese officer was a captain. * This captain allowed a Filipino doctor to come to the camp. This doctor furnished medicine to the POWS from his own pocket. When the commander learned that they were receiving medicine, the doctor was not allowed to come back.

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The witness did not know of any orders from higher echelons on treatment of prisoners. One of the reasons for receiving the beatings was language difficulties. * The witness stated that after June 30, 1942 he was transferred to the main prison camp at Cabanatuan Camp No. 1. They were treated very badly. He was on permanent grave detail for three months. He only stayed in this camp three months and was transferred to another. The treatment after June 30, 1942 * was so bad that he became blind. He was almost dead and they took him to the Bilibid Prison Hospital, where he remained until he got well. The food after June 30, 1942 was worse than at Gapan. POW's were eating roots, tree leaves, and rice and pig skins. The food did not improve until June 1943. After that it became better for the prisoners. There was general disorder and confusion from April 1942 to June 30, 1942.

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Exhibit 1448, affidavit of Major General E. P. King, Commanding General of the American-Filipino Forces at Bataan, April 1942, stated * that on April 9, 1942 at two A.M. he sent a truce team * to make an appointment to meet the Japanese commander on Bataan to surrender. Part of the team returned shortly after daylight and the affiant started forward with his aide. On the way, although his car carried white flags they were attacked repeatedly by bombing and machinegun fire from Japanese planes. About 10 o'clock they reached Lamao where he was received by a Japanese major general who stated he commanded one division, but he had reported King's coming to the Japanese headquarters and he had no authority to treat with him but that another

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12,594

officer would be sent from headquarters to deal with King. The affiant did not know the name of this general. * After a while one of his aides called his attention to the fact the Japanese troops had resumed their advances and the witness sent his aides back with instructions to show the white flag and to go to his command post and direct General Funk to order all units to give themselves up to the first Japanese who approached. Shortly thereafter a colonel, General HCMMA's Chief of Staff, arrived to discuss the surrender. The witness was only concerned with the treatment of his men and whether they would be treated as POW's. The officer demanded unconditional surrender. The witness wanted an assurance that the men would be treated as POW's. The officer accused the witness of trying to make a condition. Finally the officer stated that the Japanese Army were not barbarians. On that assurance * the witness surrendered.

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In destroying arms and equipment in preparation for surrender the witness had reserved enough motor transportation and gas to transport all the troops out of Bataan. He tried to procure assurance that this might be done and offered personnel needed to assist. The Japanese stated that they would handle the movement of prisoners as they wished and that his wishes could not be considered.

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Exhibit 1449, testimony of Basilio Hernandez, Chief of Casualty Division of the Filipino Army, stated * that at the time of the surrender at Bataan the number of the Philippine's armed forces was 53,000. Before the outbreak of the war * there had been 12,000 Filipino Scouts. They had all been committed to Bataan at the time of surrender but he did not know their exact number at that time.

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Exhibit 1450, JAG report No. 75, stated that over 9,000 American and about 47,000 Filipino POW's were imprisoned at Camp O'Donnell, all having surrendered on April 9, 1942. * Many had made the so-called death march. As a result of their trip and privation, all left the camp in a state of exhaustion. Upon arrival they were searched and some were killed. Other groups of POW's were executed. Most deaths in O'Donnell were due to dysentery and malaria, coupled with malnutrition and many could have been prevented by adequate food, shelter, clothing, water sanitation and medication. Quarters were overcrowded and inadequate. Straddle trench latrines only were available and many POW's were too weak to

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12,599 use them. No screens were provided for the kitchen and food was contaminated and inadequate. * It consisted only of a bowl of rice sprinkled with salt, camotes, with an occasional watery soup. This was later increased. The death rate mounted to 60 per day during the first two months. At first the POW's were not allowed to use water for bathing and hospital conditions were most unsanitary. There were no beds or bedding and patients were crowded with no protection from insects and heat. Requests for medicine and equipment were refused. More than 1,500 Americans died between April 18, 1942 and December 1942, and about 2,600 Filipinos died in that period.

12,600 POW's were forced to stand in the hot sun without hats for hours for minor violations. Others were beaten when they were exhausted while at work. Beatings of all kinds * were common occurrences. Many POW's had to bury the dead, build fences and dig latrines, though physically unfit to work. On arrival they were forced to place all personal matters on blankets and the Japanese took everything of value. The POW's were forced to bury their own dead in mass graves without proper means of identification. Sixty-five dead were listed as unknown. On some occasions they were forced to bury live men and on some occasions they were not given permission to bury the dead for several days.

12,601 On several occasions the Red Cross and other charities tried to bring medicine and supplies * but they were turned away. When supplies were brought in they were confiscated.

12,602 Exhibit 1451, summary of events of the report of atrocities at Bataan General Hospitals, Nos. 1 and 2, stated that on April 9, 1942, the American forces in Bataan surrendered and Corregidor and Fort Drum did not surrender until six weeks later. During this time Japanese artillery continually fought with the American guns on the other points. The Japanese placed * field pieces and tanks close to the hospital where there were 7,500 Americans and 7,000 Filipino patients. They were so close that it was obvious that the Japanese intended to use the hospital as a shield against American guns, particularly since the patients could have been evacuated. One patient saw 23 guns from his place in the hospital. When complaints were made to the Japanese, the officers replied that they would not be moved until Corregidor surrendered. As a result at least five American patients were killed and

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- 12,603 many others wounded by American gunfire. After the surrender the Japanese confiscated medical supplies and almost all food, leaving only some fruit juices, canned milk and bad rice. Japanese soldiers were eating meals which included vegetables and meat. * An American nurse was raped by Japanese without disciplinary action. American prisoners were forced to haul Japanese field pieces for use against Americans on Corregidor. Filipinos unable to work were forced to join the death march and personal effects were looted.
- 12,604 Exhibit 1452, JAG report No. 189, stated * that shortly after the fall of Corregidor about 10,000 Americans and Filipinos were crowded into a small area so crowded that they were unable to move during the night without disturbing their companions. There was no shelter from the rain or from heat. Sanitary facilities was an open slit trench.
- 12,605 There were no chemicals or disinfectants. * Water was from two wells and was salty and unpalatable. Prisoners were given inadequate food, although there were ample supplies available and stored in the tunnels of Corregidor. Men were forced to load captured supplies on Japanese ships. Many were suffering from illness and wounds and all suffered from privations, yet no medical care was furnished. Japanese brutally beat POW's at the slightest provocation or for minor infractions. As a result many POW's died.
- 12,606 Exhibit 1453, affidavit of James E. Strawhorn, stated * that at Nicholes Field between September 8, 1942 and July 14, 1944 the men were allotted a certain amount of work each day and it was impossible to perform this in the time allotted due to physical conditions and weather. If the tasks were not complete, the men would be lined up and flogged by the Japanese with heavy metal. Arms, legs and backs were broken and if a man fell, he was beaten over his head until unconscious. * This was common. The witness had personally been beaten unconscious. Another form of torture was to have a person stand at attention in the hot sun with a bucket of water on his head. If the water spilled, the man was beaten. Another practice was to tie a man to a board with his head lower than his feet and then pour salty water into him. This would cause his stomach to swell. The Japanese would then jump on his stomach. The Japanese often forced a water hose down a prisoner's throat and fill his stomach and then jump on him. Another punishment was to tie a man's hands behind his back and draw them up
- 12,607

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between his shoulders with a rope hung over the limb of a tree and let him hang with his feet off the ground. This pulled both arms out of socket.

12,608

* The witness had hung as long as 24 hours in that position, receiving no food or water and exposed to the sun and rain. He was beaten with plaited rope and hit about the face and head with a pistol butt. Once his hands were tied behind him and he was forced to kneel. A piece of timber was placed behind his knee and he had to squat. This dislocated the knee joints and cut off all circulation. He was in this position for about three hours. Beatings occurred for all minor offenses. * These torture methods were committed and witnessed by higher authority, including the Admiral in charge of Pasay Camps without any interference.

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Page DIRECT EXAMINATION of DONALD F. INGLE, by Mr. Lopez.

12610 * The witness stated that he was 27, and lived in Laurel, Illinois, and he had been with the U. S. Army at its surrender in Bataan in April, 1942. In the early part of April he had contracted malaria, and it was feared he had contracted pneumonia, and he was sent to field hospital No. 1. About thirty minutes after he arrived

12611 Japanese planes bombed the hospital three times, * and he was wounded in the right shoulder. The hospital was plainly marked with red cross signs, a large one on top of each building. When it was discovered that he was not seriously wounded he was ordered to leave the hospital area, and wandered up the road to USAFFE headquarters at Kilometer Post 165. When the first Japanese soldier arrested him he was lying on a stretcher under a tree in the USAFFE bivouac area.

12612 He had bronchial pneumonia and malaria, and a * temperature of 105.6. The first soldier prodded him in the back with a bayonet and ordered him to stand. When he did the soldier took his watch, ring, and everything in his billfold except a couple of pictures.

12613 It was comparatively obvious that the witness was ill. Despite his illness, he had to join the death march and march for nine days. For the first five days they did not receive a drop of food or water, nor rest from the Japanese. Many did not get any water at all. The only available water was from an occasional artesian well or a caribou well. Water in *ponds and ditches was so polluted it was dangerous to drink, and that from the artesian wells was so small that when a number of men tried to get it the troops would fire into the group.

The Filipino civilians tried on many occasions to give food to the men that were marching. They did so at the risk of their lives, and many of the civilians did lose their lives trying. Otherwise there was only an occasional sugar patch.

12614 The continued marching and sitting for hours in the hot sun, and continuous searching and harrassing, the shooting of friends and buddies out of the column * for no reason was a continual strain.

12615 * The witness stated that there was an Episcopalian chaplain, Captain Day, on the march. Chaplain Day was in the same group of one hundred as the witness. He had drunk some water from a pond or stream and had contracted dysentery, and it was necessary for him

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12616 to drop out every few minutes. His usual procedure was to go out of the line, take care of his needs, and come back into the column. On one occasion as he did this, a Japanese guard spotted him and charged up and wounded him with a bayonet. * The witness and several others helped him. The witness personally helped carry him until the next rest period, and in the following days took turns helping the chaplain.

In one day 16 Americans out of his group were taken from the ranks, bayoneted and killed. Chaplain Day was given no medical treatment, and if they had been unable to assist him he would have been left by the roadside because the Japanese did not tolerate anyone not being able to walk.

12617 * The witness stated he could not accurately say how many shootings he saw during the march; it became so commonplace that they lost track. Usually those killed were rolled to the roadside. On some occasions some were buried, but most were left where they were killed.

12618 On the sixth day they were told that if they turned in their watches, rings, and valuables they would be given food. A few of them still had valuables, but those that did were glad to give them up for food. They received a teacupful of boiled rice only. * No salt was used.

On the ninth day they were informed that they did not have to walk any more, but would ride. The relief was short-lived. They were crowded into small Filipino railroad cars, 100 men to a car. Some of the men never touched the floor throughout the trip. Several fainted from lack of air, and could not be treated because of close quarters. There were four guards in the car, and they kept the space directly in front of the door. Whenever the train stopped, the Filipinos tried to give them food and water, but the guards ran them away.

12619 * From April 17 to May 27, 1942, the witness was at Camp O'Donnell. On the latter date he was selected as one of a detail of 300 for a road building detail. They were told they were being sent to the jungle infested area of Tayabas to build roads and bridges. As they passed through Pasay, the witness became ill again, and with 17 others was taken from the detail and replaced.

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12620 In the meantime he had been sent to Bilibid, and in August 75 men returned from Tayabas, a deplorable looking bunch of sick, blind, and worn-out men, including two of the witness' closest friends. * They told him of the work they had been forced to do in building roads through the jungle, without shelter, under torture, and without food or medicine. During this period the witness was blind, had wet and dry beri-beri, dysentery, pellagra, and scurvy.

12621 The witness was at Nicholes Field Camp and Pasay School Camp, from June 8, 1943, to July 15, 1944. The Japanese, with the aid of prison labor, were trying to move a mountain to fill in rice paddies, to build an airfield for their military planes. * The work was of a pick and shovel nature, consisting of loading cars with rocks and dirt and sand, and pushing them down along the track. At first they had to fill 11 cars, but later the number was raised to 23. If they did not make their daily quota, the prisoners were beaten unmercifully with pick handles, rifle butts, bamboo strips, etc. He doubted if any POW escaped a beating.

12622 * From the first part of October, he had dysentery. After a three mile walk to the field he had to take care of his personal needs and went to a straddle trench area, about 40 yards from the supervisor's field office. While he was there the count took place, and he was missing although he could be plainly seen. When he reported back, one of the Japanese became infuriated and proceeded to give the witness a workout by making him stand at attention and knocking him down. When he was down he would be kicked a few times. His face was badly cut, and he was dismissed to go to work.

12623 He knew a man by the name of Red Savage. * In October, out of a group of 300 men, only 16 were allowed to stay in camp because of illness. If the number exceeded 16, someone had to go to work. In this case it was Savage, who had dysentery. He became so weak and sick he could hardly make it to the field, let alone do his work. On this specific day he did not return for lunch. About 1.30 or 2 o'clock he was missed, and the men were taken to the office while they searched for him. He was

12624 killed after being tortured. * The witness did not see the killing. but heard the shot.

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When the witness entered the Japanese camp he weighed 150 to 155 pounds, and when he left Nicholes Field he went as low as 88 pounds; he worked every day when he weighed 105 to 110 pounds.

CROSS-EXAMINATION by Mr. Logan,
Counsel for KIDO.

12625 * The witness stated that he had not held a commission. The Japanese soldier who first met him knew he was ill, because he was lying on a stretcher outside in the heat of the day covered with five blankets and a shelter-half. He was not in the hospital.

12626 He had not testified in any case before with respect to any atrocities. He did not know personally the man in charge of the march, but according to newspapers and talk, General HOLMA was the man. He did not know the man actually in charge of the march or his rank, * because at that time he did not know anything about Japanese ranks. When asked whether he was bitter, he said there were several thousand buddies that are not here today, and that counsel could use his own judgment.

(December 12, 1946)

CROSS-EXAMINATION by Mr. SHIMANOCHI

12628 * Bombs fell on the field hospital at Bataan about ten o'clock in the morning. The weather was very clear. The witness was at the hospital at that time.
12629 About 45 minutes later he left, walking. * He knew that the roofs of the hospital were marked, because part of them were visible from the ground. He did not know whether there were any military installations near the hospital, but there were no important traffic junctions. The witness stated he had said nothing about a school. The Number 1 hospital was at 167½ kilometer post, and USAFFE headquarters was at 165, and he walked the distance.

12630 * The witness did not know whether the man who awakened him was an officer or an enlisted man, but he carried a rifle. The man said "hello", but nothing else. The witness did not try to tell this man he was sick.

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12631 Chaplain Day's wound was of such depth and so serious that it took the aid of the witness and friends to assist him to continue the march. * They assisted him from the third to the 9th day, when the march ended. During the march he sweated out a portion of the malaria and temporarily felt better. The witness said he was not too familiar with Filipino routes, but he knew that they passed through Pampanga Province and boarded the train at San Fernando, Pampanga. A portion of the road was through jungle, and the rest through rice fields.

12632 When asked whether there was any possibility that the captives would escape if they went for water, the witness stated that in the mountain areas where the roads were there were no artesian wells, and there was not enough vegetation to possibly cover escaping soldiers. He did not recall any freight carts or water carrying * carts on the road. There was a lot of traffic on the road, and even the water available in villages was off limits.

The witness stated he was not with the Army Quartermaster and was not familiar with Bataan's food supply before the surrender. They had been on fighter's rations, two meals per day.

12633 * The Japanese changed guards about three times per day, and when they rested they invariably did so in a rice paddy. The Japanese troops drank water whenever they felt like it. On many occasions they took canteens from the marching men. If there was no water in the canteens they would throw them to the roadside. The Japanese did not drink water from streams on the way.

12634 The witness said he was not familiar with the railroad situation in the Philippines due to war damages. * The railroad cars in which he rode were about 40 by 8 feet. The USAFFE Headquarters was not a billet, but only a jungle bivouac.

CROSS-EXAMINATION by Mr. Levin.

12635 * The witness said that the total length of the march was about 100 kilometers. He had not entered the Army directly from school.

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CROSS-EXAMINATION by Mr. SOMIYA.

12637 The witness stated that only one prisoner succeeded in escaping while at Nicholes Airfield. He did not know of any others that tried to escape. At Nicholes Field there was one Japanese who showed kindness to the prisoners. * He went to sleep on a couple of occasions, and the prisoners were able to pad the books on their quota.

12638 When asked whether he had ever heard that the food situation with respect to Philippine troops was bad compared to that of American troops, the witness stated that his job was radio operation, and he stuck to it. He had never heard or seen anything to the effect that the Japanese troop situation in the front line in regard to food was very bad. * While the war was on he was not interested in the personal life of the Japanese soldier, and after the surrender all those he came in contact with seemed to be very healthy.

RE-DIRECT EXAMINATION by Mr. Lopez.

12639 * The witness stated that counting the camp staff and guards and track bosses, there were about 30 Japanese guards at Nicholes Airfield. When asked whether the one Japanese guard ever showed his kindness in the presence of his friends, the witness said this guard was once caught asleep, and as a result he was beaten very severely.

DIRECT EXAMINATION of Lt. Col. FRANKLIN W. FLINIAU, by Mr. Lopez

12640 * The witness stated that he was 32, and lived in California. The witness, on May 27, 1942, was with and surrendered with the 61st Division on Panai island at Iloilo City. They surrendered at the small barrio of Misi. There were 32 U. S. officers and E.M. and approximately 700 Filipino officers and E.M.

12641 * On the day following the surrender, the witness was forced by order to take three other U. S. officers and a group of Filipino officers and E. M. into the hills of Panay and show where they had hidden or stored ammunition and gasoline. He led a party of Japanese
12642 of about 33. He took them in the hills * but decided that he was not going to lead them to the dumps. He led

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12643 them in circles, and throughout the trip the Japanese officer told him continually that they would not eat or drink until he was shown where U. S. food was stored. It took six days for the round trip. During the six days * they were given no food or water as a ration from the Japanese in charge. The food they received was that left in the mess kits of the Japanese soldiers. The food was approximately 150 grams of rice per day. The water was found in puddles on the way or in caribou wallows. They averaged about 25 miles per day walking. There were about 30 Japanese guards, who ate well from their field ration, and in addition had bulk rice, dried fish, pickled plums, and other things.

12644 * After the trip was completed they returned to the Calinog Provincial building, where they had started and found that the officers had been transferred to the Iloilo Provincial Jail. They were immediately taken by truck to the jail, where they stayed for about 44 days. Treatment was very severe. The ration consisted of rice and worms, and once a week an eggplant was issued. They were quartered in the cells of the jail, sleeping on double-deck wooden beds full of vermin. There was no latrine available for night use. All requests were refused. Due to past living conditions and general state of health, many of the prisoners had beri-beri and dysentery, and the stench * was terrible. They had no mats or pillows. The guards were from the military police unit of Iloilo City.

12645 The main job in Iloilo was cleaning up the city. They also loaded manganese ore from the dock, carrying two baskets like coolies.

12647 * Prisoner treatment, both American and Filipino, was very severe, particularly the beatings. The treatment was probably more damaging to the Filipinos than to the Americans. Among the Filipinos, he saw the Japanese extract fingernails, place hot coals under the chin of a prisoner, or under their feet. Officers and enlisted men, regardless of rank, were treated the same. The witness himself was beaten on many occasions with ordinarily steel knuckles, bamboo poles, and two by fours.

12648 He was beaten * all over his body. On many occasions it seemed they did not need a reason to beat. Other times they were trying to gain information about the whereabouts of Filipino soldiers who had not turned in or had deserted prior to the turn-in order.

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These beatings were not personal whims of the soldiers, because the orders came from their superior officers. There was a captain in charge of the Fort, and on several occasions there were inspection parties under a lieutenant-colonel and a major. The witness himself never saw the orders, and said he could not read Japanese. Presumably they were read to him. The captain who read the order always had a piece of paper in front of him when he issued the order.

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* The worms that he said they ate were worms in the rice. The rice that they received while in prison were in sweepings of the floor from the warehouses. It had worms, steel filings, and everything else. He did not know about the food situation of Philippine civilians at the time. He did know that there was plenty of fresh fruits and vegetables available. Also he personally saw meat and corn in the markets, but he did not know the situation with respect to rice. Food conditions did not improve in San Pedro. They were cut in rations 50 grams of rice per man per day on arrival. * At Fort San Pedro they received approximately 300 grams per man per day. Once a week they received some sweet potatoes and some squash, and nothing else.

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At San Pedro he received approximately twelve beatings. They were very fortunate in San Pedro to have three Japanese interpreters who had lived in the Philippines, and every order given was interpreted for him.

He had never testified in any other trial.

CROSS-EXAMINATION by Mr. Levin.

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* The witness stated he was not the highest ranking officer in charge at the time of surrender. He was chief of staff to Colonel Christie, the senior officer on the island. He, however, made all the arrangements. The terms required a total surrender in writing; * that the U. S. would surrender both American and Philippine forces at certain places. The witness abided by the note, by turning over his forces to the Japanese. The supplies which he had were left back in the hills. * When he took the Japanese officers on the trips, they passed in the vicinity of several of the dumps. Some were completely gone; others he passed but not close enough to point out to the Japanese; some had been looted by the Filipinos, which he did not know then.

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12649 On one occasion he was taken to the torture chamber, which was empty of furniture. A captain and a warrant officer both asked how Iloilo City was destroyed. It had happened that at the time of the invasion of Panay the invading force had to go through the city of Iloilo. The city was defended and was destroyed by the use of artillery and air bombing. These men blamed the witness personally for lighting the match which burned the city. * They forced him to stand at attention, and one with a bamboo and the other with a two by four beat him, across the chest, the ribs and back, and finally hit him in the head with the two by four, rendering him unconscious. He was carried out by American officers, and water was thrown on him to revive him. While he was on the ground, both were kicking him.

12652 CROSS-EXAMINATION by Mr. Logan,
Counsel for KIDO.

12653 The witness stated he was a lieutenant-colonel at the time of capitulation. There were several buildings available at Iloilo City where the POWs could have been kept and which would have been more comfortable. At that time, Fort San Pedro, where the prisoners were later taken to, was not being used. Likewise Iloilo Agricultural College and its dormitories was available. These were not being used by the Japanese for some other purpose.

12654 While in jail for 44 days he personally did witness approximately 100 beatings. He was told by the captain in charge, when he protested on beatings, that he had orders from his superiors to punish the prisoners. On every occasion the only words used were "High Command". * He did not know which command was specifically mentioned by that.

12655 After they left Iloilo, they were transferred to Fort San Pedro, on the beach in the city. When the witness complained to the captain in charge of the jail and asked for better quarters, he was told that they were there for a period of time, to be announced later, for interrogation purposes and would be under the kempeitai. They were taken from the jail about five weeks after his complaint. It was the Kempeitai that administered the beatings. * At Fort San Pedro the treatment did not change, but in fact the beatings and atrocities gradually became worse.

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12662 The witness said that he made protests every day he was in prison camp. On one occasion there was an inspection party from Manila, under a general whose name was unknown. * At Iloilo prison, the officer in charge said he was a commander. At San Pedro the officer of the camp was a captain of the army.

CROSS-EXAMINATION by Mr. Cunningham,
Counsel for OSHIMA.

12663 * The witness stated that he arrived in the Philippines on November 20, 1941, and surrendered on May 27, 1942.

CROSS-EXAMINATION by Mr. SOMIYA.

12664 * The witness stated that at the time of
12665 surrender there were 32 American officers and enlisted men, every one of whom surrendered. * Approximately 700 Filipinos surrendered. He did not know whether the Filipinos were released or not. When he left for Japan they were still under the Japanese. The Americans were separated from the 700. In the early part of August about 100 Filipino troops were put into Fort San Pedro. The rest were in cadre barracks about 400 yards away. He did not know whether they were released or not.

CROSS-EXAMINATION by Mr. Blewett,
Counsel for TOJO.

12666 * In preparation for the inspection, they were told by the camp commander that the general was inspecting, and he was in the camp about ten minutes. For the inspection each POW was given three mangoes and a papaya, which was on their bed at the time of inspection. Immediately after the party left the fruit was picked up. The barracks were clean for the inspection, but all cleaning equipment was taken away. The inspection was made on July 23, 1942.

12668 * Exhibit No. 1454, JAG Report No. 285, stated that the forces which surrendered to the Japanese in the Lanao area on May 27, 1942, were concentrated in Camp Keithley. On July 4, 1942, POWs had to march 36 kilometers to Iligan, to be taken to Malaybalay. During the march, a sick prisoner, unable to keep going, was shot. No food or water was given, and as a result one died from drinking dirty water.

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12669 * Exhibit No. 1455, JAG Report No. 49, stated that about 0200 December 14, 1944, two Japanese officers informed the men at the POW camp at Puerto Princesa, Palawan, that they were going to work early the next day. They began at dawn but were called back at noon, which seemed strange. There were two air raids, and extra guards were placed around the compound. During the early afternoon another air raid warning was sounded

12670 * and the men were forced into shelters and required to remain under cover, the Japanese stating that hundreds of planes were approaching.

12671 While underground, Japanese soldiers armed with machine guns and rifles and carrying buckets of gasoline, attacked the POWs in the first shelter, where there were about 40 of them. They threw a lighted torch in and followed it with a bucket of gasoline. As the men ran from the shelter they were mowed down by machine guns and rifles. Men were allowed to suffer until they died. A captain, commander of the garrison, split one man's head open with his saber. The Japanese started shooting everything in sight, while the captain * was laughing and shouting, urging the men on. Men were thrown into holes while alive and covered with coconut husks. Some escaped through a hole in their dugout, while 30 or 40 others tore barehanded through barbed wire fences and ran to the water's edge. Two attempted to swim, but were shot in the water. Others were hunted down and dynamited. About four men swam the bay to safety. One man tramped without food and water for five days and nights through the jungle until rescued by the Filipinos.

12672 Following the landing by Americans at Puerto Princesa, on February 28, 1945, a search of the enclosure was made and certain identification tags, and personal items were found. Between March 15 and 23, 1945, 79 skeletons were buried. 26 were found * piled four and five high in one excavation. Bullets had pierced the skulls and they had been crushed. The smallest number of bodies were found in the large dugouts, closest to the cliff and furthest from the prison buildings. In two dugouts bodies were in prone position, arms extended, with conical holes in the fingertips, showing that these men were trying to dig their way to freedom.

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Page DIRECT EXAMINATION of Austin J. MONTGOMERY,
by Mr. Lopez.

12673 * The witness said that he was a lieutenant-colonel and lived in California. He had been with the U. S. Army 13 years, serving in the Philippines on both Bataan and Corregidor. He arrived in the Philippines in May, 1941, and was in the war until May 6, 1942. On that day, * Corregidor surrendered.

12675 * About 8-10,000 American and Filipino troops
12676 surrendered. Since * his surrender he had been in six temporary camps, 7 permanent ones, and 7 prison ships. The first temporary camp was at Cabanatuan in June of 1942. The next camp was 40 kilometers outside the city of Cabanatuan. This was also June of 1942. He was at Fort San Pedro; at the Olongapo Naval Reserve; the city jail in San Fernando Pompana, and on the beach, San Fernando La Union on Lingayen Gulf. During May, 1942, he was at the permanent camp at the 92nd Garage Area on Corregidor; from June to Oct. , 1942, at Cabanatuan Camp No. 1; at Davao Penal Colony, from November 1942 until June 1944; at an isolated area adjacent to the main Cabanatuan Camp * in June and July of 1944; Bilibid prison October to Dec. 1944, Fukioka on Kyushu from January 1945 until April 1945, and in Jinsen, Lorea, from April until September 9, 1945.

12677

The prison ships that he was on was the Erie Maru, from Manila to Davao, October, 1942; two vessels, whose names were unknown, which brought them back to Manila in June of 1944; the Oryoku Maru in December, 1944; the Brazil Maru, from San Fernando La Union to Takao harbor, during December and January of 1944 and 1945; and the Enoura Maru during January 1945.

The Oryoku Maru was bombed by American planes on December 14 and 15, 1945. After it was bombed the second time they were given orders to evacuate the ship.

12678

* The Enoura Maru was also bombed while in the harbor at Formosa. When he was first taken prisoner, they were kept in the area known as the 92nd Garage. The place was terribly crowded, and they had to sleep in shifts. There was no protection from the sun or rain, except some tar paper shacks which the men had built from materials on hand. Sanitary conditions were bad and the place swarmed with flies; the men were fighting them all day long. There was one water tap which gave a small trickle of salty, unpalatable water.

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12679

* The food was inadequate and there were no medicines. Corregidor had been prepared for a long siege, and there were a great deal of supplies there. The Japanese used work details from the POWs, with as high as 2,000 men per day to carry these supplies on Japanese vessels sailing for the China Sea.

12680

The witness and others were moved out of Corregidor on May 24, 1942. They were marched down to the pier area and loaded aboard three transports, which were very crowded. While aboard these transports they received no food or water. They headed out about ten a. m. and went to a point called Paranaque * and disembarked there. The actual trip took about two hours. They arrived the next day about 8 in the morning. They were taken ashore in invasion barges, dumped into the water up to their shoulders, and assembled on the shore. They were kept there for several hours, until the hot part of the day arrived, and then were marched through the main thoroughfares of Manila, the streets of which were lined with thousands of Filipinos. Many of the latter tried to give aid, but were beaten for trying to help. There were many Japanese Army and civilian personnel witnessing the march. The procession ended at Old Bilibid Prison, in the commercial section of Manila.

12681

* It is about 7 miles from Paranaque to Old Bilibid Prison. The prison had been in the Philippines before the war, and the witness was familiar with the area. Manila is a large port, and there were several piers available. It is a mile from the pier to the prison.

12682

* The Davao Penal Colony, before and during the war, contained about 2,000 Filipino convicts. The POWs were assigned to one of the areas, and approximately 2,000 men lived in the barracks. Sanitary facilities were rather poor, but better than before. Water was plentiful, but food was inadequate. Many men were beaten. On several occasions, about 600 Americans were mass punished for the escape of ten men. This consisted

12683

* of taking them and putting them into a smaller compound, where they slept in cages of about 5 by 3 by 3 feet, made of wood and wire.

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12684

* One man was required to sleep in each cage, and this phase of the mass punishment lasted two months. These cages were bed bug incubators. A tall man could not stretch out, but had to draw up his legs. The cages were piled one above the other, in double tier effect. While undergoing this punishment, food was considerably less than in the main camp. The main camp placed them on onerous work details, and they were beaten without provocation. The witness himself was beaten on several occasions, and they were told that this was part of the punishment.

12685

* After the escape of the ten men, the group had waited seven days for their punishment. The 600 men to be punished were assembled, and the commanding officer, a major, announced that he had received notification of the punishment to be imposed from the High Command. He made quite a ceremony of the affair, and read the sentence from a scroll.

12686

In Davao Camp the witness was adjutant and work details officer. In April of 1943 the men were given a form, asking whether they would volunteer for work. * They received 600 negative answers. The Japanese returned these reports and stated that the men would work, and if they did not work they would be confined in the guardhouse and severely punished until they volunteered.

12687

The Japanese authorities at the penal colony ordered a 600 man work detail to build a military air field at Lasang. This decision was protested and signed by the senior POW, a full navy commander, and it was also signed * by the POW camp commander. This letter pointed out that work on military installations was covered by the rules of land warfare, and they requested that this matter be reconsidered. This letter was returned after several days with the statement that it was no good. They said that the Japanese Government would live up to such parts of international law as did not conflict with their rules and regulations.

12688

They were moved out of Davao in June, 1944, loaded aboard trucks, roped together and blindfolded. They were so crowded that sick men fainted. They had great difficulty in sinking to the floor of the truck. The trip lasted between three and four hours, and at no time did they get off. When they arrived * at the wharf

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they were taken off the truck, the ropes taken off and the blindfolds removed. While there he saw a large automobile, driven by generals in the Japanese Army. These generals appeared to be quite amused. The Commanding Officer of the camp came to the witness and Colonel Olsen and apologized for the drastic measures used in transporting, and stated he was merely following orders from higher authorities.

- 12689 * At the time the Oryoku Maru was bombed, it was absolutely unmarked, and was heavily gunned with adequate gun crews. When they boarded the boat there were approximately 1650 POWs, but when the planes started to bomb about 30 or 40 had already died. The planes picked up the ship at 8 a. m. and bombed and strafed until 4.30. * It was obvious that the boat could not continue its voyage, and the Japanese had already evacuated some civilians. In the hold, the POWs were informed that they would have to swim for shore. They were ordered not to take their shoes and to strip down as much as possible. They ascended the ladders, and some were permitted to go to one of the lower levels and jump overboard. * Others were forced to jump right where they were, a distance of 18 feet. The Japanese guards on board were trigger-happy, and several people were shot while on board. Machine guns were lined up on the shore, which opened up on men on improvised rafts. As he swam in, he passed several men whom he knew. Japanese machine guns opened fire on these men, killing three of them. The other two managed to swim ashore, but subsequently died.
- 12690
- 12691
- 12692 This voyage was the worst experience * that he ever had as a prisoner. The men were jammed into the hold of the ship and were so crowded that sitting down was absolutely impossible. Men had to be beaten down into the hold. They had allocated so many men, about 700, and they had to get down if they had to walk down on someone else's back. It was terribly hot, and the heat was increased when they closed the hatches on several occasions. It got as high as 120 degrees in the hold. From December 13 to 15, they received only one issue of rice, and one small issue of water. There were only four buckets for latrine purposes for 700 men, and permission to empty these buckets was refused. The odor was terrific. Due to the terrific heat, men dehydrated very quickly and had to drink the water in quantities. Many intended to conserve it but were forced
- 12693

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- 12694 to drink it, so that by the first evening few men had any water left. The water consisted of a canteen cup per bay. The ship was divided into bays, so many men to a bay. In the witness' bay they had 37 men. The combination of heat, dehydration, and the terrible conditions, * drove many of the men out of their minds. Some of them drank urine, and others slashed their wrists and others to drink the blood. It was quite a clamor in the hold, and the Japanese closed the hatches as a disciplinary measure, shutting off all air.
- 12695 When they started out they had 1650 men, and at roll call when they arrived there were a little over 1300 men. The death of the others was caused by suffocation, indiscriminate shooting, and the bombing. More deaths were attributable to conditions aboard the boat than for any other reason. * At least 70 were wounded or injured. The Japanese gave no hospital treatment. A certain marine corporal got a machine gun slug in his arm. Gangrene set in and it swelled up. The American doctors repeatedly asked for permission to send this man and other injured men to some point where they could receive hospitalization. A medical officer, seeing that permission would not be granted, had to amputate the man's arm without anesthetics and with the crudest surgical instruments, the man dying about three days later.
- 12696 * After the men got ashore they were rounded up into a tennis court, all 1300, and placed in this area and told to do the best they could. This was an outdoor court with backboard and netting, and no roofing. They stayed there six days. They divided themselves into squads of 70 men, in files, for space purposes, about two feet apart. * There were no overhanging trees, and no beds or nets. The first two days there was nothing issued in the way of food. * On the third day and each day thereafter they received one mess kit spoonful of uncooked rice. On the third day, an officer who had been assigned at the penal colony, came up to Olangapo. He was in General KUO's office. This officer sent for Colonel Olsen and the witness, who told him about the conditions aboard the ship. He saw that they had no clothing and no protection. and had had no cooked food since December 13. They asked him to bring this to the attention of the higher authorities. He promised to do this, but conditions did not change in the slightest.
- 12698
- 12699

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12700 * There were 1300 survivors of the bombing
of the Enoura Maru. About 300 men were killed outright
12701 on the bombing at Takao Harbor. * At the time of the
air bombing, this boat was unmarked and armed. On no
Japanese ship that he had been on were the boats marked
to show that it was carrying POWs. This boat had
several anti-aircraft guns, and they were used in
connection with the bombing. Of the 1600 to 1650 POWs
on the Aryoku Maru, 450 reached Moji.

12702 * With respect to the Bilibid Prison march,
Paranque is not a port of debarkation for the army.
It did not have any pier or wharf of any kind. * They
disembarked in assault boats. They had to pass through
Dewey Boulevard, one of the main thoroughfares, down
Taft Avenue, and through the commercial section

CROSS-EXAMINATION by Mr. Logan.

12703 * The witness stated that at the time of
capitulation he was a major. He stated it was correct
to say that on capitulation, American food was placed on
Japanese ships and taken across the China Sea.

People on Bataan had been much worse off than
those on Corregidor. The plan for the latter was to hold
out an additional 90 days after the fall of Bataan, and
there was a reserve of food not to be touched under any
circumstances. There was much food on Corregidor. They
had gone on two light meals. Corregidor had a 90 day
ration in store to be used at the same rate as these two
meals a day. This would keep 10,000 men from starving
to death.

12705 When he first was in Bilibid Prison it was quite
crowded. The witness stated he did not know who built
the cages at Davao Penal Colony. * When they first got
to Davao it was not too crowded because about 600 men were
immediately sent to the hospital area. Subsequently many
of these were driven back to the main part of the camp so
that they could work. He knew nothing about these cages
before because he had never been in the area before. He
did not think that they had been constructed especially
for the 600 men placed in them. He did not think that
they were used for sleeping purposes for men due to over-
crowded conditions. There were other available structures
in which the men could have been billeted.

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- 12706 * This area had been used when the penal colony was in operation for incorrigibles. There were three rows of barbed wire around the compound, with flood lights shining at all times. Filipino convicts could have been confined there as a disciplinary measure.
- 12707 * The witness stated he spoke Japanese very slightly. In 1942 he could count and name work details. He had to do this, since the majority of the Japanese guards did not speak English. When the major read the notification of punishment he spoke in Japanese. He could speak practically no English. He read it from a scroll. There was an interpreter there. The word "High Command" was one of their favorite expressions. They used it on many occasions, and specifically when they read the punishment. * These were the words used by the interpreter, and of course he did not know what the Japanese words were. When he was told that they would not live up to the regulations of the rules of land warfare, the statement was oral through an interpreter. The witness himself had not seen any orders from higher authorities, and did not know whether they actually had any.
- 12708
- 12709 * Major TAKASAKI, of the wharf incident, could speak English. The witness knew unquestionably that there was a general present at the time. Most camps had protested about beatings and food, and instead of getting better things usually got worse. He could recall one specific instance when they got better. In this instance a guard was punished for mistreating American soldiers.
- 12710 * When asked whether the Japanese were not caught unexpectedly in not having enough facilities to take care of the men after the ship was bombed, the witness stated that they landed at the Olangapo Naval Reservation, which was a permanent station used by the U. S. Navy for many years. There were hospital facilities and cooking facilities. If ever a place was designed to take care of unexpected guests, this was the place. When asked whether the place was crowded, he said there were a couple of hundred marines manning gun positions around the tennis court, but no large concentration of troops, and no other prisoners of war.

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CROSS-EXAMINATION by Mr. OKAMOTO.

12711 *When the 600 prisoners at Davao refused to volunteer for work, they did it as a group. They did not have a mutual agreement, but they were rather happy to have the opportunity of expressing their desires, and they unanimously decided not to volunteer for work. This was not done through a representative, but by each man writing "No" in a series of printed forms.

12712 * On the Oryoko Maru there were many Japanese civilian evacuees, women and children. The civilians were first evacuated--he did not know in what order. They were evacuated about two o'clock in the morning, December 15. He would not say that the lifeboats became unavailable later because they had been used for the women and children. * They could hear sounds of launches approaching the boat at that time, but he could not say whether the launches supplemented the lifeboats.

12714 The boat did not sink, and it was subsequently bombed when the prisoners had been removed, but was in no danger of sinking at the time of evacuation. As for food, the total ration that they were allowed daily at Olangapo after the third day, was one tablespoon full of uncooked rice. The Naval Reserve at Olangapo was garrisoned by Japanese troops, and there were billeting facilities. * At the most, the distance from Manila to Olangapo was a five hour ride. American planes were bombing during the day in the area, but convoys can run at night and one truckload of supplies would have helped immeasurably.

12715 He considered it natural that Lieutenant UKI was delayed in reaching Olongapo on the third day, since he did not believe that the Japanese authorities were very much concerned about POW welfare. * Lieutenant UKI was well thought of in comparison with others.

The time between the bombing of the Oryoku Maru and the evacuation of the ship was about 40 minutes. They had left Manila about two o'clock in the morning on the 14th, and they evacuated the ship about ten o'clock on the morning of the 15th.

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12719 * The heat in this ship was so terrific that men began to pass out within ten minutes after they were jammed into the holds. The slashing of wrists and the drinking of urine occurred the morning of the 14th and the night and morning of the 15th.

CROSS-EXAMINATION by Mr. Brooks.

12720 At Davao the men were building a runway on a military airfield located near Lasang. * He did not know whether this airfield had been used prior to the war. He knew nothing of the area prior to his arriving there as a prisoner.

12721 According to the rules of land warfare, the ships transporting POWs should have been marked with a red cross or some appropriate mark indicating it was carrying POWs. In addition to the POWs it had approximately 1,000 Japanese civilians. When they came into Manila Bay there were spaces available to dock a ship in the port area. * Some other vessels had already tied up at some of the piers. He did not remember ever seeing any vessels entering or leaving the area. The men were landed in barges, and they could have been landed in barges near the pier; there was no need to take the roundabout way.

12722 * The Japanese occupied Manila on January 2. By May 24 it is logical to assume that if there were any mines they would have been removed. While a prisoner in the Philippines, he could recall four inspections. The first was by General MORIMOTO, consisting of riding through the camp at Cabanatuan on a horse, taking about ten minutes. At that time dead bodies were laying in the latrine areas. He was a major-general in the army and in charge of prison installations in the Philippines.

12723 * There had been complaints prior to this inspection about food, water, and sanitary conditions, and every other phase.

RE-DIRECT EXAMINATION by Mr. Lopez

12724 * The witness stated that out of the 1650 who started on the trip to Japan on the Oryoku Maru, about 450 arrived in Moji on January 30, 1945. Of this 450, approximately 200 conservatively died within two months after arriving in Japan.

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12,725 Exhibit 1456, affidavit of Major Charles Thomas
Brown, stated * that he was a doctor, having begun to
12,726 practice medicine in 1933 and he went on active duty
with the U.S. Army Medical Corps in 1934. * On June 19,
1942 the Japanese ordered the senior medical officer at
Bilibid Prison to furnish two medical officers and four
corpsmen. The witness volunteered for the detail.
Thirty dying Americans had been brought to the hospital
and the witness was told that other men were dying and
that they needed medical help. On the morning of June 20
the witness, another doctor and the corpsmen were taken
to Calauag, south of Luzon, arriving at night. They found
about 300 American troops in the most pitiful condition,
three already dead and the living suffering from malaria,
dysentery and malnutrition.

12,727 The Japanese furnished no medical supplies and
the only medicine they had was a small field pouch they
brought. The Japanese promised medicine later. These
men had been there for about three weeks, picked at ran-
dom from the survivors of the death march. They were in
* bad condition when they were taken from Camp O'Donnell.
They had been removed to build a road through an impenetrable
jungle. Already thirty had died and the survivors were
drinking filthy water and living in the open. They were
forced to work from daylight to dark with disease, without
clothing, covering or shoes, with only a wheel barrow,
pick and shovel. Men were frequently beaten and those
too weak to work were beaten and prodded. This had been
going on for three weeks.

12,728 The other doctor asked to be allowed to have a
free hand and the dying men be allowed to rest and asked
for supplies. The witness also interceded. The food might
be considered sufficient * but due to disease, men were
unable to eat. The food was captured American canned goods.
Later the food began to run out and at the end there was
only rice. There were no cooking facilities and all food
was prepared in a wheel barrow. During the next three
weeks the death rate was three to four per day.

The men were buried with their bodies stripped
of clothing for benefit of the living. An accurate list
of dead was kept. Conditions became worse and it was im-
possible to maintain sanitary conditions. The Japanese
guards had tents or barracks. At the end of June, Japanese

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- 12,729 medics inspected the work camp, but did nothing except promise aid. * During the witness's period fifty men died. Many could have been saved with medical supplies and improved conditions.
- 12,730 * Exhibit 1457, JAG report No. 210, stated that in the first week of June 1944, 1,200 to 1,500 American POW's were taken by truck from Davao Penal Colony to Davao City. The men were tied together and blindfolded. Many sick and amputees had to stand during the trip. If men were suspected of peeking they were struck. Many suffered from beri-beri,* some men fainted and were held up only by the ropes. Men were put on the boat during the latter part of the trip and the prisoners were required to stay in the hold. They could not lie down and had to sleep in shifts. The only latrine facilities were some five gallon cans. The men often had to relieve themselves before the cans were available. Hatches were kept almost completely covered. Water was always insufficient and not completely distilled. Temperature was 120 to 125 degrees. Food consisted of a small amount of rice and thin soup, the latter was often made from spoiled meat. After the escape of two officers the rations were decreased until Americans were receiving one-sixth of that gotten by the Japanese.
- 12,731
- 12,732 Exhibit 1458, JAG report No. 76, stated the cells at Bilibid Prison were * overcrowded and sanitation facilities were non-existent. The regular diet was a maximum of 700 to 800 calories per day and during the worst periods, POW's received only two meals a day consisting of $\frac{1}{2}$ cup of rice. The food actually issued was often contaminated, resulting in dysentery, diarrhea and beri-beri. American POW's often * ate garbage from scrap cans and pig troughs. The medical director was apparently responsible.
- American prisoners were beaten with sticks and baseball bats, often to insensibility. Men were hung from the wrists for long periods of time. Three thousand slept on concrete floors without bedding or nets. They had only three showers. When in 1942 a POW escaped, 1,500 were placed on a diet of straight rice for three months. On October 11 and 12, 1944, 1,200 were taken from the prison to the dock area in Manila Bay, then subjected to Allied bombing. On June 19, 1942 the Japanese confiscated all quinine and medicine brought by the POW's. Confiscated

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12,734 Red Cross supplies were stored * in YAMASHITA's headquarters in Manila. There were more than 1,000.

12,735 Exhibit 1459, JAG report No. 99 on conditions at Cabanatuan Cmap, stated living conditions were poor and sanitary facilities inadequate. Roofs were wooden frames covered with grass and no supplies were provided for making repairs. * Seven were crowded into space 7 x 10 feet, sleeping on bamboo platform tiers, in some cases without blankets. No clothing was provided and extras were taken away. Latrines were slit trenches close to the buildings and flies swarmed around them and into the living quarters and mess halls.

12,736 Medical supplies were lacking entirely or provided in such small amounts as to be of no value. There was enough quinine for only ten percent of the patients. Antiseptics were inadequate as were sulfa drugs. On the other hand Japanese hospital patients had beds with innerspring mattresses, linen, blankets and mosquito bars. The Japanese refused to release adrenalin, although there was sufficient for both the Japanese and POW's. Medical supplies from the Gripsholm were unloaded by POW's and taken to the Japanese warehouse * where these large supplies were seen by the POW's, but the Japanese refused to release adequate amounts for POW treatment.

Despite their weakened condition and bad medical treatment, the POW's were forced to do heavy work and beaten if they collapsed. They were forced to work on military installations such as runways and foxholes. The POW's also had to submit to medical experiments. To prevent escape the POW's were forced to sign pledges not to escape. The squad system of punishment was used, whereby the POW's were divided into squads of ten and told that if any POW escaped and was not caught, the remaining men would be executed, while if he were caught, he alone would be executed.

12,737 * There were innumerable beatings and tortures for minor matters such as a prisoner joining the wrong group at the noon bell. Americans were forced to slap other Americans and if they were not sufficiently hard, they were required to repeat it. At other times the POW's were paired off and forced to slap each other. If the Americans attempted to get food from the Filipinos, they were shot.

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DIRECT EXAMINATION OF GUY H. STUBBS,
by Mr. Lopez

12,738

* The witness stated he was a Colonel in the Coast Artillery Corps of the U.S. Army and lived in Peachbottom, Pennsylvania. He joined the Army in August 1919 and he was with the American force that surrendered at Bataan in April 1942. He was then on the staff of General King, commanding the Bataan force as Coast Artillery and anti-aircraft officer. * Prior to the surrender Japanese planes were overhead the whole day and sometimes at night and bombed and strafed and on occasions dropped leaflets and newspapers. The leaflets were called surrender passes, being written both in Japanese and English, the English promising humane and honorable treatment if the group would surrender.

12,739

About March 15, 1942, personal messages to General Wainwright were dropped, promising humane and honorable treatment in case of surrender. Each evening there was a radio program from the Japanese to the men on Bataan, * which likewise offered humane and honorable treatment in case of surrender. All promises were made in the name of the Imperial High Command. At the time of the surrender he was at General King's headquarters.

12,740

Prior to the surrender General King had ordered all passenger vehicles and sufficient gasoline be surrendered intact so that the men could be carried to the concentration camp. The order evidently reached the majority of troops because practically all passenger vehicles were surrendered without being destroyed. Approximately * 11,000 men surrendered.

12,741

12,743

The witness took part in the death march and among the many incidents he saw were men shot and bayoneted when they were unable to continue. He also saw the Japanese guards start to bury five Filipino soldiers in uniform alive after throwing them into a latrine. He saw a Filipino spread-eagled staked on the ground and he is sure that his hip joints were dislocated. He was being punished for wearing a Japanese helmet. * The men who were bayoneted were simply so weak they could not keep up with the marches, but many knowing what would happen if they fell, continued until unconscious. One man struck back when a guard slapped him. He was killed.

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12,744

The witness stated he was confined to six non-permanent camps--Orani, Lubao, San Fernando, Pampanga, Cabanatuan Town, all on Luzon; Fort San Pedro in Cebu and the horse stables in Moji, Japan. He was also in six permanent camps--Camp O'Donnell, Cabanatuan Camp No. 1, Bilibid Penitentiary, Davao Penal Colony, Yokkaichi, Toyama. * He was in Camp O'Donnell from April 20 to June 1, 1942; Cabanatuan Camp No. 1 from June 2 to October 26, 1942; Bilibid Prison for a day and a half in 1942 and five days in 1944; Davao Penal Colony from November 8, 1942 to June 6, 1944; Yokkaichi from September 4, 1944 to June 1, 1945; and Toyama from June 2, 1945 until September 6, 1945. He had been in four prison ships. He went from Manila to Davao in 1942 on the Erie Maru; from June 6 to the 10th in 1944 he went on an unnamed ship to Cebu and went from Cebu to Manila in another unnamed ship. From Manila to Moji on a Canadian steamship, * the trip taking 61 days.

At Camp O'Donnell the witness was assistant to General Bleumel who commanded part of the air corps group. He became group commander when the generals were segregated. After that he was marked as commanding officer of prisoners. He tried to get away from this but couldn't. He commanded the first 1,500 POW's moved from O'Donnell to Cabanatuan, and at the latter place he commanded a group of 2,500. At Davao he did all kinds of administrative work. He commanded a company of 200 on the move to Manila and was in command of a detail of 1,024, being moved to Japan and while they were in Japan.

12,746

* While he was commander at O'Donnell for three weeks about 16 percent of the Americans died then and during the first five or six weeks. When he left O'Donnell they had buried over 1,500. When he left Cabanatuan about 22 percent of the 2,000 had died * out of approximately 9,000 there at onetime or another.

12,747

12,748

At that time they were receiving 350 grams per man per day of bad rice with all kinds of sweepings from the warehouse floor. They also received about 30 grams of vegetables, which was frequently kangkong which has no food value. About twice a month they received a small issue of meat and on one occasion they had chicken and eggs, * which consisted of three small chickens and 11 or 12 eggs for each 500 men. Pictures

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- 12,749 were taken of this. At O'Donnell they received about 300 grams of rice per day with the same quantity of vegetables. At O'Donnell men had to stand in line for hours for a drink of water. In Cabanatuan No. 1 the witness made daily protests, but with no results. The camp commander was an errand boy for every Japanese. He had to wrangle continually * about conditions and abuses. He frequently was slapped or beaten for protesting. When the witness complained about food he was told that it was not available. Through an underground he learned from the Filipinos that they would be glad to sell food in exchange for an order on the U.S. for payment later. The camp was located in central Luzon, the granary of the Philippines. There were large herds of cattle to the north and the owner of these contacted the witness in regard to selling in exchange for an order on the U.S. The witness told the commander that he could get food if he were allowed to visit * the ranches. They refused to let him contact the people. At this time the Japanese had all the fresh meat, chickens, eggs and drinks they could use. He frequently saw them eating and they saw the supplies in large quantities being taken into Japanese mess halls. Trucks came in daily and most of the food was local products. * They used American kitchen police and these men would frequently sneak out left-overs from the Japanese mess consisting mostly of rice, but frequently eggs and meat.
- 12,750
- 12,751
- 12,752 * As each group entered Camp O'Donnell it was addressed by the Camp Commander who told them that they were not POW's, but would be treated as criminal captives. He stated that he would entertain no protests and he wanted only a daily report on how many died so he could keep his records straight. He didn't care how many died.
- At first the food situation at Davao was much the best, but it later deteriorated.
- 12,753 The prison ships were all * terribly crowded and food was inadequate. The water ration was about 25 ounces per man per day. The men were forbidden to brush their teeth or wash. This prohibition was true at Camp O'Donnell and for two months at Cabanatuan No. 1.

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CROSS-EXAMINATION BY MR. BLEWETT,
Counsel for TCJO

- 12,754 The witness stated that just before the surrender in Bataan food and medical supplies were extremely low and the men were all in bad condition. * The witness had no idea of who gave the orders for the death march or under what circumstances it was arranged. Just subsequent to the surrender the Japanese were all apparently well under control and had a similar method of treating POW's. His impression was that the order for the death march came from the high command in the Philippines. The Japanese were so secretive that they always used the term Imperial High Command. General King surrendered
- 12,755 * to a Japanese general in command of tanks who later took over general hospital number one. He stated that they would be sent to a concentration camp. General Arnold Funk was the senior officer on the trip. The staff of the U.S. Army rode in passenger cars and started for Camp O'Donnell.
- 12,756 The witness's car broke down after two miles and then was taken away. The witness walked the rest of the way except for a short ride in a truck. * As to the other cars, they were used all over Bataan by Japanese for hauling their equipment and personnel, both during the death march and later. So far as the witness knew only five cars were used for transporting Americans in any way. The others were used for everything else. There seemed to be no Japanese officer in charge of the witness's contingent on the march. They were herded along the road with a change of guard every five miles.
- 12,757 The size of the Japanese force which landed on Luzon was approximately 85,000. The guards were equipped as infantry men, but he did not know what insignia they wore. The officer in charge of O'Donnell was a captain who was said to have been sent there specifically to take charge of POW's who might surrender. The witness stated they were told that this man was army but the witness saw him only on the occasion of his initial speech.
- 12,758 * While he was in O'Donnell he protested to General King, but only one American was allowed to approach Japanese headquarters. He tried to convey the

Page

12,759 protest but was told the Americans were not to protest about anything. At first the camp was in command of Major MAIDA and he was later relieved by Major TAKASAKI. Both were army officers. At O'Donnell and Cabanatuan No. 1, the guards were army men. Later men were brought in who were said to be Formosans and were trained at Cabanatuan No. 1. * Key men of the guard continued to be Japanese. To his knowledge the guard did not consist of military police, although the Formosans were stated not to be in the Army, but to be a civilian guard. They were equipped identically with the army and had machineguns. They were soldiers. As part of their training they went on raids against the guerrillas. On three occasions the witness saw general officers, but none spoke to him and only one occasions did they speak to any prisoner.

12,761 At Cabanatuan No. 1, General MORIMOTO asked the colonel in command on the conditions of his men. When he was told they were weak MORIMOTO said they needed exercise and said they should be run on the road. Other than these three the highest Japanese officer whom the witness saw and whom he spoke to were Lieutenant Colonels. Before MORIMOTO inspected Cabanatuan No. 1, the POW's were told to clean up the camp and they were given an issue of meat. He only rode through the camp and went away. A Japanese sergeant later told the witness that they had been criticized for giving the POW's meat and he did not want to see such a thing again. On later inspections the POW's got no better or worse food than ordinary. * The inspecting officer spent very little time inspecting, although they spent considerable time in the camp commander's office or quarters eating and drinking.

CROSS-EXAMINATION BY MR. SHIMANOUCHI

12,762 * The witness stated that in one way or another all 11,000 men who surrendered were in the death march. He did not know how many motor vehicles there were at the time of the surrender. Many had been destroyed just prior to the surrender. He did not know how many there were in the first place. There were, however, sufficient to have transported all the men * in relays. These vehicles were all over Bataan due to the considerable confusion as the troops fell back. However, the U.S. only occupied the very southern tip on the east coast with a

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12,763

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- 12,764 total depth in area of not over four or five miles. The west coast had not been attacked. Practically all gasoline had been issued and was with the vehicles. The U.S. army issued orders to hand over vehicles and gasoline * possibly six to seven hours before surrender. At the time of surrender he was at headquarters and the time was about 10 or 11 o'clock in the morning. The order to surrender the vehicles and not to destroy them was probably given around *midnight. Most of the other equipment was destroyed just before the surrender but not the gasoline and cars. The witness saw the latter used not only just after the surrender, but all the time while he was in the Philippines. After the surrender headquarters personnel remained in camp under Japanese guard until the next morning when they were taken to the general hospital and formally surrendered to a Japanese general.
- 12,765 * During internment they were usually able to see outside through barbed wire. Headquarters was not located near the airfield, being 10 and 6 kilometers from the two airfields.
- 12,766 At the time of surrender the Americans had three-fourths of a ration for each man. * These reports were based on the one-half ration which had been issued since January 6. As to the food supply he knew nothing except the official reports. There may have been some unreported food. The witness himself was not in the supply department and only knew about the matter from general information.
- 12,767 With respect to the particular soldier killed about whom the witness testified, the witness stated the incident took place between Orian and Orani in eastern Bataan at night. He is not positive of the exact location. * There were 6 or 8 Japanese in the neighborhood at the time with no more than 10 POW's. As to the prison ships there were some few Japanese and possibly 100 Filipinos on the Erie Maru. They were not crowded, although they did not have first class passage. On the other prison ships he never saw Japanese other than the guards or crew.
- 12,768 * Hospital No. 1 was within several kilometers of headquarters and he went there to surrender to the Japanese general. There were military installations all over southern Bataan due to the small available area and

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many were near headquarters, some within 500 meters of the hospital. Part of the hospital was two stories. The rest consisted of one-story buildings, sheds and tents and some of the men were outside.

RE-DIRECT EXAMINATION BY MR. LOPEZ

12,770

* The witness stated that O'Donnell men had to stand in line for hours to get a drink of water. The

12,771

* conditions where the witness was were probably worse than anywhere else in O'Donnell. They had to keep an officer or duty at each hydrant to maintain order in the line. * The witness stated that the only time he ever

12,772

saw prisoners given any semblance of a trial before punishment was at Cabanatuan. In many cases they were beaten, tortured or executed without a hearing. Six had been caught inside the fence with food brought from the outside. They admitted that they had gone outside and returned with the food. They were brutally beaten and tied to a fence for the night and part of the day. They were then marched up the road with their hands tied behind them and brought into a room at guard headquarters. There appeared to be a court consisting of a few officers and several non-coms. The prisoners were stood up against the wall of the room and could not say a word. They were not represented by any counsel. A half hour after the court adjourned they were shot.

RE-CROSS-EXAMINATION BY MR. BROCKS

12,774

The witness stated that the soldiers and officers had canteens to carry water. At that time he never saw any halyzon tablets and the only available substance for that use was the chlorinating capsules used in lister bags. * These capsules had the same effect as halyzon tablets. These tablets were issued only to units in general to the mess. For isolated details these were issued individually, but the individual officer or soldier did not carry them except in rare cases. He only knew of one man who had such a capsule on the death march and he himself had none.

12,776

Exhibit 1460, JAG report No. 207, stated * in May 1942, 200 U.S. POW's were brought to Gapan and stayed there two months during which 37 died. They were sick when they arrived from many diseases. The Japanese became

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12,777 alarmed and called in a Filipino doctor but told him not to use medicine useful to the army or to civilians. He used medicine of his own. * When the Americans improved he could not give further aid. The prisoners were poorly clothed, underfed and the natives were prevented from aiding them and were punished when they gave them food or cigarettes. The Japanese had meat and eggs and gave the Americans only what was left. Some of the POW's worked at the garrison and were mistreated if they rested or asked for food.

Others worked at Gapan Bridge on difficult duties. They hauled gravel, stone and sand for road and bridge repair. Some of them had to dig canals. Prisoners were beaten when unable to work. All witnesses agreed that the work was too strenuous for men in their condition. Ofen priests could not visit the dying prisoners.

12,778 Exhibit 1461, JAG report No. 72, stated that in March 1945 two American captured fliers * were confined Cebu Normal School. On March 26 they were taken outside to a place where a foxhole had been dug and forced to kneel at the edge with heads bent forward while a Japanese sergeant hit them across the back of the neck. When they fell into the foxhole an officer fired a number of shots into their bodies.

12,779 Exhibit 1462-A, a captured booklet entitled "Japanese Instructions on How to Interrogate," stated as to measures * to be normally adopted they were common torture, embracing, beating and kicking and physical torture. This is most clumsy and is to be used when all else fails. When violent torture is used, interrogation officers should be changed and it would be beneficial if a new one questions sympathetically. * It is recommended to use threats such as murder, torture, starving, deprivation of sleep and solitary confinement. Also threaten mental discomforts such as not receiving the same treatment as other POW's, being kept until the last on exchange of POW's, of being forbidden to send letters or to inform home he is a POW.

12,780

Exhibit 1463, a mimeographed manual entitled "Reference on Detection and Disposal of Land Mines," issued in 1943 by the Japanese army engineers school. It would be advantageous if POW's and natives could be sent ahead as a precautionary measure.

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12,781 Exhibit 1464, instructions issued by the commanding general of the 16th Division, stated * that POW's will be killed on the battle field. Those who will surrender and are of bad character will be killed secretly and counted as abandoned corpses. By POW's is meant soldiers and bandits captured in the battlefield; by surrender is meant those who surrender prior to battle. POW's should be interrogated on the battlefield and then killed immediately, excepting those from whom further interrogation is needed. Killing must be carried out cautiously and circumspectly * without outside witnesses in a remote place. Malicious surrenderers will be taken into custody and after observance of public sentiment will be killed secretly when they have been forgotten about or under protest of removal.

12,782

Exhibit 1465, instructions April 1944 for treatment of prisoners from the military police section of the 16th Division, stated when prisoners are taken, those not worth utilizing shall be disposed of immediately, except those requiring further detailed interrogation according to previous orders. Surrenderers found to be malicious after interrogation on important operational matters will be immediately killed in secret and disposed of so as not to excite public feeling.

12,784

Exhibit 1466, handwritten sheet containing an account of a visit to Muntinglupa Prison kept by a member of an army unit, stated * that he visited this prison on October 24 with the commander as a guide. There were 2,200 prisoners. The food consisted of thick rice gruel and one or two slices of papaya. Deaths averaged 10 per day because of lack of food. The barracks had a foul odor. The prisoners were commanded to salute. * The POW's thighs and ankles were the same size and walking seemed to be an ordeal. He had never seen such thin people and the condition was truly pitiful. There were dead bodies inside, which were carried out by the POW's. The prison had three barbed wire fences with the center one charged with electricity. There were guard towers at various points. Prisoners worked with iron chains around their legs. The entrance was like an old castle. There is a great contrast between inside and outside. Visiting was permitted to mothers and wives at certain hours. They seem to bring lots of presents. * He wondered how the families felt when they saw their loved ones. Death alone

12,785

12,786

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waits for those who have no visitors. The prisoners are Filipino and Chinese and some few westerners.

12,787

Exhibit 1468, note to the Japanese from the U.S. through Switzerland, December 18, 1941, * stated that although Japan, a signatory of the Geneva Prisoner of War Convention, has not ratified it, the U.S. hopes that Japan will apply its provisions.

12,788

Exhibit 1469, reply of Japan to the U.S. through Switzerland, February 4, 1942, stated * that Japan is strictly observing the Geneva Red Cross Convention and while not bound by the convention as to treatment of POW's, she will apply mutatis mutandis provisions of the convention to American POW's.

12,790

Exhibit 1470, note to the Japanese from the U.S. through Switzerland, February 14, 1942, stated that the U.S. has received reports that American civilians in the Philippines occupied by Japan are receiving extremely rigid and harsh treatment, and the U.S. desires to receive from Japan assurance either that investigation has disclosed the incorrectness of the reports or that immediately effective steps have been taken to remedy the treatment and to give to Americans moderate treatment similar to that * given by the U.S. to Japanese nationals.

12,791

Exhibit 1471, note of Japan to U.S. February 24, 1942 stated that U.S. civilians detained in Japanese territories equal 134. Conditions applied to them are more favorable than required by convention. They can receive outside gifts of food and clothing. Despite inconvenience they are specially detained near their families so that the latter can see them. Internees are visited * by doctors and sick persons can consult outside doctors and obtain admission to hospitals. They can read papers and books, listen to the radio and go out subject to restrictions.

Exhibit 1472, communication from Tokyo to the U.S. February 1942, stated that U.S. apprehensions are based on information from unknown sources and cite no exact facts and are, therefore, without foundation. The Japanese will continue to accord facilities to the Swiss Minister to visit the internment camp.

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12,792 Exhibit 1473, communication from the U.S. to Japan, March 19, 1942, * set forth the rations provided for each Japanese national detained by the American authorities, pounds per day per individual and stated that allowance is made * in the preparation of food for Japanese national and racial preference.

12,793

12,794 Exhibit 1474, note from the U.S. to Japan, April 3, 1942, stated that the U.S. noted Japan's statement on treatment accorded Americans in the Philippines. * It stated that the principal source of disquiet in connection with the reports is Japan's apparent reluctance to permit the appointment by the International Red Cross of a neutral observer to act as a delegate in the Philippines.

12,795 Exhibit 1475, note of the U.S. to Japan, stated that the U.S. * must insist on a basis of reciprocity that Japan take all necessary * steps to insure that the military and other authorities in outlying areas under Japanese control understand Japanese commitments on the prisoner of war convention and apply its provisions to internees.

12,796 Exhibit 1476, U.S. note to Japan of November 17, 1942 pointed out reports on rapings in the Philippines.

12,797 Exhibit 1477, note of the U.S. to Japan of December 12, 1942, stated that the U.S. had learned of gross mistreatment suffered by Americans in violation of Japan's commitments. * It is evident that Japan has failed to fulfill its undertaking and that some of its officers and agencies have violated the principles of the convention, not only by positive mistreatment but by failure to provide necessities of life. The U.S. must, therefore, lodge a most emphatic protest and expects that the inhumane and uncivilized * treatment will be immediately investigated and that Japan will give assurance that treatment inconsistent with the provisions and spirit of the convention is not now and will not in the future be inflicted upon Americans. She also expected Japan * to take necessary disciplinary action on those responsible. The U.S. then cited reports on a large number of cases of bad treatment of both civilians and POW's and stated * that the U.S. expects Japan to take * immediate steps to fulfill its undertaking to furnish American nationals with suitable and adequate housing and sustenance under humane and hygienic conditions.

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12,803

* Exhibit 1478, note of the U.S. to Japan April 5, 1943, stated that the U.S. warns Japan that for any other violations of its undertaking with respect to American POW's or for any other acts of criminal barbarity in violations of the rules of warfare, the U.S. government will visit upon the officials of Japan responsible for such uncivilized and inhumane acts the punishment they deserve.

12,804

Exhibit 1479, undated note of the U.S. to the Japanese Foreign Office transmitted February 5, 1944, listed specific mistreatments and stated * that the great prevalence of deficiency diseases is due to the caloused failure of the Japanese to utilize the local products.

12,805

* Responsibility rests directly upon the Japanese authorities. It pointed out that conditions of health of the POW's in the Philippines is deplorable and then went on to describe particular conditions. In Camp O'Donnell alone * more than 2,200 Americans and 20,000 Filipinos died. Many of these deaths could have been prevented had Japan provided minimum medical care.

12,806

12,811

Exhibit 1480, U.S. note to Japan, June 21, 1944, stated * that the U.S. hopes that Japan will, without further delay, enable the Swiss representative to visit all detained nationals of the U.S. There seems to be no reason why Japan should not permit these visits without prejudice to its juridical position on the question of representation of enemy interests.

12,812

Exhibit 1481, American note to Japan of September 11, 1944 stated * that the U.S. has learned that U.S. civilians in the Philippines have been removed to Fort McKinley, where a major ammunition dump is maintained.

12,813

Exhibit 1482, U.S. note to Japan, March 10, 1945, stated * further evidence of bad treatment of POW's and that the U.S. demands that Japan take steps effective to prevent the continuation in all Japanese POW camps of the inhumane practices that have disgraced Japan in the Philippines.

12,814

Exhibit 1483, U.S. note to Japan of April 6, 1945, called attention * to further atrocities and stated that the U.S. demands that Japan take all steps necessary to prevent a repetition of such barbarous and arbitrary deeds in utter

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12,815 disregard * of Japan's commitment to apply the humanitarian standards of the POW Convention.

Exhibit 1484, the U.S. note to Japan of May 19, 1945, called attention to a murder committed in Los Banos Internment Camp.

12,816
12,817

Exhibit 1485, the U.S. note to Japan of May 19, 1945, related the massacre on December 14, 1944 of 150 * American POW's at Puerto Princesa, where the POW's were burned to death with gasoline. * The note concluded with the statement that such barbaric behaviour by Japan's armed forces is an offense to all civilized people. The Japanese government cannot escape responsibility for the crime.

12,818

Exhibit 1486, U.S. note to Japan of June 8, 1945, stated * that should Japan continue to deprive civilians and POW's of the food necessary to keep them from starvation and maintaining their health, the U.S. declares that it will hold personally and officially responsible for this crime all the officers of Japan regardless of position or status, who have participated either through neglect or from wilful intent and will in due course bring them to judgment and will visit upon all such individuals the punishment which is their due.

12,819

Exhibit 1487, U.S. note to Japan, July 31, 1945, stated * that as of July 4, 1945, Japanese civilian internees in the U.S. received daily 4.831 pounds of food, representing 4,100 calories and given a table in weight of pounds and in caloric content. * This diet is well balanced. Japanese POW's held in the U.S. as of May 3, 1945 received similar balanced diets.

12,820

12,821

Exhibit 1488, transcripts of Allied Station Broadcasts, monitored by Japan's Foreign Office on POW treatment between January 24, 1944 and December 19, 1944, stated * that during the war enemy radio station broadcasts were regularly recorded in the Foreign Office and transcripts were made and distributed regularly to all sections of the Foreign Office, the Board of Information and the Navy and War Ministries. These transcripts have been on file with the Foreign Office.

12,822

The first report on January 24, 1944 showed * that Japan had heard through BBC that the U.S. had issued an official report on Japanese atrocities at Bataan and Corregidor.

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12,823 Certain details were contained. On January 29, 1944, they showed that a broadcast heard from Washington stated that Secretary Early disclosed that Japan * will not permit the U.S. to send food, aid or supplies to U.S. POW's. This is the reason why the U.S. authorized the publication of Japanese atrocities. This information had been known for some time but had been withheld while there was any hope for relief. The time has now come to release the reports which have been investigated and authenticated, because the U.S. cannot get further relief for her POW's. Again on January 29, 1944 they monitored a San Francisco broadcast which stated that Mr. Hull had released a statement on POW treatment.

12,825 On the same date they heard that British Foreign Secretary Eden told the Commons that thousands * of prisoners and internees had died in Japanese prison camps. He further stated that British protests had drawn unsatisfactory results from Japan. Japan was not only violating international law, but all decent, human, civilized conduct. He warned Japan that these military atrocities will not be forgotten. On the same date other broadcasts were recorded.

12,826 * Hull on the same date said that repeated protests had been lodged with Tokyo but to no avail. He said it was not known what had happened to food and supplies sent on the Gripsholm. He said efforts would be continued to obtain releases. The U.S. is assembling all possible facts concerning Japanese treatment of war prisoners and intends to seek full punishment of the responsible authorities.

12,827 On October 23, 1944, General MacArthur's warning * was monitored. In this warning he stated to the Japanese military leaders that he would hold the enemy leaders immediately responsible for the failure to accord prisoners and internees proper treatment. His message was addressed to Field Marshal TERAUCHI, Commander in the Philippines. MacArthur stated that the surrender in the Philippines had been made with the belief that the men would receive the dignity, honor and protection of military prisoners. There is now unimpeachable evidence that they have received degradation and brutality.

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DIRECT EXAMINATION OF SUZUKI, TADAKATSU
by Mr. Lopez

12,830 * The witness stated that with certain minor
12,832 corrections Exhibit 1489 * was his affidavit. When war
12,833 broke out he was Minister to Egypt. He came home to Japan
in August 1942 and in December 1942, was made * Chief of
the Foreign National Section of the Foreign Office, which
job he held until July 1945. During his incumbency he
was familiar with U.S. notes protesting mistreatment of
POW's and civilians in the Philippines which came through
the Swiss Legation. The notes were received either in
French or English and then translated. A copy of the note
with its Japanese translation was sometimes addressed to
the Minister of War, the Vice Minister of War, the Military
Affairs Bureau or the POW Information Bureau, depending on
the importance and contents of the note. They also furnished
copies with translations to the other sections of the War
Ministry such as the Chief of Military Affairs Bureau and
the Chief of the POW Information Bureau. The notes when
12,834 sent * were accompanied with a covering note, which was
either a simple note or contained comments or recommenda-
tions.

IPS documents 1-B through 10-X were received
by the Foreign Office in the routine procedure of forward-
ing them to the different departments of the government.

CROSS-EXAMINATION BY MR. LOGAN

12,835 The witness stated that he became head of his
Bureau on December 1, 1942. He did not know how the matter
had been handled prior to his becoming head. * As director
of the Bureau in charge of Japanese Nationals in enemy
countries he handled previous communications according to
the procedure established before his time and, therefore,
is familiar indirectly with that procedure. He took steps
himself to make certain of this matter at the Foreign Office.
12,836 * However, he could not say which document was sent to
which bureau or section, regardless of whether they were
delivered prior or subsequent to December 1, 1942.

12,837 * After receiving the protests translations and
copies were made. Not all notes were sent to the Chief of
the Prisoner of War Information Bureau. The witness deter-
mined where they should be addressed based on the contents

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12,838 and the nature and importance of the protest. * How he
sent them was based on the practice used before that time.
In his office he had as his colleagues those who were
12,839 familiar with the procedure within the Foreign Office and
he had * seen the documents previously transmitted.

12,840 In 1941 when copies of documents were forwarded
to another department the note was recorded in the Foreign
Office. He had looked up the Foreign Office records at that
time. These records state that copies of documents were
forwarded to other departments. * The witness could not
say positively that these documents could be made available.
He could not state accurately at this time from memory as
12,841 to where a particular document was sent. Generally speak-
ing the documents were sent to the Chief * of the POW In-
formation Bureau. Document 10-N was sent to some other
section. Others may have been sent to the Vice Minister of
War. Generally with respect to treatment of POW's documents
were sent to the Chief of the POW Information Bureau and a
copy to the Chief of the Military Affairs Bureau. It was a
matter of custom to send any document relative to general
policy or aims to the Chief of the Military Affairs
Bureau. In order to speed up routine business it was re-
quested from the War Office that documents be sent to the
chiefs of the bureaus and sections and not to higher levels.
12,842 Therefore, important documents were sent to the Chiefs of
* the POW Information Bureau and the Military Affairs Bureau
except in the case of very important documents. Each set
was addressed separately.

12,843 With respect to the comments and recommendations
he put on * he could not recall each case, but the recommen-
dations and comments were made with a view to improving the
treatment of POW's.

12,846 Exhibit 1420, statement of Henry Keys, stated * that
he was correspondent for the London Daily Express. He had
come to Manila with the American troops in February 1945 and
entered at Intramuros area with these troops on February 23.
12,847 When he crossed the foot bridge * he saw hundreds of refugees
ragged, shell-shocked and wounded. Some had bayonet wounds
and saber cuts. Others were emaciated and starved. He went
with a lieutenant to the St. Augustine Convent. There were
all kindsof crazy shelters. He looked into one and saw a
12,848 dead girl with her feet crushed * and her mouth broken. He

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12,849

12,850

saw the body of a little boy killed in the act of prayer. The whole place was but a pile of bodies thrown carelessly together. There were not enough medics around to do anything for these people. He found a Filipino girl whose feet had been hacked off by a Japanese. * The only decent, whole piece of humanity in the place was a Japanese soldier who had been cared for by the nuns. * All the bodies stabbed with bayonet wounds were civilians.

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12876

* OPENING STATEMENT OF Mr. Justice Mansfield.

12880

* Exhibit No. 1490, statement made by TOGO that Japan would observe the Geneva Red Cross Convention, and would apply mutatis mutandis the provisions of the Geneva Prisoner of War Convention of 1929.

Exhibit No. 1491, Japan's undertaking to apply reciprocally the POW Convention to civilian internees in so far as they were applicable and provided they were not made to work without their consent.

12881

Exhibit No. 1492 is the inquiry by the Swiss on behalf of the U. S. as to whether * Japan would give assurance to the U. S. which had been given to Britain, that national and racial customs of the POWs would be taken into consideration.

Exhibit No. 1493 is a statement by TOGO that Japan will take into consideration the national and racial customs of U. S. war prisoners and civilians as to provisions and clothing.

Exhibit No. 1494 is the letter from the Argentine Minister on behalf of Britain of January, 1942, undertaking to observe the International Convention on Treatment of POWs, and asking if Japan would make a similar declaration.

Exhibit No. 1495, letter from the Argentine Minister to TOGO, January 5, 1942, asking the Japanese to take into consideration the national and racial customs of POWs on food and clothing.

12882

* Exhibit No. 1496, letter from TOGO to the Argentine Minister of January 29, 1942, undertaking to apply the POW Convention of 1929 mutatis mutandis to British POWs, and to consider the national and racial manners and customs.

DIRECT EXAMINATION of COLIN FLEMING BRIEN,
By Mr. Justice Mansfield.

12883

* The witness stated that he lived in Sydney, Australia, and in February 1942 was a soldier in the A.I.F., serving in Malaya. During that month he was wounded in the fighting on Singapore Island, by shrapnel. He was wounded on February 9, and lost contact with his unit.

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12884 * Until the 26th, he wandered semi-consciously trying to reach Singapore. On the 26th he was captured by the Japanese and taken to divisional corps headquarters on the outskirts of Singapore, where he was interrogated and quartered. He was given food and water, but his wounds were not treated. Quite a few Japanese officers, including senior ones, looked him over, since he was the only prisoner there. He never offered any resistance or violence to the Japanese. At 8 a. m. on March 1 a Japanese officer * requested the witness to follow him. He had a pistol and some cord. He took him to a track leading into the jungle, and was accompanied by two or three Japanese soldiers. They came into a clearing where there was a platoon of soldiers, about 15 officers, and a grave, with a Japanese sword stuck in the earth. He was told he was going to die, and after being searched was told to sit with his knees, legs and feet projecting into the grave. His hands were tied behind his back. His shirt was unbuttoned, exposing the lower part of his neck. His head was bent forward, and after a few seconds he felt

12885 a heavy, dull blow on the back of his neck. He * pretended to be dead and fell on his side, and lost consciousness. When he came to he was at the bottom of the grave, with wooden pilings and earth over the the grave. He had a large wound on the back of his neck and was covered with blood. His hands were still tied. After an hour he decided to get out and managed to dislodge a pile of clods from the opening of the grave and crawled through. That night he managed to untie his hands. He struggled into Singapore City after three days, and gave himself up to the Malay Police.

12886

12887 On March 4 he was handed over to the Japanese, who interrogated him and took him to Changi POW hospital, where he remained until June, 1942. Thereafter he was in various Singapore POW camps * until released in September, 1945. He was never charged with any offense or given a trial. He had had a plastic operation performed on his wound.

CROSS-EXAMINATION by Mr. Blewett.

12888 * The witness stated he knew of the surrender a few days before February 26. He had not met any Japanese troops between the 9th and the 26th. At the time of capture he had been given some food by some natives and was eating in their hut. He was interrogated by a

12889 Japanese captain * who spoke English.

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12890 There was no indication that he was thought of as a spy, and no reason was given for saying he was to die. As soon as he saw the sword he knew he was going to be executed. They did not indicate, however, that they thought him a spy. While he did not know the exact rank of the officer that he saw at headquarters, from the respect given them * and their luxurious cars he had the impression that they were senior officers.

When he was captured he was dressed in a pair of army shorts and shirt of the Australian Army and a pair of Japanese boots. He did not know whether there was a doctor at Corps headquarters at the time.

CROSS-EXAMINATION BY Mr. SHIMANOUCHI.

12891 * The hole in which he was buried was 2 feet 6 inches deep by about 3 feet by 6. When he was buried the earth and poles were not pressing on his body, but covered only the top of the grave, and he could move around.

REDIRECT EXAMINATION by Mr. Mansfield.

On the day before his attempted execution, the witness stated, the Japanese had decided to send him to Changi POW Camp. He was put on a truck with several guards and sent off, but the driver lost his way and drove back.

12894 Exhibit No. 1497, Synopsis of Evidence, Singapore, was received in evidence. It stated that Exhibit No. 1498. * the declaration of WONG SIN JOON, stated that on February 19, 1942, the affiant and others of the Chinese Volunteer Force, surrendered voluntarily in view of assurances as to safety. The next day all 70 were taken to Changi, where they were stripped and led to the beach. * They were lined up in two rows facing guns, and the Japanese opened fire. The witness 12895 fell into the sea. The witness and three other wounded men managed to drag themselves away.

12987 Exhibits No. 1499, 1500, and 1501, * stated that about February 22, 1942, Major Ball found 140 dead Chinese by the water's edge. Another witness, hearing machine gun fire at Changi, went to see what happened and was ordered back. Later he saw some 40 dead Chinese 12898 and Malays who had been shot. * Another saw 43 dead Chinese. Another witness saw six Australians lying dead, shot, their hands tied with rope and cloth.

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12900 Exhibit No. 1502, affidavit of L. W. McCann, stated that on February 18, 1942, a number of Australians were marched down the road * to a creek, where they were formed into a single line facing 7 armed Japanese soldiers. The men were ordered to face the creek and were shot.

12901 Exhibit No. 1503 stated that on January 23, 1942, a red cross truck, properly marked, was machine gunned. The men were marched away. Later some of them were taken out. They heard three shots, and had no doubt as to what happened. The men were taken out three at a time. * The witness felt something crash into him, and he was caught by the heel and thrown into a drain. He crawled out.

12902 Exhibit No. 1504, the affidavit of Lieutenant-Colonel C. P. Heath, stated * that on March 19, 1942, three men of his regiment were shot in his presence. General Percival's protest was unavailing.

12903 Exhibit No. 1505, the affidavit of L. W. Wright, stated * that on January 25, 1942, a British ambulance convoy was bombed from a low height in Johore, when visibility was excellent. The attack was deliberate. Four or five of the vehicles contained wounded men when hit, and three were left burning. The vehicles were plainly marked, and there was no military target nearby. In the Muar River fighting, some prisoners were roped together and were marched for some days. One who could not walk was shot.

12904 Exhibit No. 1506, the affidavit of F. C. Stuart, * stated that in January, 1942, he was the senior representative of the Australian Red Cross, attached to the hospital at Singapore. On February 14, 1942, the hospital was stormed by Japanese troops, who raced through the building, bayonetting and shooting all. The medical staff wore red cross brassards, * and the buildings and beds were plainly marked. Two British soldiers were bayoneted. There were 46 dead bodies which had been bayoneted or shot. A bayonet was thrust through the body of a patient being operated on, and one doctor was killed and two wounded. The Japanese mustered 183 patients and staff, and marched them away, some on crutches and others with plaster casts. Only two were ever seen again. They were probably bayoneted on February 15. When they were asked about the welfare of these men, the Japanese
12905
12906 replied * that they did not have any POWs. Later an officer told the commanding officer that the men had

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been buried in shell holes with Japanese dead. The total killed was 323, of whom 230 were patients. The medical corps lost 40% of its staff, and 55% of staff officers

12907 * A Japanese crowd entered the hospital later and looted everything of value. The witness was never recognized as the representative of the Red Cross.

12908 * Exhibit No. 1507, declaration of J. W. Craven, stated that in January, 1942, he commanded the Alexandra Hospital, Singapore. On February 17, 1942, Japanese called at the hospital and expressed regret for the hard time that the hospital had had, and told them that they had nothing to fear. He stated that this visit was as a direct representative of the Emperor.

12910 Exhibit No. 1508, the affidavit of D. E. Main, and Exhibit No. 1509, the affidavit of Lieutenant F. Ramsbotham, stated * that in the Great World Camp and on working parties, POWs were beaten and assaulted viciously and regularly, by kicking, beating, and boiling. They were locked into unventilated and confined spaces, and thrown into boiling baths.

12911 Exhibit No. 1510, the affidavit of Colonel Heath, stated * that in July, 1942, at Havelock Road Camp, and at River Vally Camp, POWs were paraded, and 400 were forced to run around barefoot for 35 minutes in a circle. The Japanese commander stated that since they could dance in bare feet they could work that way. This was the only action taken on requests for adequate footwear. Food and medical stores were always short.

12912 Exhibit No. 1511, the affidavit of Sergeant Picozzi, stated * that at Military Gaol, Perals Mill Prison, men were beaten and tortured to death without provocation. Chinese and Eurasians were carried out on stretchers to be executed. When one man was condemned to die he was kept in an empty cell for six days, and since he had a horror of beheading, the guards always tormented him with what would happen. He was executed
12913 * on December 6, 1943. Men were driven mad constantly. POWs were hopelessly undernourished and covered with sores. When the Japanese thought they were about to die they were sent to Changi Hospital, so that the prison death rate did not appear too great.

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12914 Exhibit No. 1512, the affidavit of Lieutenant Wills, relates * the many instances of maltreatment of POWs in Outram Road Jail.

12915 Exhibit No. 1513, affidavit of Lieutenant Dean, * stated that he was a lieutenant in the A.I.F., and was taken prisoner February 15, 1942, at Singapore. He was taken to Selarang Prisoner of War Camp, from which he escaped on March 17, with an Australian corporal. They were recaptured on April 6, 1942, and handed over to the Kempeitai. There he spent four days being tortured with burning cigarettes and by beatings on his head to force a confession that he was a spy. He was transferred to Curran Camp, and kept there until April 16 when he was sent to the Kempeitai. He was held by the latter until April 24, and was asked to sign a statement, which he refused. After four days of torture he was handed a statement in Japanese with no English translation, which he was ordered to sign. He asked for a translation, but this was refused, and he eventually signed the Japanese document. He was then sent to Outram * Road Jail on April 24.

On May 18, 1942, he was brought to trial before a court martial, with all proceedings in Japanese and no translation. He learned that he had received two years solitary confinement. He was removed to Outram Road Jail, where he stayed until May 18, 1944. The cells there were 6 by 10, with normally one man per cell. Later two or three were put into each. There were boards to serve as a bed, and a latrine bucket which was cleared twice a week. There was one blanket. He saw 2400 military non-Japanese personnel pass through the jail, of which 110 were military, 150 British and European, and the rest Chinese, Malays, and Tamils. About 1,000 people died. Of the 3,000 Japanese that went through, only one died. At any one time there was only 230 Japanese.

12917 The ration was three meals per day, in all six ounces of rice and 1½ pints of watery soup. * There was no Japanese doctor, and the one English doctor who was there for a short time had no facilities. He could not even visit the sick. The jail was 250 yards from the hospital, but no prisoner was sent there except one Chinese who tried to commit suicide. There were no washing facilities of any kind, except a bucket of water.

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12920 At first the jail was like hellam, with people
12921 screaming all day from pain. The commandant would watch
and make no comment. The guards had complete control
over the prisoners. He saw many POWs beaten and many
die. Even women * were kept in the hospital without
privacy. * A number of people went mad under the
conditions. The Japanese method of treatment was to
put three or four people in the cell to look after a
lunatic.

12922 * At the end of 1943, the prison authorities
sent some of the worst sick away from the jail to
Changi Hospital. In almost every case the man was about
to die, and according to the doctors it was impossible
to save them. The Japanese would send them out so that
the official death rate in jail would appear to be less
than it actually was.

In September, 1943, the witness had a big cyst
on his right hip, which a guard sliced off with his
sword. There was a dispensary in the jail with a
Japanese orderly with a large amount of drugs and
instruments, who refused to treat the witness.

In August, 1942, two Japanese escaped, and as
a result for three weeks all POWs had to sit at attention
on heels and cross-legged, from 7 a. m. to 9.30 p. m.,
with reduced daily ration of three ounces of rice and a
piece of rock salt.

12923 From April 1942 to September, 1943, the witness
had only one pair of shorts. In September, 1943, * he
was issued a Japanese shirt and shorts from diseased
Japanese sick. The garments were washed once a month,
and no prisoner ever received his own back. It was thus
impossible for anyone to remain healthy. Everyone had
scabies.

The cells had blood and pus stains. Piles of
scaly skin lay in the corners. There were bed bugs. The
men were never shaved. The guards all wore masks when on
duty, and they never touched anything except with swords
or gloves. The cells were cleaned only twice in two years.
The block for Japanese prisoners was beautifully clean.

12924 Every guard was a law unto himself. * In
October, 1942, there were working parties for cleaning
drains. By May, 1943, other parties had been formed.
It was impossible to keep notes or a diary.

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The jail was a central one for the Southern Army. so when a cell was empty either the man had died or had been executed. When he first arrived, the witness saw six buildings stocked with cases of tinned milk, there being from 20-30,000 cases. They got a little the first month. After that they got milk only on the Emperor's birthday. The milk was used by the Japanese for themselves, and as presents. There was enough milk to supply every POW with it until the end of the war, with much to spare.

12925 On one occasion at the end of 1942, a member of the Royal Family walked through, but he never looked into the cells. On several occasions high ranking * officials paid visits, and they must have seen some of the POWs. Prior to the visits the cells would be scrubbed with soap, which was otherwise never issued.

12926 On May 18, 1944, the witness was sent to Changi Jail and put in the tower. he had to sign a non-escape form, and he then became an interpreter, going to Bukit Panjang with others to dig fortifications. The Australian Commandant protested on the nature of the work. The working party began at 8 a. m. and walked five miles, the men having no boots. Officers could not go with the working parties, which normally returned at 6.30 p. m. * Beginning in June, 1945, the men began to return at 10 p. m., without food since midday.

Clothing was short in the camp, and in July 1945 the men were issued Chinese women's bloomers. There were very little medical stores, although there was a distribution center only 200 yards away. A good deal of beating took place.

The ration for a working man was ten ounces of rice daily, three ounces of vegetables, and some occasional tinned food from Red Cross parcels. A sick man's ration was 30% less, and about 50% of the people were sick.

12927 Exhibit No. 1514, the affidavit of Lieut. Weynton, * confirms living conditions in Outram Road Jail, and refers to the beatings and murders of prisoners, and the execution without trial of airmen and civilians.

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- 12929 Exhibits No. 1515 and 1516, the affidavits of Major Bull and Major Clarke, * referred to the gross inadequacy of food supplied to POWs in Roberts Barracks and ARANJI Camp, and that no attempt was made by the Japanese to control malaria. When men came to the hospital from the Burma-Siam Railway, the POW doctors were given no help or facilities to deal with them. There was a shortage of drugs, and accommodations were greatly inadequate.
- 12930 After the surrender the Japanese sent in large quantities of food, drugs, instruments, * and other needed articles that had been in Singapore since 1942.
- 12931 Exhibit No. 1517, the affidavit of Brig. Galleghan, stated that in September, 1942, * four POWs were executed without trial for an attempted escape, in the presence of the witness. After the execution, the commander reminded the POWs that disobedience meant death. He also stated that, owing to refusal to sign non-escape forms, 16,000 POWs were moved into the barracks square, which normally was for 450 men, where they were kept until September 4, when an agreement was reached. During this period no rations were given and there was a large increase in dysentery and diphtheria cases. Evacuation from the square to the hospital was not permitted.
- 12932 * In Changi, food was always inadequate and people were at least one-third underweight; deficiency and skin diseases were rife, with inadequate medical supplies.
- 12933 * POWs were used to build airfields for long hours, with insufficient clothing. Representations were of no avail. Japanese airplanes used the airfield. It was impossible to fulfill Japan's demands by using only healthy men, and the sick were thus forced to work. There were no visits by the Red Cross, despite frequent requests. TERAUCHI and ITAGAKI both inspected the camp.
- 12934 Exhibit No. 1518, the affidavit of W. T. C. Guest, stated * that the witness, a Red Cross representative, was interned as a POW in River Valley Camp, and was hampered and frustrated to use Red Cross facilities for the benefit of POWs. The witness could not make necessary purchases, despite the fact that he brought the conventions and rules of the Red Cross to the notice of the officials.

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Red Cross parcels were misused, and there was no supervision of distribution.

- 12936 Exhibit No. 1519-A, the affidavit of J. L. Wilson, the Bishop of Singapore, stated * that on October 10, 1943, all internees in Changi Prison were paraded. A number were called out by name and segregated. The prisoners were allowed to return after dusk. Most of them had had no food since the previous evening. As a result of the investigation, 57 were removed from the prison on or after October 10. The Japanese tried to establish that there was a spy organization in the prison which communicated by radio telephony and established contacts for the purpose of sabotage * and anti-Japanese feeling. There was, in fact, no spy organization, no radio, and no attempt to promote anti-Japanese activities.

- 12937 Prisoners were crowded, regardless of race, sex, or health, in small cells, and were so cramped they could not lay down in comfort. There was no bedding or covering, and bright lights burned all night. From 8 a. m. until 10 p. m. prisoners had to sit straight on the floor, with knees up, and could not relax, talk, or move, except to the lavatory. Any infraction resulted in a beating. In each cell there was a water closet, and the flushing water was the only drinking water. All inmates suffered from dysentery. There were no toilet articles. * Food supply was insufficient to support life for long, and led to serious deficiency diseases.
- 12938 * Medical facilities were non-existent. A Japanese doctor who saw an internee with a fractured pelvis and ruptured kidney, said he was not sick enough.

- 12940 The buildings occupied by the Japanese M. P.'s resounded all day and night with blows, the yelling of the inquisitors, and shrieks of torture. People were dragged back unconscious. For days and months in an atmosphere of terror, men and women waited the summons to interrogation which might come at any time. Interrogations usually started quietly and would so continue as long as they got the expected answers. If such answers were not forthcoming, physical violence was used. The methods were, water torture in two forms, either by pouring water down his throat or by dunking him in water until he almost drowned. After revival, interrogation proceeded.

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- 12941 There were beatings with all kinds of weapons, and sometimes the victims were suspended by the wrists. * Sometimes they had to kneel on sharp pieces of wood or iron while a Japanese would jump on their thighs or stand on their shoulders. At other times the witness would be tied to a table and flogged, day after day. One man was interrogated for 58 hours at a stretch, and another underwent 140 hours of beating in all.
- 12942 During interrogation, in many cases the victim was burned with cigarettes * on the most sensitive parts of his body, and some POWs were set on fire. They also used electric torture, either by an induction coil, or by the electric table or electric cap. In addition, they used methods such as jiu-jitsu, limb twisting, wedging, and punching, or by flicking off with bamboo * bruised flesh. * In several cases victims were made to believe that their execution was imminent and advised to write a letter of farewell, and preparations were carried out up to the last stage.
- Threats were also made to take action against the victim's family, and torture was carried out to the limit of human endurance.
- 12945 Exhibit No. 1520, the affidavit of C. E. Hiltermann and Doctor Johns, * confirm the evidence of the Bishop of Singapore and relate as to the Bishop's own mistreatment.
- 12947 Exhibit No. 1522, the affidavit of Sepoy Mul Chand, related * that 75 Indian soldiers in Malaya were massacred by beheading and bayonet. The witness escaped with his life after bayonetting.
- 12948 Exhibit No. 1524, the affidavit of T. C. Trevor, stated * that on February 23, 1942, six Australians were fired upon by a Bren gun at Muar. All were killed except the witness.
- 12949 Exhibit No. 1525, the affidavit of Lieutenant Hackney, stated * that on January 22, 1942, he was wounded, and along with a large number of other men was captured at Parit Sulong. * On many occasions men unable to move were bayoneted or shot. Prisoners' property was taken away. Eventually the POWs were forced into a little shed or garage. * The shed became a hell-hole of tortured, groaning, and delirious soldiers. They could not put their foot down without stepping on
- 12950
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somebody. There was no water given, men were re-wounded, and requests for medical attention and water were ignored. The Japanese teased the men with water.

Other men were tied up and maltreated, and they were finally herded into a group and shot. The Japanese brought tins of petrol and poured it over the prostrate prisoners and set fire to it, and burned the prisoners to death. The witness lay still and was kicked by many Japanese, and bayoneted.

12953 Exhibit No. 1526, the affidavit of Mr. L. J. W. Seekings, * related the gross inadequacies of living conditions, food, and medicine in the Kuala Lumpur Camp from February to October, 1942, where in three months 166 men died without medical attention.

12954 Exhibit No. 1527, the affidavit of Captain Adams, * referred to conditions in Penang Jail, where the witness remained for two months, of which five weeks was in solitary confinement. Men were beaten for no apparent reason. Sanitary conditions were vile, and sick men were refused admission to the hospital.

12955 Exhibit No. 1528, the affidavit of Major Stevens, stated * that on March 5, 1945, POWs were billeted in an overcrowded camp in Johore, and there was a great deal of dysentery. The prisoners worked at making defense works for long hours without proper air supply. The witness was told that, owing to prisoners being used on this type of work, in the event of invasion they would be killed.

12956 Conditions for surgery were unfavorable, despite the fact that there was a large well-equipped hospital * six miles away.

Exhibit No. 1529, the affidavit of B. G. Mapleback, stated that he and three others were taken prisoners near Kulai, were roped together and driven three miles away and taken to a creek, where they were shot with a tommy gun. The bodies were left where they fell.

12957 Exhibit No. 1530, the statement of Chew Sway Leok, stated that the witness and nine others were beaten at a police station in February, 1942, until unconscious. On March 1 over a hundred Chinese and
12958 European civilians were taken * out in batches of 35 to the jungle, where they were machine-gunned and bayoneted.

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12959 Exhibit No. 1531, the statement of Ahmad Bin Chetah, stated that toward the end of 1943, while working as a sub-warder in Penang Jail, the witness saw * a Japanese M. P. torture a Chinese woman. He opened her trousers and burned the hair around her pelvic parts. He then tied a rope around her waist and wrists and attached the other end to a motorcycle and proceeded to run it at its quickest speed. The woman was pulled along the ground about ten yards and then lost consciousness. The witness saw Chinese, Malay, and Indian prisoners tortured, and stated that three Chinese died from water torture.

12960 Exhibit No. 1532, the statement of Miss Yong Len Moi, stated * that the witness' grandmother was suspended from the ceiling for an hour while heavy weights were thrown at her. Her grandmother was dragged behind a motorcycle until unconscious. The grandmother died as a result of the treatment.

12961 Exhibit No. 1533, the statement of W. T. Davies and Mrs. A. C. Kathigasu, stated * that the witnesses were taken to Ipoh Police Station in August, 1943, where she was tortured and beaten, and accused of spying. At Kempeitai HQ her child was suspended from a tree with a fire burning underneath, while the witness was beaten.

12962 The witness was imprisoned for life, after having been sentenced to death. Food was inadequate, the cells verminous and filthy. There were no bed coverings * and no bath facilities.

12963 * Exhibit No. 1534, the synopsis of Evidence, Burma-Siam, was received in evidence.

12964 Exhibit No. 1535, the affidavit of T. B. Auchterlonie, stated * with reference to torture of Burmese at Victoria Point Camp, that the witness was confined in the Dog Cage for two weeks, and beaten after being suspended from his hands by a rafter. His ankles were tied behind his body and a fire lit beneath his feet.

12965 Exhibit No. 1536, the statement of W.O. Cullen, stated * that in September, 1943, the Japanese guards beat a Burmese with a six foot bamboo pole, and forced other Burmese to thrash him. When he was raw and bleeding the guards decided to shoot him, and did so.

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12966 Exhibit No. 1537, the affidavit of San Ngwe, stated * that in June, 1945, the kempeitai arrested the witness' uncle and took his property. The witness learned that his uncle was tortured, and has never seen him again.

12967 Exhibit No. 1538, the affidavit of Lieutenant Colonel Couch, stated * that women and children of the village of Ebiang were massacred by the Japanese. They were pushed into houses and fired on by machine guns, and the houses set on fire.

12968 Exhibit No. 1539, the affidavit of Capt. Burdekin, * confirmed the evidence of the Ebiang massacre.

12970 Exhibit No. 1540, the affidavit of Lt.-Col. Couch, and the report of Lieutenant Sturrock, President of the War Crimes Court, Rangoon, stated * that the villagers of Kalagon were interrogated by the kempeitai, beaten, and tortured. Villagers were taken out in groups of 25, bayoneted, and thrown into the wells. Colonel TSUKUDA stated that there was no trial, and since they were satisfied that the villagers had been acting hostile to Japan, the Japanese * were justified. The commanding officer of the unit stated that he thought the women and children were acting against the Japanese army. He stated that within his orders, the killing of children was also included. If he spared them, they would be orphans and they could not have a living. To save time and carry out his duties he could not help but kill them. Out of 630, only a few escaped death.

12972 Exhibit No. 1542, the statement of Maung Bu Byi, described * the beating of a woman with a rifle by Japanese at Kyonlana Village. She was stripped naked and tied to a railway carriage. She and her nephew were later decapitated, and their bodies thrown into the river.

12973 Exhibit No. 1543, the statement of Maung Tun Shwe, stated * that he accompanied a kempeitai Officer to a village where an old man and another native had been arrested as being concerned in the death of a Japanese soldier. * They were tortured with water and burning, and later decapitated.

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12975 Exhibit No. 1544, the statement of Maung Kin, stated * that the witness had acted as an interpreter for the Japanese in May, 1945, at Ongun, where seven Burmese were questioned. They were beheaded; the witness heard their cries. The next day two white men, apparently airmen, were murdered the same way. He had heard from coolies working for the Japanese of their executions.

12976 Exhibit No. 1545, the affidavit of Mg. Pan, related * the torture of Burmese by the Kempeitai at Shanwa. Many of the people were shot.

12976A Exhibit No. 1546, the statement of Saw Bo Gyi Gyaw, stated * that seven persons were executed by shooting.

12976B * Exhibit No. 1547, the statement of R. A. Nicol, stated that he was taken to Moksokwin forest in early 1945 as an interpreter. He saw four Allied airmen guarded, who after interrogation were taken to the forest and never came back. The Japanese, however, carried their clothes.

12976C Exhibit No. 1548, the statement of Mg. Than, * stated that in August, 1944, the witness saw a Burmese tied to a tree and then hacked to death with a sword for refusing to disclose any knowledge of British troops.

12978 Exhibit No. 1549, the statement of Than Muang, and Exhibit No. 1550, the statement of Sergeant Major YOSHIKAWA, related * to the murder of six Kachins near Bumrai in June, 1944, on suspicion of helping Allied troops. They were bayoneted to death after interrogation.

12979 Exhibit No. 1551, the statement of Roland Joseph, stated * that the witness saw Kempeitai set fire to an Indian, and he saw a woman beaten until unconscious.
12980 He also * saw boiling water poured into an Indian's mouth.

12981 Exhibit No. 1552, the declaration of Harry Joseph, stated * that in April, 1945, the Kempeitai stayed at his home until June. During that time he
12982 saw them beat prisoners with big bamboo sticks * until they confessed. During interrogation POWs were made to squat with hands and feet tied. POWs were strung to the

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roof of the house by their hands. During interrogation their hands and legs were splashed with boiling water, or water was forced into their nose and mouth.

12983 Exhibit No. 1553, the statement of Sima bahadur,
* stated that in January, 1945, nearly a thousand Indians were arrested; they were detained a day without food and drink, and were then taken to Haipaw where 620 men were packed into one 25 foot square room. There was no room to lie down, * and they had to sit with knees tucked under them. The witness was kept there 38 days. The only food supplied was a small ball of rice and a pinch of salt daily, with a small quantity of water. They could not leave the room to perform their natural functions, which was done through a small hole in the floor.

12984 Two hundred men died during his time, and the dead were often left there for several hours. The witness and five others were taken to the jungle, where they were made to kneel with their hands tied behind their backs, their coats pulled clear of their necks. He saw the officers take out their swords. He felt a * sharp pain in his neck. His other five comrades were all dead, with their heads severed from their bodies.

12985 Exhibit No. 1554, the statement of Bel Bahadur Rai, stated * that the witness, while acting as interpreter for the Kempeitai in Hopin, saw a corporal and two soldiers of the British Army, wounded. They were given no aid, and the corporal died. The remaining soldiers were shot by the Japanese.

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* Exhibit 1630 stated that eight Formosan soldiers entered the officers billet and beat up a medical corps officer with the butt end of a rifle.

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On February 18, 1943 at a commodity inspection in the camp the Formosans beat up all the sick. In the working party that day one of the men fell out to fasten his shoe lace and when he attempted to get in the gates were closed. The man * knocked senseless for this. When the personnel administrator complained about this the Japanese officer made a half-hearted apology. On March 5, 1943 a general from the POW Information Bureau came to the camp, but no prisoner could speak to him.

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Exhibit 1631, affidavit of J. O. Edwards, stated * the witness arrived at Kinkaseki Camp where 1,200 worked in the copper mines which were unbearably hot without safeguards. Every man was scarred from the hot acid water dripping from the low roofs. Men who failed to do a day's work were beaten with hammers and kicked. Food and medicine were inadequate, 87 died.

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In May 1945 the camp moved to Kokotsu where the food reached the starvation level. The camp was built by the men themselves and the food and material were brought by the men * over eight miles of rough jungle track. On August 27, 1945 the camp moved to Taihoku where no provision was made for the sick and weak men had to carry them. Two died on the journey.

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Exhibit 1632, the statement of Sgt. J. L. Massimino, stated * that he went for two months to Haito Camp in December 1944, where men were thrown into the water trough and their heads held under water under the order of the camp commander and men stripped and beaten. A number died of brain fever. When on an inquiry from the commandant fifty to sixty stated they had violent headaches, a symptom of brain fever, the commandant remarked that there was a big cemetery and he would try very hard to fill it.

Exhibit 1633, synopsis of evidence on sea transportation was offered and received in evidence.

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13,229 Exhibit 1634, the joint affidavit of Sgt. Raymond C. Richardson and John G. Murdock, stated that on October 2, 1942,* 1,900 U.S. POW's were forced into the holds of the Tottori Maru at Manila, where they were so tightly packed that only three-fourths could lie down at once. There was no ventilation and six latrines were allotted for the 1,900, most suffering from dysentery. Daily ration was six * grams and a canteen of water. After eight days the ship reached Formosa where the Japanese troops disembarked but the prisoners were still overcrowded. Three more latrines were made available. Ration was increased to one dish of rice per man per day, but there were no medical supplies. The journey ended at Osaka on November 11, 1942. Fifteen died.

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13,231 Exhibit 1635, affidavit of Captain Edward R. Nell, stated * that on November 7, 1942, he sailed from Manila with 1,650 POW's and about 1,500 or more Japanese on the Nagato Maru, a four to five ton freighter. The POW's were on the bottom deck on each hold and were extremely crowded. The Japanese had the upper decks. The Americans were not allowed on deck for two days, air was foul. * The men had only one canteen cup of water and in the morning had about 200 grams of rice and some bean paste soup. In the evening they had the same amount of rice and about 20 grams of fish. They received no medicine, although most of the men were ill from deficiency diseases. Beginning about November 9, about forty men per hour were allowed on deck. There were latrines there but they were often unable to be used. For three days until they stole some buckets there were no sanitary facilities below. There was some beating and kicking of POW's.

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On November 9, he was allowed to bring the severely sick on deck, and while he repeatedly asked for medicine, he never got any.

13,233 About November 12 the convoy was fired on * by a submarine, but the ship which was unmarked was not hit. There was a complete breakdown of morale due to physical discomfort. Hunger was so extreme that the men asked for left-overs from the Japanese meals. They arrived at Moji November 25, 1942. Eight men died on the trip. * On arrival at Moji the

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temperature was 40°f and the men were made to line up naked on the dock while the Japanese took a rectal specimen.

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Exhibit 1636, affidavit of Sgt. Clyde P. Sullivan, stated * that he was captured by Japanese infantry on Mindanao in the surrender on May 10, 1942. He was confined in the Philippines until July 1944 and he was transferred by ship to Japan on a trip lasting until September 3, 1944. The prisoners got no proper medicine, food or quarters on the ship. About 1,200 were crowded into the ship so that 400 had to stand so that the other 200 could sleep. This condition lasted for 20 days. Sanitary facilities consisted of one five gallon bucket for 600 men. The only medical supplies were those the American doctor brought with him which were meager and insufficient due to the many diseases. The food consisted of 400 grams of rice per day per man, which was about a pint. * The men were weighed both at the beginning and end of the trip and all lost from 20 to 40 pounds. The air was foul and the heat intense. Three men died on the trip. The water ration was one pint per day and was insufficient. Protests made by Colonel Stubbs were ignored.

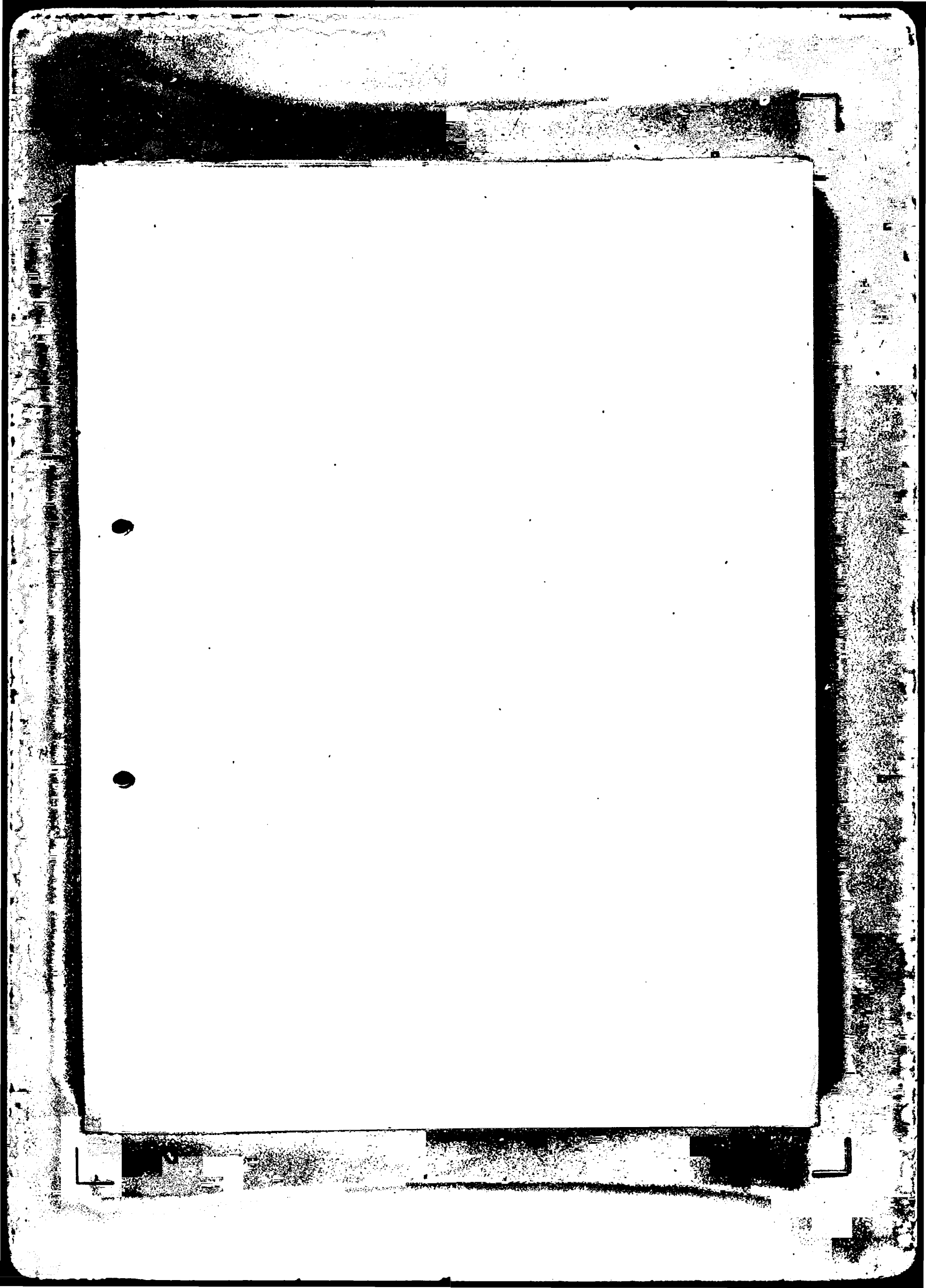
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Exhibit 1637, affidavit of Master Sgt. Arthur M. Baclawski, stated * that he was captured on Bataan on April 8, 1942 and was held POW * from then to September 11, 1945. At various camps from June 2, 1942 to September 30, 1944 he was in the Philippines. From October 1, 1944 to November 8, 1944 he was on a boat going to Taiwan. He left Taiwan on June 1, 1945 on the Melbourne Maru and arrived at Kozaka on January 27, 1945 where he was held until liberated on September 11.

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In going from the Philippines to Taiwan they traveled in the hold of a small collier which had been reconditioned. Seven hundred were loaded * in a ship approximately 45 feet long, 35 feet wide and 30 feet deep. Ten feet of coal covered the floor of the hold. There were 400 more American POW's in the aft hold of the ship. The heat was unbearable and there was no room to lie down. At most the hold could have accommodated 250. Thirty-two POW's died from suffocation and exhaustion. Many men went out of their heads. The hold was covered with wooden planking and during air raids



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canvas covers were put across. After six days the Japanese laced cables in the planking, making escape impossible. There were no lights. At the beginning they were told they would receive one canteen cup of water per day, but they only received this on four or five occasions * when they touched port. The witness * received about two-thirds of a cup per day but some days they didn't get any. Normally they got two meals per day, but this was often cut to one meal. They often tried to make up this cut on the following days, but this was not accomplished. On some days they received less than one-third of a canteen cup of greens and one cup of steamed rice. Food was prepared by Americans and lowered in wooden buckets.

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There were no latrine facilities and buckets and cans were lowered and then disposed of on deck. Many men dug holes in the coal for use as toilets with the result that the floor became filthy. * During the trip the Americans managed to get on deck about three or four times for fifteen minutes each. There were some Red Cross supplies, but they were soon exhausted. At first there were some vitamin tablets which were used up at the end of 15 days. Medical facilities were nil. Physical condition of the men at the beginning of the trip was good but at the end all were in poor shape. The witness lost approximately 20 pounds.

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Exhibit 1638, the interrogation of Lt. Harold Whitcomb, stated * that he was captured on Bataan in April 1942. 1,687 Americans gathered at Bilibid, boarded the transport Irioko Maru on December 12, 1944 and were forced into the holds where only about one-half could sit down at a time. There was a teabucket of water * for 700 and there were only two buckets for three days, each containing six gallons. There were no sanitation facilities and the men could not go on deck. The only ones that could go were those who went for food. Between December 12 and 14 several hundred died of suffocation or lack of water. The men yelled for water and air but got no relief from the Japanese guard.

On the 14th the boat was bombed and it went aground and it was bombed again on the 15th. The Japanese took off and then the prisoners did so that 1,200

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13,245 were able to get ashore. They were on the island of Luzon and were kept in an inclosed tennis court without latrine facilities. They were fed four times during the seven days, each time receiving $1\frac{1}{2}$ spoonsful of uncooked rice without facilities to cook. They were given some clothing. * The rest had to stand on a macadem tennis court stark naked. During the period 100 died, the Japanese gathering their bodies once a day.

13,246 They were then taken to San Fernando where they were kept in a theater for three days. After that they were loaded on a railway car, 100 to a car of the small European size. Some of the personnel was placed on top to signal in case of bombers. They got off the train at Linguien and spent part of the day in a school yard without sanitary facilities. They were then marched to the beach where they stayed for two days. They had almost no water. Three men died. The men were in fear of their lives * because the gasoline and ammunition had been buried in the sand.

The men were then put on a horse transport in two holds which were filthy. They were given water by the spoonful and were fed only once a day on a menu consisting of three tablespoonsful of hot water soup and the same amount of cooked rice. Many of the men died, about 25 per day. Men were so starved that they ate flies and some picked up the grain that was among the manure.

13,247 On January 2 or 3 the boat was torpedoed twice but there were no casualties. They were on this transport about 13 days. On June 9 they were hit by a Navy dive bomber. Lt. Col. Olsen made many efforts to improve their lot, but the Japanese would not listen. * On January 9 they were hit by several bombs along the water line, three exploding in the forward hold where some men were waiting for breakfast. About 500 were killed and about 200 more were wounded. The men were in weakened condition because of starvation and bad weather. They had no blankets and no clothing. They had absolutely no medical supplies and attention and as they neared Formosa they scraped the floor which was covered with horse remains for snow. Approximately 40 men were dying a day.

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- 13,248 The survivors were transferred to a small steamer and moved to Japan, arriving at Moji on January 28 or 29. Most of the men were beaten for trying to drink the snow. * Of the original 1,687, 225 got off at Moji and 105 had to be taken to the hospital, which was a bare shed without doors. For several days they had no medical aid and received only a small quantity of food twice a day, mainly thin rice gruel. They remained there until February 20. From 10 to 17 died per day and of the 105 on February 20, only 27 remained.
- 13,249 Exhibit 1639, the sworn interrogation of Cpl. S. L. Baker, stated * that he was captured on Wake on December 23, 1941. On January 6, 1942 about 1,300 POW's went aboard the Nitta Maru, including 300 soldiers and 1,000 civilians. As they boarded each POW had to run a gauntlet where they were beaten and kicked. The prisoners were placed in three holds, one above the other. No one was killed during the trip, but there were a few who were very weak as a result of running the gauntlet. The hold was very crowded * and the men remained there for the whole trip of 17 days. At Yokohama 10 ICW's were allowed on deck where their picture was taken. There were no latrines and they had a bucket lowered from the deck. The hold was dirty and a number of POW's were ill from dysentery, etc and this caused very unsanitary conditions. Latrine buckets were not emptied properly but carelessly. The men lost track of time and food was given irregularly, although they were fed two or three times per day. Water was only one small teacup per meal * with an occasional one cup between meals. Each meal consisted of about three ounces of barley gruel and water. On one occasion they received a small piece of smoked fish and on another some canned salmon, which was contaminated. The witness became very ill from eating it. While there were no deaths, there were innumerable beatings. There were Japanese sailors and marines detailed to handle the POW's. On numerous occasions the men were searched and all possessions taken. Whether or not the search was profitable the POW's would be beaten as a lesson * to the others.
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- 13,253 Exhibit 1640, the sworn interrogation of Mr. J. F. McDonald, stated * that in the voyage mentioned in the preceding exhibit every PCW was furnished with a

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13,254 copy of regulations for prisoners. The second paragraph provided that since the boat was not well equipped and was narrow and food was scarce and poor the POW's would be uncomfortable * and those losing patience and disordering the regulation would be heavily punished. Meals would be given twice a day with only one plate to a prisoner, being given out by the prisoners designated by the guard while the remainder stayed in their places and waited. Those moving from their places or reaching for their plate without order would be heavily punished.

13,255 For the following offenses the punishment of death would be incurred: disobeying orders and instructions, showing antagonism and raising opposition, disordering regulations by individualism and rushing for goods, * talking without permission and in loud voices, walking and moving without orders, carrying unnecessary baggage, resisting, touching the boat's equipment, climbing the boat's ladders without order, showing intention of running away from the room or boat, trying to take more meals than given and using more than two blankets.

13,256 Exhibit 1641, affidavit of Thomas William Adamson, referred to the transportation of 200 sick British * POW's from Amboina to Java in May 1944. During the voyage the Japanese sergeant in charge beat a corporal and then killed him by decapitation. He also beat other prisoners.

13,257 Exhibit 1642, affidavit of Lt. William M. Blackwood, stated that in September 1944 he was a POW * at Weijami on Ambon Island when allied aircraft did terrible damage. After the raid the Japanese decided to move the POW's and on September 17 the witness was senior officer in charge of a small group of British and Dutch POW's to go aboard the 500 ton ferry boat Maron Maru. On the day they left it rained for the first time and the party marched through mud barefooted and were hurried along making the jetty in half an hour. The men were kept out in the rain although they were near huts. Only a few straw mats were produced. After three hours men were ferried across the crick by barges to their transport. * All 500 had to travel as deck passengers. The baggage was dumped on the hatch covers and an attempt was made to distribute all men, sick and well, on the

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gangways and narrow decks. There was no level space for stretchers. On protest the baggage was removed but it was impossible to settle down. Fire wood for the cckhouse was brought alongside. When it was stacked on the deck space was full to the gunwale and * the men were draped in sitting or squatting positions. The only latrines were two wooden boxes slung over the side and to get there the men had to drag themselves over piles of firewood. They sailed that night. It was impossible to lie down without treading on someone. During the night waves swept across the deck sweeping the helpless stretcher cases about. At daylight the men tried to settle themselves better.

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One man died during the night. The men were weakened by 15 months of work and bad treatment and the rice diet soon produced its inevitable effect of beri-beri. The sick were given no shade or awning of any sort * until 30 had died from thirst and exposure. The water allowance was less than one half pint per man per day and after they reached Makassar the dying men saw the guards bathing themselves in drums of drinking water. One man fell overboard but was picked up and all officers as a result were lashed as an example for not controlling their men.

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Deaths occurred daily and sacks of sand were provided to attach to the legs of corpses. Burial could be had only when the ship was in motion and men dying in between had to be bound in a blanket and kept until the ship was underway. An atmosphere of horror built up and the number of dead began to increase. At Rahat on the island of Moena a Japanese junk brought 150 * men whose boat had been shot and sunk. Their arrival created undescrivable confusion. The men could not sit down and the new arrivals were even weaker than the old. Their condition was appalling to witness. Some were raving and all were pitifully weak, but they were all mixed in with the 480 that were left in the original draft. There was no shade on the deck. There was only room for a few of the very worst cases on the hatch. The men all lay spread out on the firewood, blistering in the sun, tongues blackened, shoulders began to bleed and all vestige of sanity began to disappear. The air was filled with the yells and screams of the dying and the curses and perpetual hiccoughing.

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* Scenes of indescribable horror became commonplace. Orderlies carried through the tangled mass of humanity the naked bodies of the dead where the burial service for those dying at sea was read and the body cast overboard. Until they reached Makassar on October 7 smoking was prohibited because the holds were filled with petrol and ammunition. At Makassar the few who could work were used to unload the ship. The remaining boxes were levelled off and the men could go down into the holds so the men could get out of the sun. When the cargo was unloaded some mangoes were purchased out of the money from the canteen profits. Water was taken aboard * but the Korean in charge threatened dire punishment to all on board in ration cuts if the level went down during the night and kicked men who tried to collect a few drops. When more stores were taken aboard they set sail feeling tremendous relief. For forty days, however, they stood off a small island nearby, occasionally returning to the harbor. By the time they eventually set sail again nearly 250 had died. When the survivors from the other ship were taken aboard, three Japanese officers came along. They did absolutely nothing to help. * They compelled the prisoners to give a sick Dutchman who was dying of beri-beri three injections until he was killed.

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The orderlies had a tragic task at night of carrying the latrine pots over the sleeping frames of men rotten with beri-beri who screamed if they were brushed gently. The orderlies and doctors * continued tireless effort. Moving was difficult and was made worse when the Korean in charge of the cookhouse forbade them to use the aft gangway after an alleged theft of stores.

They eventually reached Sourabaya after 68 days at sea. Of the 630 who had been aboard only 325 remained and they were feeble wrecks. From Sourabaya they went by train to Batavia.

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Exhibit 1643, affidavit of Col. Charles Hubert Stringer, stated * on August 16, 1942 all senior officers, governors and chief justices were moved from Changi to Singapore docks and packed into the hold of a ship. Even on Japanese standards the men could not get in. They were moved to another ship the next day and packed into one hold which didn't seem to be any different, but they stayed

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13,268

there. The Tanjong Maru * was a coal ship uncleaned. The center of the hold was piled with kits and there were two tiers of benching on the sides where the men were packed without room for bedding in double rows. Even then there was not room for everyone and the remainder had to lie on the kits in the sun. There was no washing or drinking water although green tea was provided infrequently. The latrines provided were the rough wooden shelters of the trough type and were rarely hosed down. Before leaving Changi they had been ordered not to bring any medical stores and assumed everything would be provided. However, all medical officers brought some supplies and this was good because not a single drug or dressing was provided, even under the most urgent pleading.

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* They spent 14 days on this ship in a tropical climate with each two individuals having a space of 10x2½ feet. Head space was four feet to the iron plates of the deck on which the sun beat making it too hot to touch. Prickly heat developed and turned into boils and tropical pamphigous. There were 399 men in the hold and deck space was not more than two narrow gangways. One hundred men were allowed on deck at a time for fresh air. This was decreased more and more since it became a matter of life and death for patients to get out.

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As the diarrhea and dysentery cases increased deck conditions became foul. Men lay day and night on a deck or hatch cover just outside the latrines. While no cases died * on board ship, on August 31 they landed at Takau and within a week six had died and dysentery developed throughout the trip. Two were taken to the hospital, but were given neither medicine nor nursing and were literally left to die.

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Exhibit 1631-A, affidavit of John Owen Edwards, stated that in October 1942, with 1,200 men * he was put on board the England Maru at Singapore as a party of not necessarily fit men for light work. This boat was an old cargo ship of 5,000 tons built in 1905 and was filthy and had been used to carry horses or cattle. For three days they lay in Singapore Harbor. The witness was in a hold of about 30x20 yards with 257 others. Food consisted of a watery soup and a few vegetables and some

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13,272 rice twice a day. At mid day there was only a small meal of rice. The only drinking water was salty and thirst was maddening. Confined in holds the men could not get to the water tank. Latrine facilities were abominable with only four for 1,200 which was later increased to eight. They were only wooden troughs. * Men were allowed to go there only one at a time and this was sheer torture to the men affected. There were no washing facilities, and the men were allowed on deck an hour a day. Three died on the journey.

13,275 Exhibit 1644, affidavit of Captain J.L. Hands, stated that about 1,000 POW's went on board at Singapore on June 3, 1944, taking eight to nine hours to embark. There were 750 Australians and 250 Dutch. The ship had three holds and the POW's were put in the center one having no top. The Affiant was in the forward hold with about 300 others. It was so crowded that only about 40% could lie down at one time. All holds were infested with vermin. During the journey the Affiant visited other holds and conditions were similar. A few straw mats were provided but these were insufficient * and for the most part the men lay on the steel floor.

13,276 The journey from Japan took 70 days and in the course they stopped at Mari in Borneo and for 2½ weeks were in Manila Harbor, but at no time were they allowed to disembark until they reached Japan. At night they could not lie down and had to sleep squatting or standing. It was impossible for all to sleep at one time because of extreme crowded conditions and the men had to take turns to sleep. Rarely a few of the men were allowed to sleep on deck, but this was a great privilege and permission was granted only on ten or twelve days of the whole voyage. However, POW's frequently went up on their own accord but were generally found by the Japanese guards, who then beat them and sent them below. * They would then administer a beating to the POW's officers. The Affiant was beaten 17 times, six of which were because some of his men had been on deck without authority. The officers did not try to stop the men from going up because their plight was so pitiful. Living conditions were indescribable. There were no means of getting rid of the vermin. When it rained the majority could get shelter, but many could

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- 13,277 not. It rained practically daily and there was no way of drying clothes. * The food was shocking and consisted mainly of rice and bad dried fish and a small quantity of greens for a few days after calling at a port. For the most part they were without vegetables and the men rapidly developed beri-beri and pellagra. Daily ration was 500 grams of rice and the daily issue of fish for 1,000 was 50 pounds. There was a 12 pound daily allowance of sugar which all the men used to save for five or six days until there was enough to give each man a spoonful. Drinking water was given in limited quantities, never enough to satisfy thirst.
- 13,278 Illegal and excessive punishments happened daily. Beatings were administered without any reason and for coming out of the holds without permission. * One of the main causes of beatings was failure to salute a civilian guard.
- 13,279 There was no RAP available for sick. The POW doctor was allowed a small space on deck to treat men and there was a small space where eight or nine of the worst cases could sleep. The other sick had to remain in the holds. Medical supplies were almost negligible. The doctor made repeated requests, but without success. Practically all POW's were ill throughout the voyage. Ninety percent had malaria and the majority deficiency diseases. All POW's suffered from malnutrition. Three or four died. According to the doctor * if the voyage had lasted another two weeks the deaths would have been numerous. They arrived at Moji in September 1944. Many had to be carried ashore on stretchers. All were scarecrows except 100 or 200 who were swollen with beri-beri.
- 13,280 Exhibit 1645, affidavit of Captain J. F. Lawrence, stated * that 1,300 British and Dutch POW's went on board at Singapore on June 27, 1944, a 7,000 ton freighter. All were in bad physical condition and were almost naked. They were jammed into two holds where the atmosphere was stifling. There were insufficient latrines on deck and none in the holds. At the end of July their ship anchored at Manila one half mile from the wharf and stayed there for six weeks, nobody being allowed on shore. * Eventually fifty of the worst cases were allowed to be taken to the prison hospital. Of these twelve died. The rest stayed on the boat. Meals
- 13,281

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were watery rice twice a day and leavings from the Japanese meals. As a result men were beginning to die and 104 died while in the bay. The doctors were constantly asking for medical supplies but they were refused. However, the American authorities in the prison hospital heard of the matter and had three cases of B-1 capsules sent over. These were issued to the guards on board the ship instead of to the sick. The same thing happened to the multi-vitamin tablets sent over.

13,282

* The Japanese tried to break up the funeral services which the men tried to hold. The men were ruled by fear; by savage beatings. The ship left Manila on September 20 in a convoy of 10 ships escorted by two destroyers and two corvettes. The ship had no distinguishing marks and might have appeared

13,283

* as an ordinary cargo carrying vessel. The men were kept below decks and only a few at a time were allowed to go to the latrines. On September 21 at 10:30 while everyone was below deck the boat was hit by an aerial torpedo and then by two more. American planes began machinegunning the vessel. The Japanese captain and crew and guards jumped overboard, leaving the POW's to drown. The ship broke in two and sank in five minutes. Due to the bad conditions more than one-half had no chance, and about 1,000 POW's went down with the vessel. The witness by a miracle found himself clear and was finally picked up by a lugger * along with a number of other British POW's. There were 217 survivors, all taken back to Manila on September 22.

13,284

Exhibit 1646, affidavit of Captain S. G. Dawes, described a voyage on a ship, 1,000 ton freighter, from * Singapore to Saigon from February 2 to 7, 1945. Two thousand British and 300 Javanese were crammed into suffocating holds. The majority had dysentery and were too weak to move to latrines. The Javanese died at six a day. Rations were rice and water and the Japanese ate the Red Cross rations. There was no provision for the sick.

13,285

13,286

Exhibit 1647, affidavit of Lt. Col. E. K. Scott, stated * that 1,800 British POW's went on board at Batavia a 5,000 ton ship on October 21. Many were unfit to travel and about 150 collapsed on the march

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13,287 to the dock. The prisoners were crammed down from the hatchways. Those right under the hatchways were drenched * every time it rained. Sickness increased and the prisoners formed their own hospital, but had no blankets or medical supplies. On October 26 at Singapore the prisoners left the boat and were hosed down. The prisoners were taken to the roadway, ordered to take down their trousers and were given a rectal analysis in full public view. On October 29, 1,081 of these POW's were sent to another ship which left the next day under similar conditions. When the ship left Moji on November 24, 700 were sick, 280 being too sick to move, 63 had died.

13,288 Exhibit 1648, affidavit of Warrant Officer Alfred Pritchard, stated that * he was taken by the Japanese in Java on March 20, 1942 and was sent with others from Batavia on October 23 and trans-shipped on October 28, 1942 at Singapore to the Dai Nichi Maru, a Japanese vessel of 3,400 tons, built in 1916. There were about 1,500 British POW's, making a total complement with the Japanese of 4,000. The POW's were kept in four holds. The witness's hold contained 286 men and was 60x40 feet. There was a large mound of wet iron ore already stored in this hold and the prisoners had to arrange themselves around this. No man could lie flat or stretched out. * The trip lasted four weeks and sickness prevailed after the first week. The men had a small quantity of wet rice and dehydrated potato chips twice a day and received one-third pint of drinking water per day. There were no washing facilities.

13,289

13,290 When they left the men had only shirts and shorts and no change of clothing and none issued. The only air was from the opening of the hatches during fair weather and these were kept closed for as long as two days at a time and always during the last week. There were no lighting arrangements in the hold and it was infested with rats. No exercise was allowed on deck. Latrines were two boxes on deck reached by a vertical ladder and were totally inadequate. Some men were too weak to climb the ladder. * Practically all suffered from dysentery. In the witness's hold about ten men died and others died in the other three holds. There was one army medical officer but he had no medicine or equipment and no Japanese assistance. The Japanese

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- 13,291 seemed to have had no medical equipment as they approached the British medical officer for treatment. In the last week some of the POW's were kept on the hatch because of their illness but they suffered from exposure and cold. The vessel from Saigon to Formosa and then to Moji arrived November 27, 1942. When they arrived some forty men were left in the hold as they were too weak to move. He did not know what happened to them. Many men died within the next months as a direct result of conditions * aboard the vessel. There was no medical treatment available at Moji for the next two months. Deaths ceased after they began to receive medical treatment.
- 13,292 Exhibit 1649, interrogation of Sgt. A. Van Blommestein, stated that at the end of October 1942, * he was sent by the Japanese from Batavia to Rangoon. Countless people were crammed in the holds, each man having three-fourths of a square meter for himself and luggage. The trip lasted 25 days. Three or four boys tried to escape at Panang but upon recapture were almost beaten to death by the Japanese guard. They were thereafter tied on deck and kept for about a week, one man died as a result of his maltreatment. The others survived. Heavy dysentery broke out. * There was hardly any medicine and the excreta of the sick on the hatches seeped down to the eating places. One person was buried almost every day. The Dutch doctors did their utmost, but had no medicines.
- 13,293 Exhibit 1650, the declaration of Lt. John R. Bengé, stated that he and five others were taken from Sourabaya to Japan in the middle of 1944 * on a 17 day voyage. The men were kept handcuffed to the wall of a cabin except for release for ill treatment. The men were confined two in a cabin but roommates were continually changed. One disciplinary officer kept the witness and another standing on tiptoe, tied by their thumbs to the cabin roof for a period of five hours during a rough sea. The witness was compelled to do exercises with his hands handcuffed and when he could not keep going he was kicked. Another form of ill treatment was being compelled to kneel on a lattice-type of sea for long periods of time * without moving while the guards would beat them to make them move.
- 13,294
- 13,295

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- 13,296 Exhibit 1651, affidavit of Sister N. G. James, stated * that in April 1945 she was one of a party of women POW's who were shipped from Muntok to Palembang. They had many stretcher cases which they had to carry along with their luggage. One died on the wharf. They
- 13,297 left at 1:00 P.M. and shortly thereafter * another patient died. They were stationed in the Musi River where they stayed all night and were severely bitten by mosquitoes and suffered badly from the cold. They started the next morning with the sun blazing down on POW's. The remainder of the sick and other passengers were carried to the hold where they had to remain for the whole voyage. There was no sanitation at all on this ship and 75 percent had dysentery. Two patients died enroute. Despite their exhausted conditions the POW's had to remove all patients from the ship and put them on the train.
- 13,298 Exhibit 1652, affidavit of I. S. Dixon, stated that * 1,750 European POW's, 600 Ambonese POW's and 5,500 Indonesian coolies were put on a 5,000 ton ship in September 1944 to go from Java to Sumatra. All the POW's were crammed together in one of the holds while the coolies were put in a second. Before long all POW's had to be carried out again because the temperature in the holds was so high and there was complete lack of fresh air. They were allowed to remain partly on deck.
- 13,299 The ship put to sea but anchored * about 300 meters out of the harbor. One POW went mad and jumped overboard and when he made for shore he was brought back on board and all POW's were ordered to be locked up in the holds. The POW's were beaten into the holds. It was impossible to do anything but to stand upright. After the ship put out to sea at four P.M. they went back on deck because they could not stand it any longer. Nothing was done against this.
- 13,300 Food was bad but sufficient since half of the men did not take their food. Drinking water was very short. * Washing was impossible. The decks were overcrowded and about 300 who could not find a seat had to walk constantly to keep the gangways free. The guard consisted of the transport commander and about 40 soldiers. Beginning with the second day valuables were taken from the prisoners at fixed prices. Protests were useless and refusals were answered by beatings.

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- 13,301 On September 18, 1944 the ship was hit by two torpedoes off the east coast of Sumatra and the ship was torn apart. The people in the holds were panic-stricken. The witness saw many POW's jump overboard * and these were killed by the second explosion. The ship sank in twenty minutes but the boilers did not blow up. The Japanese commander got into a life boat with part of his guards and a Japanese chopped off the hands or split the skulls of the POW's who tried to get a hold on this boat. The escort of a destroyer and a corvette did not do much to rescue and pick up survivors. The destroyer disappeared after dropping depth charges but came back after a while to lend assistance. The corvette picked up about 400 and * went for Emmahaven. The destroyer picked up a few and threw overboard those who became unconscious. The survivors, consisting of 276 Europeans, 312 Ambonese and 300 coolies, were taken to Padang prison. Most were naked since the Japanese supplied only one pair of thin shorts per man. Naked men were made to sleep on the concrete floors without bedding. The lavatories were impossible. There was only one tap in the prison for drinking water so the men had to stand in a que for hours. This was turned off on the second day and the men had to drink from a contaminated well. The number of sick * grew very high and due to the lack of clothing, bad food and hygiene and no medicine many POW's died. Forty-two died in 10 days.
- 13,302
- 13,303
- 13,304 Exhibit 1653, affidavit of Lt. G. C. Hamilton, stated * that 1,816 POW's went on the Lisbon Maru at Hong Kong on September 25, 1942 along with 2,000 Japanese. On October 1, 1942 the witness heard a loud explosion and the ship stopped. The men who were on deck were sent to the holds, and sentries were placed on the hatches. No POW was hurt by the explosion and they learned later it was due to a torpedo. They heard other explosions. * About two or three hours later requests were made to allow men suffering from dysentery to use the deck latrines or to be given receptacles but these requests were refused. There were no provisions issued that morning. After dark the Japanese began to batten down the hatches. The senior British officer requested that one baulk be left so they might get a little air but no attention was paid to this request and all hatches were tarpaulined and roped down. There was no
- 13,305

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other exit from the hold and since there was no air conditions became rapidly worse.

13,306

The men managed to communicate by tapping with POW's in other holds and learned that conditions were similar or worse there. * In number three the men had to pump out water and the pumpers soon lost consciousness because of heat and lack of air. In number two the men could remain conscious by avoiding any exertion. In number one two died. All requests for air and water were refused. In one case the Japanese passed down a bucket of urine. During the night some of the Japanese soldiers disembarked to another ship and the witness believed that all were taken off because he never saw a Japanese on board again. The vessel was taken in tow by another one.

13,307

On the morning * of October 2 the air had become dangerously foul. It became evident that the ship was going to sink. The British Commander had authorized a small party to try to break out of the hold to ask the Japanese to give them a chance to swim. Some of the men cut the ropes and pushed some of the timber aside. As the men came out asking for an interview the Japanese guards opened fire and one was seriously wounded. The others reported to the British Commander that the ship was low in the water and * was about to sink. As the men returned the Japanese guards fired a couple of times into the hold, wounding one man. The ship gave another lurch and water began to pour into the hold. As soon as the ship settled the men at the hatch cut the ropes and the POW's were

13,308

formed into ques and climbed out, although some of the men in number three were trapped and drowned. As they emerged on the deck the Japanese opened fire from ships standing by and continued to fire * after the men had jumped into the water. There were no Japanese left on the ship. All survivors were hauled to the deck and about one-half of them had life jackets and they jumped overboard. There were some islands about three or four miles away and some Japanese ships which refused to pick up any of them from the water. Any man who tried to climb on to a ship was kicked back. The witness started for the islands but after one-half hour or so the Japanese were beginning to pick up the men and he turned back and was taken on to a boat.

13,309

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13,310 Some of the men managed to reach the islands but many were lost. Some Chinese junks and sampans * picked up some of the men and treated them very well until they were recovered by the Japanese. The witness was taken to Shanghai where all recovered prisoners were assembled. The men were naked and suffered greatly from the cold. While on the rescue vessel they were kept on deck under a tarpaulin, with food consisting of hardtack biscuits and watered milk each day with a bowl of soup on the third. Two men died. By October 5 all survivors were assembled at Shanghai * and a roll call was taken. There were 846 missing.

13,311

Exhibit 1654, synopsis of British North Borneo and Sarawak was offered and received in evidence.

13,312

Exhibit 1655, affidavit of Naik Chandgi Ram, stated * that he was captured near Kuching on December 27, 1941 and was held there with 212 others for two months. He was then at Seria and then at Kuala Belat until June 1945. At Kuching the Indians had to work on the air strip. At all camps they were badly beaten with rifles, sticks, rods and boots. At the two latter camps the sick were compelled to work and if too sick were beaten. Some died as a result.

13,313

* Rations consisted of rice and an occasional vegetable, but at Kuala Belat, because of the refusal to fight the British, the ration was reduced to a handful of rice per day. The Deponent received no medicine or medical treatment. In one month 55 Indians died of starvation. About June 13, 1945 the Indians were bayoneted or beheaded. In all, 130 died at Kuala Belat, including 65 so killed.

13,314

Exhibit 1656, affidavit of Mahomed, stated * similar description to the previous exhibit and that 27 died of disease and starvation at Seria.

13,315

Exhibit 1657, affidavit of Naik Partap Singh, stated * that the Deponent was captured at Singapore on February 15, 1942 and was taken to Lutong Camp in Borneo in May 1942. Food was insufficient and no clothes were given. POW's had to work and were beaten.

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13,316 A number died in May 1943. With 70 others he was taken to Miri where the Japanese unsuccessfully tried to have them join the Indian National Army. They had to work on loading and unloading ships nine hours a day and beatings continued. Disease was also rampant and food was insufficient. On June 23, 1945 he saw the beheaded bodies of five Indians with their hands * tied behind their backs.

13,317 Exhibit 1658, statement of Sgt. Eugino, Tswino, stated that the Deponent was ordered by Lt. Col. SUGA to take a party of 157 POW's from Labuan to Kuching. He took charge on January 23, 1945 and on the way seven Indians * were added to the party. By June 8, 1945 there were only 48 alive, 115 having died and one taken by the Kempeitai. On June 8 he learned that a British fleet was approaching Borneo and five hours later he took the party to Kiam Road, arriving at midnight. Twenty of the POW's were healthy and the rest were sick. Fifteen were sent back to bring up stores. SUGINO burned some documents. * While burning the documents he noticed a Captain Chambers was going into a hut, acting suspiciously and the Deponent told the civil guard in charge that Chambers would try to escape in which case he was to be killed. At 7:00 P.M. five or six lead by a sergeant started to run away. The Deponent called on the guard to open fire. In the confusion some of the bullets went into the hut, causing the POW's to come out and they were shot and bayoneted by the guards. * The Deponent did not give any orders to cease fire because he was too excited. There were 32 bodies when the matter was over. He ordered three or four of the guards to bury the POW's.

13,319 He heard firing along the road. When he ran in the direction of the firing he found that some POW's were dead. NAGO told him that the POW's had been shot trying to escape; 18 men had helped to kill them. The witness did not ask any further questions because he understood that the POW's had not been trying to escape, although he gave the orders to kill if they attempted to escape. He knew * that they would be killed in any case. After the POW's were buried he returned to supervise the burial of the others.

13,320

Page

13,321 In a later statement the witness stated that his former statement was not completely true. The killing of the 32 at the house was all true, however, after they were killed, he, with six or seven guards, went to the five mile post and went to NAGO who was escorting 15 POW's. Shortly thereafter eight members of another group arrived * and at that time, since food was getting short, the Deponent thought that the POW's might try to escape and it would be better to kill them. One did try to escape and the Deponent gave the order to shoot all of them. All guards took part in the shooting. They then buried the bodies. They then returned to the house to bury the 32 killed there.

13,322 Exhibit 1659, report of Captain M. J. Dickson, stated * that on October 19, 1943, there was a revolt in Jesselton, Borneo in which 40 Japanese were killed. The Japanese sent over planes which bombed and machinegunned the villages, razing one town and causing much damage in surrounding areas, thus suppressing the revolt. A number of Kempeitai * were brought from Kuching to Jesselton and during the following months they established a reign of terror, arresting and torturing to find out about the guerrillas. These forced confessions were followed by mass executions. Several hundreds died in prison. The revolt was mostly a Chinese affair and the Suluk people took part only on the first night. Their role could not have been very conspicuous because no action was taken against them until four months later.

13,324 In February 1944 an expedition was sent to Mantanani and, although many arrests were made, the object was to search for a Chinese guerrilla. * A little later a Chinese who had been arrested on suspicion after prolonged torture gave the names of people whom he said took part in conspiracy against the Japanese, naming some of the Suluk leaders and under further pressure he incriminated the peoples of all the Suluk Islands and the Japanese then took action.

In Mantanani on February 13, 1944 the Japanese sent a detachment with the primary purpose of discovering the whereabouts of Chinese guerrilla named Lin Tin Fatt. The Suluks refused to agree that he was

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13,325 on the islands. Fifty-eight men were arrested * and taken to Jesselton and were, no doubt, tortured. All 58 were killed by torture, starvation, imprisonment and at the Kempeitai office. On February 15 the Japanese went back. They machinegunned the Suluks, including the women and killed the wounded. They massacred about 25 women and four children. The Suluk's had no fire arms and whatever resistance they offered was only in reply to Japanese fire. The Japanese burned the village and destroyed the boats. The lieutenant in charge admitted * that he ordered the killing of the women.

13,326

13,327 On a third visit the island was found deserted. A month later eight or nine Sulaks were caught on the mainland, only two of whom were men and were probably survivors from Mantanani. They were kept in prison for six weeks and then executed. The killing seems to indicate a policy of extermination. * There are only about 125 survivors out of 430 and there are only about 20 to 25 adult males.

13,328

13,328 Dinawan was a small island with a population of 120. Its present population is 54, all women and children. Not a single adult male survives. In February or March 1944 all males over 12 years of age, 37 in all, were taken to prison and later the women and children were removed to another island. The fate of the arrested is not known for certain but none survived. * In July 1944, 37 Suluks were taken to this island and executed. There is evidence to show that some of these were originally arrested there and those shot included boys of 12 or 14. It is unlikely that there was any trial. About thirty percent of the women and children died.

13,329

13,329 In Sulug * all males who could be found were arrested and brought to Jesselton and all 29 perished. About 40 women and children were removed to North Borneo and 25 died from hunger and disease during forced labor. Only 59 survived out of the original population of 114.

13,330

13,330 On the two islands of Udar all male adults were arrested * and put to death. Forty-five women were removed to North Borneo where 11 died. The population is

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now 35 out of the original 64 and only two are adult males.

In Mangalum there was similar treatment.

13,331 In Jesselton Gaol there were numerous beatings tortures and hangings of Suluks. * In May and June 1944 there were 258 men and women Suluks in jail, all of whom died from beatings, disease, dehydration and shooting. Not one male survived his imprisonment. The loss of the adult male population will have a serious affect on the race of the Suluk and some of the hereditary skill in fishing and other occupations may be lost by reason of this.

13,333 Exhibit 1660, affidavit of Bachee bin O.K.K. Hassan of Inanam, stated * that the Deponent and a number of Chinese were arrested, beaten and imprisoned without trial on suspicion of being concerned in the Jesselton revolt and that on the first visit of the Japanese to Mantawani, one Suluk was killed and 58 others arrested. The arrested men were taken to the Kempeitai office at Jesselton and they were taken to the prison. Each day five or six were taken to the office for questioning, the witness being used as an interpreter. They were questioned as to what part they had taken in the rising. If they stated none, the Suluk was beaten all over the body and during the beating some admitted having done what they had been charged with. The witness did not know whether these were true confessions or not. * There were no trials. Some were given the forced water treatment. Many died each day in prison as a result of torture. He never saw or heard of any medical treatment being given to them. The only food was a little sago. He didn't know what had been done with the bodies. He had no doubt that the deaths of many were due solely to the flogging they received. * They all seemed fit before torture.

13,334

13,335

On the second visit to Mantanani the Japanese took away six old men whom they later killed. The next day they shot six men and 50 women and children and later shot 20 or 30 more.

13,336 Exhibit 1661, affidavit of Tong Ah Seong, stated * on the second Japanese visit to Matanani the

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Japanese arrived at the kampong, bringing some rations. The Japanese ordered Bachee to collect all valuables from the women which were handed to the Deponent. These were taken later by the Japanese. A Japanese ordered all women to be tied with their hands behind their backs and then they were all strung together. There were about 20 or 30 women thus tied. The ends of the rope were made fast to two pillars. After telling the women they were to be shot a machinegun was fired into them. When it stopped * some were still alive and the Kempeitai shot them. the Japanese then ordered the kampong to be burned and the Japanese left. The Deponent never heard of or saw any firearms on this island and never saw any attack by the Suluks on the Japanese.

13,338

Exhibit 1662, affidavit of Bagi bin Lindoman, stated * that he had been arrested by the Japanese and sent to jail for theft for a year. While he was there eight Binadans, two men, five women and one child, were put in jail. Their hands were tied but the women managed to get loose. The witness did not speak to them. * They were in jail for about four weeks. The men were taken out six times and returned in bad condition and the women were beaten several times. One day he heard that the Binadans were to be shot from a man who had been digging graves. At 7:00 P.M. they were taken from the jail. About an hour later he heard a burst of fire and the Binadans never returned. The men who took them were all Kempeitai.

13,339

13,340

Exhibit 1663, affidavit of Sujiang, stated * that the witness's husband and other men of Dinawan did not take part in the Jesselton revolt. After the revolt the Japanese came and took away 37 of the men and later deported 91 women and children to Gaya Island where 27 died. After the surrender she returned to the island and found two graves containing some decapitated bodies and 37 heads, one being that of her husband.

Exhibit 1664, statement of Lt. NAKATA, admitted that the Japanese shot about 40 Dinawans under the supervision of Colonel NACHIGUCHI.

13,342

Exhibit 1665, affidavit of Lajun, stated * that he was arrested after the rising and kept at

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13,343 Jesselton where he saw a large number beaten and tortured. Later he became a warden. During his time many Suluks were brought in whom he saw in jail. He saw them being questioned and tortured by the Kempeitai. He often saw the water treatment used. When the men became unconscious the Kempeitai dragged the body out into the sun. He saw the the Kempeitai apply * burning faggots to the bodies of the Suluks. He did not see any die during the torture but many did die soon thereafter. He never saw any trial at the jail or heard of there having been any. He saw some Suluks hanged.

DIRECT EXAMINATION OF WILLIAM HECTOR
STICPEWICH, by Lt. Colonel Mornane

13,344 * The witness stated that he was a Warrant Officer attached to a war graves unit. In February 1942 he became a POW at Singapore, leaving there on July 8, 1942 for Sandakan, arriving on July 18. He went with B Force which had 1,496 * men. They were taken to a Catholic school where they stayed during the night and the next day went to 8 Mile Camp where they stayed until May 29, 1945. Accommodations were quite inadequate, water was taken from a filthy creek by a pumping service which pumped water into a 2,700 gallon reservoir which was considered a day's ration for the camp for all purposes. The water was very muddy and full of bacteria. When they first came to the camp they were given 16 or 17 ounces of rice per day and received no other food until five weeks later. The first issue of vegetables and protein was 150 pounds of fish and 100 pounds of vegetables. There were regular supplies of fish and vegetables in the early stages after that. After they were there five weeks, a working party of 300 was demanded to build a road and another to build an airdrome. The demands increased until the party for the airdrome increased to 800.

13,345

There were demands for other working parties so that the total was brought up to 1,100 people for working parties. In September some POW's escaped and the whole camp was mass punished by a stoppage of food for a period. * On September 12 everyone was called on parade and were surrounded by a large number of armed guards who covered them with machineguns and fixed bayonets.

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13,348 The Japanese commander made a speech in Japanese which he read from a document. This was translated into English and stated that if any POW attempted to escape all would shot, but they must promise not to escape and to obey all orders issued by the Japanese army. It was handed to Colonel Walsh, the air force commander who read the document again and stated he would not sign. He was dragged off the platform and taken outside the camp with his hands tied behind his back. When a firing party was called for * the men, realizing what was going to happen, agreed to sign under duress. The wording was slightly altered and they signed. * When it was learned they were going to sign Col. Walsh was released and returned to camp.

13,349

13,350 As soon as they learned they were to work on an airdrome a protest was made to Lt. HOSIGIMA in which they stated that the airdrome was a military project and it was contrary to international law to have POW's work on it. The Japanese stated that the men would work on the airdrome and would work until they died. On Colonel SUGA's first visit * a further protest was made and he stated it was a commercial civilian project. The project was, in fact, for military aircraft and it was so used from September 1943 until December 1944. Until SUGA's first visit, aside from the mass punishment for attempted escape, the treatment was not so bad, except for beating of POW's and working parties. After his visit discipline tightened until it was cruel. There were irritation tactics administered by the guards * and general beatings.

13,351

13,353 In April 1943 a new set of guards known as the POW Guard Unit took control and they were twice as bad as the previous guards. They did not have to have a reason but would stop and beat a prisoner under any pretense. At that time the drome construction unit guards were withdrawn and a special gang of Bashers were called in to administer the work parties. * The men were working in batches of 50. The bashers would visit the working parties. In some instances the men were digging artesian drains. The special team would come along and order the working party out and made the men stand at attention with their arms * outstretched and they would walk along belting them as they pleased. This punishment would last seven to twenty minutes on an average

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13,355 and any prisoner showing signs of pain would get more. Each night POW's were carried back on stretchers, unconscious or with broken limbs. No working party knew when it was going to be punished * or for what. The men who complained about treatment the more intense the punishment.

13,356 At the end of April 1943 the ration was reduced to about one-half. A prisoner that was punished was put in cages of heavy wooden construction about 4'6" in width, 6' long and 2'9" or 3' high with wooden floors and roofs made of heavy planking and with barred walls. There was a small door * 2'x18" through which the prisoners had to crawl. Private Hinchcliffe was apprehended for being away from his party while searching for food. He was taken to the camp and put in front of the guardhouse where he stood for over an hour and was subjected to beatings by stick and board. He was ordered to be put into the cage. Daily at frequent intervals he was taken out and beaten. * He was not allowed any food for seven days. While in the cage he would have to sit at attention and if he relaxed he was brought out and beaten. The witness had seen 40 POW's in the cage.

13,357

13,358 During August 1943 there was a series of searches in the camp because of the Japanese suspecting them of having a wireless which had been confirmed by the finding of a diary. One afternoon Captain HOSIGIMA called out Lt. Wells and confronted him with the diary. * He seized Wells, smacked him and choked him and asked him where the radio was. Wells was taken out along with about 26 others from the camp.

13,359 * The witness was in the cage, being tied up and interrogated from 5:00 P.M. until 1:30 A.M. Three of them were put into the cage where there were already four men. He was kept there four nights and three days but received no mosquito curtains or blankets. * He was taken out of the cage at seven in the morning and five in the evening.

13,360 At the end of March 1943 a party of English POW's was brought to Sandakan, consisting of 740. At first they were kept at the airdrome but at the end of June were brought to an adjacent area. The E Force

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13,361

an Australian group of about 500 were brought into an adjacent camp on June 1, 1943. * One man died as a result of his treatment in the cage. In the first year at the camp 24 died of beri-beri and of general disability. At the end of 1944 they were reduced to a ration consisting only of tapioca and sweet potatoes and a small quantity of greens and four ounces of rice. About January 25, 1945 there was a demand for 500 Australians for a working party and the fitter POW's were detailed for the party.

13,362

The first party moved out * on January 28 and parties continued thereafter in groups of fifty until nine groups had gone, making a total of 470. In addition to these the senior officers had been moved out and in September 1943 the main party of officers were moved to Kuching, leaving only three officers and three medics and three chaplains.

After the party moved out to Ranau ninety percent of the men left were unfit. There were only a few fit for general camp duty. The remaining men, irrespective of condition, were called out for working parties. If the required number was not obtained, they had a full parade and an inspection. If a POW had his leg tied up, he would be kicked to see if he were really sick. If the doctor objected, he would be beaten. In March 1945 there were 231 deaths in the camp. Later in April, due to the reduced number of prisoners, they were all moved into a wired off area.

13,364

* On May 29 there were about 740 men in camp including hospital cases of which there were about 400 stretcher cases alone. Of the English there were over 100 hospital cases alone. At nine o'clock that morning the Japanese officers inspected. One quarter hour later they saw that old camps numbers two and three were burned and that ammunition dumps were being exploded around the camp area. About half-past ten they received * an order to clear the camp in ten minutes. As soon as the last man left they proceeded to burn it down. At five P.M. they heard that all who could walk had to be assembled by six P.M., all people then being in an open area. By 7:30 three parties of fifty each had been formed. An armed party of Japanese halted in front of the gate were addressed by the

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13,366

Japanese captain to take up certain positions around the party. There was no prisoner * to be allowed to lag or escape. The party then moved out for a short distance and the Japanese continued to burn all the buildings. The party proceeded on through the night. The total number that left the camp was 536. The guards tried to make the sick who were still in the camp stand up, but after they moved off the witness

13,367

never saw any of these prisoners. The witness was in charge of the second group, * and all except seven others and himself were hospital patients. They moved down to the main road and were followed by the other parties. At the twelve-mile peg each party was issued two 100 pound bags of rice. Each party was told to make a nominal roll at the next stop which took place the next morning for about two hours. At that time there were only 38 to 40 * left in the witness's party. The rest dropped out and were never seen again. Number One party was all hospital cases except for the C.O. By the time of the first halt they had already lost six men.

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On the next morning they formed the nominal roll and proceeded to march until three o'clock in the afternoon. At five they were told they would rest there for the night. The only food * they had was the rice that had been issued. The march took 26 days and at the conclusion his party consisted of 13. At first they guessed that the others were being murdered along the route but later investigations and admissions show that the prisoners lagging behind and dropping out were murdered.

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13371 * There were 183 prisoners who left Sandakan and reached Ranau. The party averaged six and a half miles per day, the first 30 miles being through marshy country, many creek crossings, and heavy mud. The next 40 miles was in higher country, with short steep hills and many river crossings. The next 20 was over a mountain, and the last 26 was mountainous. * There was one meal period, and no camping facilities at stopping places. On the fourth day the Japanese withdrew from each party 32 pounds of rice previously given. The parties alternated from front to rear; stragglers in parties in front who showed signs of fatigue and dropped behind were pushed along and beaten.

13372

13373 Not all men moved off after each halt. Those who were too sick or ill to move were just left behind, * and were never seen again. At frequent intervals during the march he heard the guards refer to those they had killed that day. The whole trip was 165 miles. For those that stopped, a guard would stay with him, and they would never be seen again.

13374 No shelter was provided at Ranau. There were morning and afternoon parades * of those who could walk, and those who were too sick to parade were checked where they laid. To see whether a prisoner was dead or alive he would be kicked or poked with a stick. As to those who took part in the first Ranau march, five Australians and one English remained. * The witness saw them. They were the survivors of the march which left late January and early February, 1945. Six out of 470 reached Ranau. These men gave an outline of their march, which was similar to that of the witness' party, and when they reached Ranau they were subject to hard work. 240 actually reached there.

13375

13376 * On June 28 the Japanese demanded work parties to carry rice and vegetables, cut wood, to carry water and to build. The carrying parties had to cover 18 miles in one day. The men died quickly from the exertion. On July 3, 1945, the witness and 9 others were detailed to accompany the Japanese to carry cattle. The guard stated that he had been punished by his captain, and he * said that all the POWs were going to be killed and that the Formosan guards would have to take the place of the prisoners. On the way back he said that the captain was no good and that all POWs were going to die, and that he was going to die. On the return trip he stated that the captain had killed off the POWs en route from Sandakan to Ranau, and that he would die.

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- 13378 On the following night * when the witness was in the galley preparing the meal at about 5 p. m., this guard came down and said good bye. A few minutes later there were some rifle shots, and the witness learned from Captain Cook that this guard had come up and shot the captain and another officer and a non-com. He then threw a hand grenade which did not explode, and then shot the top of his own head off.
- 13379 * On July 7, 4 prisoners escaped but their disappearance was not known until the next morning, and the men were mass punished by not being allowed to cook their vegetables, and vegetable supplies were cut off. On July 20 the POW moved into a hut, and there were only 76 alive. The rest had died from starvation, physical exertion and exposure. There was one death from violence, one sergeant being kicked by two Japanese guards.
- 13380 * At Ranau the witness made out the death certificates, under Japanese direction, and the only cause of death they could enter was dysentery and malaria. On July 26, a medical orderly who supervised burial of the dead, stated that all POWs were going to die and that he had seen an order from the high command at officer's quarters, and stated that the witness was not to let anyone know. Prior to that he had tried to procure hypodermic syringes from the medical officer. On the night of the 26th the guards were more than doubled.
- 13381 * Prior to that the POWs buried the people who had died, taking as much as four men to carry one light body, and six people about two and a half to four hours to dig the grave and complete the burial. This was due to the men's physical condition. Most of the POWs were in such low condition that they could not walk, and there were only twelve who could walk.
- 13382 The witness escaped from the camp with another man * on the night of July 28, 1945, having been warned by a Japanese guard who knew he was prepared to escape that if he stayed any longer he would either be too sick to escape or would be killed. When he left the camp there were 38 alive, including eight unconscious. On August 2 he was in an area about five miles above Ranau and in the mountains. On that day a native stated there were still a number alive on the morning of the first of August. On August 8 his companion died * of dysentery, and he met up with Allied forces on the morning of August 10, 1945.
- 13383

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The total number of prisoners that came to Sandakan were 2,736. Before the Ranau march approximately 240 were moved to Kuching and a hundred to Labuan. Of the remaining 2296, there were only six survivors.

13384 In December, 1945, the witness was present when Sergeant Major MORIZUMI made a statement, and he said that after the POWs * marched out of Sandakan on May 29 there were 291 left. He made no provisions for their shelter or comfort, and they were left out in the open and on June 9, 75 were sent away with the pretense of sending them to Ranau. He knew that they would be disposed of en route.

On July 13 he and a lieutenant killed 23 at the airdrome. There was then approximately 30 left in the camp area, whom they did not bother killing but gave no food or water. The rest all died.

13385 In November, 1945, the witness was present with the investigation team that investigated into the Ranau area, and he indicated to the team * the graves of the POWs. He had also gone into the interior with the War Graves Unit and had covered about one hundred miles of the road and recovered 280 bodies. He had seen these remains, and over 80% had their skulls bashed in or the jaw bone broken, or the facial part broken in; they had been brutally murdered. He was present when a statement was made by a sergeant and a guard who massacred eight POWs on the morning of June 10, 1945.

13386 Of the 75 POWs who were alleged to have left on June 9, the witness had never seen them at Ranau. * A Japanese guard stated that these POWs were all disposed of before they got to the 30 Mile.

CROSS-EXAMINATION by Mr. Logan.

13387 * The witness stated that he recalled the incident where Lieutenant HOSIGIMA requested the POWs to sign a certificate in which the men would promise not to escape and to obey all orders of the Japanese Army. The Japanese, to get the men to sign, threatened to kill the colonel for disobeying an order, * and the men knew that it would be carried out. They were able to get the words changed by consultation with the interpreter, and the portion cut out was the part that the men knew they would all be shot.

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Personally the instrument meant nothing to the witness. The inference of the instrument was that if the men attempted to escape they knew that they would all be killed, two, that they promised not to escape; and three, that they would obey orders.

13389 * He could not remember the wording of the final document. The orderly he spoke to * was a Formosan who was educated in a Japanese school. He did not say what signature he saw on the document. The "Higher Command" was generally referred to by the Japanese as their headquarters or that a little above them.

13390 * The 8-mile camp at Sandakan was built before the witness arrived there, some 12 or 14 huts being built by the Public Works Department under British supervision. * The POWs were told it had been an internment camp for about a hundred Japanese internees. The witness did not know whether the reservoir and pumps were used prior to his coming there, although it had been installed prior to his arrival. The water used was probably the same type as had been used prior to their arrival.

13391 The witness stated he did not know Colonel SUGA's first name. It appeared evident that SUGA had given orders, since * after every visit the conditions got worse, but he did not know of any orders he had issued.

Of the hundred odd Japanese guards, there were only about eleven deaths in the whole period. A few Japanese had attacks of malaria and dysentery, but they had plenty of medical supplies. The guards were mostly Formosans, but the NCO's were Japanese.

13392 At times beatings * were the individual caprices of the particular soldier involved, but it grew as a habit because of their teaching.

CROSS-EXAMINATION by Mr. SHIMANOCHI.

13393 * The witness stated he did not know Lieutenant Wellington, but he did know Lt. Col. Shephard.

13394 He stated when the POWs were asked for their signature they were surrounded by armed guards. They did not press forward, but the Japanese soldiers on the contrary, later closed in on the POWs. * The witness stated he did not know what Lt. Col. Shephard had said.

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- 13396 He did not remember a Lt. Wellington being in the camp, but there was a Lt. Wells. * At Sandakan the POWs had made three wireless sets without permission of the Japanese Army. These sets were used for receiving messages, which were reported to the other POWs for purposes of morale.
- 13397 * There were some POWs who escaped or deserted from the march from Sandakan to Ranau. Two evaded capture and are still alive. Many others reputedly attempted to escape. At Monyad 54 attempted to escape, but the witness found 47 bodies in a heap.
- 13398 The witness said he understood Japanese a little because of his detention. He got a general outline of it, but most of the Japanese also spoke Malay. The Japanese guard who spoke to him on July 3, 1945, * had been beaten with a sword while still in its scabbard, and kicked. On a few occasions he had seen other Japanese soldiers being punished by their superiors. The soldier he spoke to on July 6, 1945, was a private. He forgot his name, but he had been tried and convicted at Labuan. The witness said he used this private. He was not intimate with him, but he wanted to get any information he could.
- 13399 * When he said he saw the order saying that the POWs were to be killed, there were other POWs present. This guard worked in the office. He also said they were not to speak of the matter, since they would get into trouble. In November, 1945, he acted as the guide into the area and returned to Jesselton in November 1945.
- 13400 * The road over which the POWs had to march was a narrow track which other people used. The 280 bodies found were just skeletons, and over eighty percent had their skulls bashed in. The bodies were lying at the side of the tracks, and none were buried. The Japanese soldiers who have been apprehended have admitted and been convicted for murdering these POWs. The terrain in the country did not permit any vehicles to have passed over these bodies. * No vehicle ever got within 22 miles of this point, and it is quite impossible in this jungle for any vehicle to proceed. * The skulls didn't look like they had been lined up in a row; they appeared to have been left where murdered.
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CROSS-EXAMINATION by Mr. Levin.

13403 The Japanese guard told the witness that he knew that the witness was prepared to escape, and if he didn't do so immediately he would be too sick or would be killed. During his imprisonment the quartermaster sergeant and the interpreter showed him kindness, but both died under mysterious circumstances. There was also the guard * who gave him the tip to escape who had been good to the men.

The only one who ever inspected the camp was Major SUGA, later a colonel, who was the highest ranking officer that the witness came into contact with personally.

13404 Exhibit No. 1666, the affidavit of Lt. R. G. Wells, stated that at Sandakan * the rations of the sick were reduced. The POWs working at the drome would divide their rations with the sick, but the Japanese stopped this by compelling the POWs to cook and eat their later meals at the drome. The only medical supplies furnished was a small quantity of quinine.

13405 * Discipline was enforced by corporal punishment of individuals and mass punishments. Corporal punishment was by beating and kicking. Every guard carried a pole of about 4 feet 6 inches long. Beatings were a daily occurrence. One man was so badly beaten that his arms were broken and he was then put into the cage. Another sergeant had his ear drum broken. Mass punishment consisted of an all-round decrease in rations. The witness made complaints about all these matters and referred the Japanese to the International Conventions. The commander stated he was not interested.

13406 The witness was arrested on July 24, 1943, and taken to the Sandakan Military Police Headquarters, where he was confined for three months, for three weeks in solitary confinement * in a cell, and the remainder of the time with other prisoners in a room kept lighted all night. The witness had only a pair of shorts to wear. He was frequently interrogated. Corporal punishment and torture were used by the Kempei Tai to extract information. The witness was flogged with a whip and a wooden sword, and was also racked. He was tied to a veranda rafter so that on kneeling he was suspended with his knees about six inches above the ground. A wooden beam was placed behind his knees and two officers stood on either end of the rafter, stretching his body from the knees upward.

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13407 Another beam was placed across his ankles and pressure applied. The effect was to stretch his arms and legs, almost breaking his ankle bones. All flesh was pulled away from the ankle. * After two minutes he became unconscious, but was revived by water. The interrogation continued after that with him being continually hit on the head with a small hammer. His middle ear was broken.

On August 16, 1943, he was made to consume a quantity of raw rice, and then they forced a lot of water into him. The rice swelled and stretched the stomach muscles to an extraordinary degree and pulled out a large portion of his bowel. Medical attention was refused.

All POWs not being interrogated had to sit from 7.30 a. m. until 10.30 p. m. with cross legs. During these three months the only food was 5 ounces of rice and a small piece of rock salt or dried fish head each day.

13408 On October 25, 1943, the witness and some others * were shipped to Kuching on a trip lasting eight days, during which they were tied on deck without cover. The ration was the same as at the Police Headquarters. He remained at Kuching for five months, until February 29, 1944, when he was tried by a court-martial by Lt. Gen. BABA, along with others. They had no defense counsel and were not told of the charge against them, despite their requests. Previously they had been compelled to sign statements in Japanese which had not been translated and they did not know what was in them. No evidence was given, but the men were only questioned on these statements. Within half an hour everyone except the witness and one other had been sentenced. Later the witness was sentenced to twelve years hard labor, and Matthews was sentenced to death, which sentence

13409 * was carried out by a firing squad ten minutes later.

On March 8 the witness left for Outram Road Jail. Thirteen POWs escaped and were recaptured. They were all sentenced to terms of imprisonment. Others were also sentenced for planning to escape.

13410 Exhibit No. 1667, the affidavit of Lt. A. G. Weynton, stated * that he was at Sandakan until July, 1944. In September, 1942, the troops were compelled, under threat of shooting their commanding officer, to sign a non-escape agreement.

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13411 The POWs were compelled to build an airdrome; working parties other than POWs * received a totally inadequate supply of food, and the sick received only half rations. Prisoners were frequently beaten, some for lengthy periods of time.

13412 In September, 1942, all POWs able to walk were lined up and were surrounded by Japanese soldiers with machine guns. Captain HOSHIJIMA told the prisoners through an interpreter that they were to sign a non-escape agreement. So far as he could recall the document said that the men gave their word not to attempt to escape, * and agreed to carry out all orders of the Japanese Army, and to inform the Army if they heard of anyone planning to escape. They further agreed that any punishment inflicted would be just, and that the Imperial Army would be entitled to shoot anyone who attempted to escape. Lt. Col. Walsh refused to sign and told the men not to sign. He was seized and beaten, and was marched behind the guard house, and the Japanese captain stated that if they did not sign the commander would be shot. The troops then agreed to sign. A consultation was held among the officers, and it was decided that the agreement could not be binding and that they therefore would sign it if the colonel was released. He was released and they signed it.

13413 In October, 1942, the Japanese caused a wooden cage to be constructed in front of the guard house, set on wooden stilts about 2 feet 6 inches from the ground. It was 6 feet long, 3 feet 6 inches high, by 4 feet wide, and it had a hardwood floor, * the sides and ends consisting of slats. The top was planking with an attap roof. The door was a small opening about 2½ by 2 feet. The cage was used by the Japanese to confine POWs who were supposed to have broken regulations.

13414 As a result of a conference between officers in October, 1942, the deponent secured materials from natives * and constructed a wireless set, and from November, 1942, listened to BBC news and disseminated it. When not in use it was kept hidden. Others helped with this, and still others tried to get medical supplies surreptitiously. On May 2, 1943, the deponent sent a letter to another camp where there were 500 POWs, stating that they were going to send some medical supplies. This was intercepted, and the witness was arrested on May 3, 1943. He was assaulted and made to stand all night at attention. He was then sentenced to 14 days imprisonment

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13415 in the cage, along with five others. All could not lie down together, and they had to take turns. They had normal camp rations. They were not allowed to wash or shave, or to leave the cage except to go to the latrine. It rained very heavily, and for two of the 14 days * he was wet through. When he was released he was sent to the hospital, where he remained until arrested on July 29 and again confined in the cage until the morning of August 12, 1943. The witness was then called before the camp commandant, who stated that they had a wireless set and wanted to know where it was. The witness denied all knowledge of this. The commandant, in English, told him he would be sent where he would be made to talk. He was sent back to the cage, where he remained without food and water and not allowed to go to the latrine. On August 14 he was bound and taken by truck to Kempeitai Headquarters. There he was made to sit cross legged, at attention, along with 25 others, from 7 a. m. to 9.30 p. m. and was not allowed to speak. They could lie down during the night, but the lights were kept on. For five minutes every morning and afternoon they did some physical jerks. * If they were not carried out satisfactorily the person was beaten. They could leave the room to go to the latrine. He received this treatment from August 14, 1943, till October 26, 1943, except when being interrogated.

13416 On August 16, 1943, he was taken out for his interrogation, to another room where he had to sit cross legged at attention. An interpreter and six members of the Kempeitai were there. He was asked about the radio set and the activities of Captain Matthews and Lt. Wells. The witness denied all knowledge and was beaten with a riding whip. He was again asked the same questions, and on continuing it he was burned underneath the arms with lighted cigarettes. He was then sent back to the main room. Three days later he was again interrogated and asked the same questions, but denied all knowledge, * receiving the same treatment. In addition, they threw him around the room with jiu jitsu holds. On August 28, 1943, he was taken by the Kempeitai to another building for interrogation and treated in the same manner. They then showed him statements from natives which showed he had been outside the camp at night getting radio parts. They also showed him a diary kept by an officer at the camp. All then admitted that they had a radio set, but denied all knowledge of the others activities. The interrogation continued until 3 a. m. Later the same day two others were interrogated separately. If their evidence differed they were all beaten together and made to agree.

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* This interrogation lasted four and a half days. After the witness was interrogated with respect to the radio set he was questioned as to his association with Matthews and Wells, and because of denials was further tortured by beating, burned with cigarettes, putting tacks under his finger nails, and being tied by the wrists to a beam, with a beam placed over his ankles and two Kempeitai officers sawed on the beam. The witness became unconscious after two and a half minutes of this, and was awakened with a bucket of water thrown over him. He could not walk for four days after this. He saw Capt. Matthews, Doctor Taylor, Lt. Wells, and Mr. Mavor subjected to the same treatment.

13419

* The witness was not further interrogated.

The deponent was then taken to Kuching, tried, convicted, and sentenced to ten years imprisonment, without being told of the charge, and was taken to Outram Road Jail to serve his sentence.

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Exhibit No. 1668, the affidavit of Private Keith Botterill, stated * that he was at Sandakan Camp * from July 1942 until February 1945. At the beginning of 1944 the food ration was reduced to five ounces of bad rice and a small quantity of tapioca. Tropical ulcer and dysentery diseases were prevalent, and from the end of 1944 until February, 1945, deaths averaged 7 per day. 400 had died when he left.

In February, 1945, 470 were sent from Sandakan to Ranau, in daily parties of 40 or 50. The witness was in the third party, accompanied by an officer, three NCO's and 15 privates as a guard. The POWs had to carry ammunition and food for the guards, as well as their own food and equipment. Men dropped out and were immediately shot. The witness saw four men shot. At one time the only food for 40 for three days was six cucumbers.

13422

A week out of Ranau they crossed a large mountain, * and two Australians fell out, being too weak to carry on. These men were shot, as were three others. As they went along the men would fall out and then shortly they would hear shots and men squealing. There were always Japanese behind, who did the shooting. Although he did not see the bodies of any men who had been shot in previous parties, he could smell them.

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Of the party of 50, only 37 reached Ranau after a 17 day march. The Japanese who accompanied them were in good physical condition and had more rations than the POWs. A couple had malaria, but they were left behind at outposts and came when they were fit. He saw these men coming about six weeks later.

13423 After he reached Ranau he was sent back 26 miles to carry rice for the troops and for the Japanese. * This journey took five days. Three parties making the journey stayed at this place. Each man had to carry a 45 pound bag of rice over hills and swampy ground. As a result several died. One man was shot while carrying rice, and another bayoneted because they were too weak to carry on. The witness saw the bayonetting. The witness used to make some decent meals of tapioca, and was one of the fittest men in the camp. In March, 1945, two Australians attempted to escape, but were recaptured and tortured. * They were tied up in full view of the natives for two weeks. One died within 20 minutes of release.

13424

At Ranau bashings were an every day occurrence. One man was bayoneted to death for taking some food from a food dump. At that time the food consisted of 100 grams of rice, 100 grams sweet potatoes and 100 grams tapioca daily. The men were given no medical supplies. Deaths occurred, and the Japanese allowed the cause to be shown as malaria or dysentery.

13425 Of the 470 that left Sandakan in February, 1945, six were alive in June, 1945. The Japanese were all in good condition, except for a few with malaria. They had plenty of food. In June, 1945, 140 more arrived at Ranau. There had been 600 of them at Sandakan, but the rest had died * on the march. About 100 were still alive when the witness escaped in July, but they were dying at the rate of 7 a day, mainly from starvation. There was plenty of rice available, and the Japanese got 600 grams a day, plus tapioca, meat, eggs and sweet potatoes. The clothes of the men who died were traded to the natives for food for the Japanese, as were blankets.

A Korean guard told the POWs on the march that all would be shot if the Australians landed. On July 7, 1945, four of them escaped. They were in the jungle for six weeks before they were rescued.

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13426 Exhibit No. 1669, statement of ISHII, Fujio, stated * that on February 9, 1945, he left Labuan with Captain NAGAI, a second lieutenant and two sergeants, arriving on the 23rd at Ranau. Some POWs left with them, and about 100 were at the camp when they arrived. There were also POWs at Pugnitan.

13427 He recalled the rice carrying parties from Ranau to Pugnitan. If a man became sick on the way he was left to recover and sent back with a later party, but he did not know what happened * to the sick ones who were left behind.

13428 He remembered HANEDA taking ten POWs to the 110 Mile Camp. On April 28, 1945, he met some others, and half the men were sent to 110 Mile Camp to build a new one. In May HANEDA brought over the ten men NAGAI had moved out about the middle of May, and SUZUKI was in charge. When HANEDA brought in his ten POWs, the eight POWs that were left behind in the No. 1 Camp were killed. The witness was present. Lt. SUZUKI ordered the witness and others, Japanese, to take the POWs to the hospital. This was a lie, since they were carried out and shot outside the building. When they brought the two POWs out of the building, * SUZUKI told them to leave the men walk and to go back for two more. They only had two stretchers. As they went back the deponent heard shots, and found out later that the men had been killed in cold blood. When the second two POWs were brought up, the men were ordered to fire on them, and everyone fired at least one shot, and most of them two. The POWs did not have their hands tied behind their backs--they were too sick. They had no chance to escape and did not try to. The same procedure was followed with the rest, * and all bodies were buried together. Apart from this instance, the witness at no time had received orders to kill POWs, nor had he done so.

13429 When the rest of the POWs were killed in the 110 Mile Camp, the witness was looking for an escapee. When they returned on August 2 all the POWs were dead. Natives could not have seen the POWs about the middle of August. From his knowledge of the Japanese, the probability is that the balance of the POWs were shot at Sandakan as well as elsewhere.

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13430 Exhibit No. 1670, the statement of Chen Kay, Chin Kin and Lo Tong, stated * that they all lived at the 15-1/2 Mile Post, Sandakan. At the end of May or early June, 1945, a large number of POWs were being marched from the POW camp, and they arrived at that post about 11 a. m., where they stopped and cooked a meal. At 2 p. m., while they were eating, four Allied airplanes came over and the men scattered. The planes passed over without shooting, and the men continued to eat. At 5.30 the men were ordered to march. All got up except seven who were too ill. Three guards remained behind. The guards tried to urge the seven along, kicking and beating them, and managed to get them about thirty yards along the road. The Japanese guards then shot the POWs. One man escaped for the time being and hid. After the shooting, * the guards continued their march, believing all to have been killed. The soldier who escaped was found by the Kempeitai the next day, as well as the two who were wounded and left alive. They later found the seven soldiers had been shot to death.

13433 Exhibit No. 1671, the statement of Sergeant HOSOTANI, Naoji, stated * that he admitted having shot two soldiers, as set forth in the previous affidavit.

13434 * These soldiers were being marched to Jesselton in groups of thirty. The men he shot had apparently been in the rear party and were ill. The deponent was then living at the 15-1/2 Mile Post. The corporal in charge of the group told him that if there were any stragglers he was to shoot them. He heard some shots, but did not get up because he was ill. The next day he was told that some POWs had been shot. The leader of the group told him that he was to kill anyone remaining behind.

13435 * He then found seven POWs, who had apparently been killed by the leader's men. He ordered the natives to bury them. He later saw two prisoners and shot them in the head, as ordered. Later he learned that a civilian employee of the Kempetai had shot another prisoner. The deponent stated he had not shot any other prisoners,

13436 but he had been told that on one occasion * some POWs were pushed off a truck at the 15 mile post and shot because they could not walk to Ranau. He could not recall who told him this, since he was new in March 1945 at the post.

The witness had shot some Chinese or Malays in the area. He had killed five Chinese because he had been told that they were collaborating with a guerilla group operating in the islands around Sandakan Harbor.

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They had given the guerillas money to buy food and supplies and were getting information from them.

13439 Exhibit No. 1672, the statement of Lieut. WATANABE, Genjo, stated * that he landed at Kuching about September 8, 1942, and stayed there until May, 1944. He then went to Sandakan, arriving on June 2, 1944. He was adjutant to Col. SUGA, and documents for movements passed through his hands.

At Sandakan he carried out the same duties under Capt. HOSHIJIMA. When he arrived NAGAI was there but he left ten days later with 100 PWs for Labuan. On May 29, 1945, he went to Ranau on orders from headquarters, having been informed that a landing of Australians at Sandakan was imminent and because of the severity of air raids. The deponent was second in command, under Captain TAKAKUA.

13440 * 536 PWs left camp, wherein WO Sticpewich was in command of No. 2 Group. There were six short. On leaving Sandakan there was no nominal roll. At the end of the first day he called for nominal rolls of all PWs, and these were supplied by squad leaders. He ordered his men at the rear to make a list of dead and put these dead PWs in the jungle.

13441 Throughout the march men dropped out, * and others could not move in the morning and were left at the camp. Sandakan was totally destroyed on May 29. PWs were allowed to take documents or medical supplies. The camps were burned by the Japanese. This was all done on TAKAKUA's orders.

About 183 arrived at Ranau. Of the 353 unaccounted for, 54 escaped and about 90 were put out of their misery by shooting, having asked for death rather than be left behind. The witness did not know exactly how death occurred. Bodies were dragged into the jungle. TAKAKUA ordered soldiers to dispose of sick PWs and to see that none were left behind.

13442 * The witness moved with the rear group. Each morning all unable to travel were placed in groups for two Japanese, and all disposals were done behind him. The witness arrived at Ranau on June 25, 1945, and the next day everyone moved to Tambunan working camp. When he reached there, there already were 9 PW, making a total of 192.

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13443 The figure of 54 escapees was arrived at as the number of unaccounted for on his lists, and this was the only way he could account for them. He did not make out any death certificates for them, and did not remember any being made out. When Sticpewich escaped, the orders were to recapture him and find out the plans of others, but there were no orders to shoot him. John More was killed and his body placed on the camp sign. * Prior to his escape, PWs were caught going under the wire at the end of the camp to get food. These men were taken back and later put into the cage. This was not a matter for the Kempeitai. He knew that one man had died in the cage.

13444 Three days after Sgt. Major Sticpewich escaped the sick prisoners were taken to the cemetery, on August 1. These 17 men, he later found out, were killed. There were then only about 16 left in the camp, and these were shot the same day. * The orders came from Commander TAKAKUA. One Japanese party killed 5 PWs, another killed 17, and a third killed 11. The order for killing was secret. The witness was sure the killings took place on August 1, 1945.

13446 Exhibit No. 1673, the affidavit of Lt. J. V. B. Day, stated * that the affiant went to Kuching with 500 British in November or December, 1942. For speaking to an Indian prisoner he was beaten and sentenced by Col. SUGA to five days imprisonment. Numerous prisoners were
13447 beaten and mistreated. * Collective punishments were imposed. Food was poor, with the staple diet rice. The Japanese guards received fish, pork, fruit, and rice. There were no medical supplies except what they had purchased from the medical officer. Prisoners were compelled to do war work.

13448 Exhibit No. 1674, the affidavit of Col. E. M. Sheppard, stated * that as a medical officer, he went to Kuching in November, 1942, and in June was transferred to a camp hospital which was most inadequate for a population of 2,000. There was hardly any medical or surgical supplies, and no bedding. Deaths were caused by deficiency diseases. Between January 1 and August 31, 1945, 580 died. Bashings were at the rate of ten a day, including those done by the doctor. Propaganda photographs falsifying conditions were taken.

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- 13449 Exhibit No. 1675, the affidavit of Lt. Col. N. H. Morgan, stated * that he was in charge of the medical team that went to Kutching in September, and first visited the camp on the 8th. All Australians were suffering from general malnutrition, and the
- 13450 British had 250 stretcher cases. * The same was true in the male internee camp. Women and children were in fairly good condition. Four persons were dying each day, but after the witness and another began their work only 14 more deaths occurred, and some of these had cancer and tuberculosis.

All the Japanese were well nourished, and the camp was still being run as a POW camp. When he came, in the Japanese Civilian Hospital there were a total of 39 patients, with two Australian medical officers and a polyglot lot of medical orderlies. In the POW Camp, two or three buildings were used as a camp hospital, housing 30 or 40 patients of all nationalities.

- 13451 * In the British camp, 250 were lying in the ordinary huts, with only one medical officer, and with no bedding except a blanket. Ulcers were very badly dressed. Medical stores were short, and there were almost no surgical dressings and instruments. Several demands were made for instruments to the commanding officer. Clothing was in poor condition. No member of the POW camp could be classified as fit for any kind of work. Two-thirds of the camp were evacuated. If the conditions had continued to operate, nobody would have survived. At least fifty would have died within the
- 13452 * next fortnight, and a greater number within six weeks.

- 13453 Exhibit No. 1676, the affidavit of Lt. Col. J. L. Treloar, identified the photographs admitted as Exhibit 1676-B, * relating to POWs in Borneo and Ambon.

DIRECT EXAMINATION of Sister VIVEN BULLWINKEL,
By Lieutenant Colonel Mornane.

- 13454 * The witness stated that she was a captain in the Australian Army Nursing Service; early in February of 1942, she was in the staff of the Australian General Hospital at Singapore. On February 12, 1942, 65 sisters and about 200 women and children and a few old men were evacuated from Singapore on the Vyner Brook. Other than the Nursing Sisters, of which the witness was one, there was no other service personnel among the passengers.

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- 13455 * On February 14, at about 2 p. m., while in the Banka Straits, three Japanese airplanes bombed and machine gunned shipping and lifeboats. The order was given to abandon the ship. Civilian women were over first, and then the nurses were given orders to follow. All but two of the lifeboats sunk. 13 nurses, including the witness, jumped over and swam to a sinking lifeboat. There were three civilians and a ship's officer clinging to this boat for about eight hours, landing at Banka Island at 10.30 p.m. The machine gunning of the boats was done while the attack was on.
- 13456 When they reached the island they found that the two lifeboats which had not been sunk had been beached with 30 or 40 women and children and 30 of the crew. There were about ten nurses among the party. The next day a party went to a small native village to get some help for the wounded, but were refused and told that the Japanese had taken the island. They reported this to the rest of the party. That night they saw a ship in the Straits being shelled, and then a lifeboat arrived with about 20 or 30 in it. On Monday the 16th they decided to give themselves up and a ship's officer went to get a Japanese party. While he was away * the remainder organized the women and children and sent them off to Montok. At ten a. m. the officer returned with the Japanese party of 15. The survivors were divided into two groups, one of men and the other, the 20 Army Sisters and the civilians. Half of the men were marched down the beach, and then the other half were marched down. Shots were then heard, and when the Japanese returned they were cleaning rifles and bayonets. After they had finished cleaning their weapons they ordered the 22 Army Sisters and one civilian to march into the sea. When they had gone a few yards they began to machine
- 13457 gun from behind. The witness was hit in the back * at about waist level. She was knocked over and was brought in to the edge of the water, where she continued to lie for some time. When she sat up the Japanese had disappeared. The witness took off into the jungle.
- 13458 She saw quite a number of bodies which had been washed up to the beach. She did not at that time notice any of the stretcher cases, and she did not see anyone at this time. * When she regained consciousness in the jungle, she decided to go to the beach to get a drink. On her way to the spring she found an Englishman who was one of the stretcher cases, who had been bayoneted.
- 13460

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13461 He told her that the other stretcher cases has been bayoneted in the same way, and that all had been left for dead after the shooting of the Sisters. * She had been unconscious from Monday to Wednesday. On that day she saw the dead bodies of the stretcher cases. The man whom she talked to was very sick. She managed to get him into the jungle, and then went to the village where she was given some food by a native. With that food and fresh water they lived on until the man was strong enough to walk again. They then decided to give themselves up. While this man was her patient she went to the village two or three times. They decided to give themselves up * twelve days after she had been shot. She saw no other survivors at that time.

13462 They started off for Muntok and on the way were overtaken by a car with Japanese personnel. They were taken in the car to Naval Headquarters, where they were questioned and then put in with other prisoners. They did not mention to the questioners what had happened at the beach. This was February 28.

13463 The Sisters had remained behind when the other women had been sent to Muntok because it was decided that they would help * carry the stretcher cases. Of the two batches of men who had been marched away on February 16, she heard that there had been two men who had survived by making a dash into the sea when the Japanese began bayonetting. As to the first party, there was evidence that they had been bayoneted. The two survivors had gone into the jungle shortly after, and lived there for a week. They had then given themselves up and gone to Muntok. * at Muntok they had received a handful of rice twice a day and a drink of tea at 6 p. m.

13464 On March 2, 1942, 200 women and children, including 32 Sisters from the Vyner Brook, were taken to Palembang, Sumatra. * None of these other Sisters were survivors of the massacre that the witness was in. At Palembang they were taken to a camp consisting of 14 houses known as Irene Lines camp, containing 500 women and children. She remained there for 18 months. Each house had an average of 40 people in the space of a four room bungalow. Sanitation was appalling. The septic tanks could not cope with the large party, and would overflow into the drains * and into the open street drains.

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They received no medical supplies, and it was six months before they could get any sick patients into the town hospital. The main illness was dysentery, and the patients were nursed at home or in a small garage. There were at least 50 cases during this six months, and they made repeated requests for medical supplies.

13468

In September, 1945, they were sent to a camp a quarter mile away, which was known as the men's civilian camp, and consisted of bamboo huts for 60 or 70 people. Each person had a space of 26 inches by six feet for himself and belongings. There were no medical supplies. The rice ration was cut down over a period of several months until in the end they were receiving one cup of uncooked rice per person per day. They had camp duties only until April 1944, when there was a change of administration. At that time the Army took over, and the PWs were forced to till the land to plant potatoes. Everyone had to go out, but the sick worked shorter hours. There was no water except from four wells, which dried up in the dry season, so that all water for camp and gardens * had to be carried a quarter of a mile. They had to stand in line before the hydrant. They would have to carry the water first to Japanese houses for Japanese bathing, then for their kitchen purposes, and then for the large gardens. Sometimes they were allowed to carry a little fresh water for their own kitchen purposes, and seldom were allowed to carry any for their own bathing purposes. All were on a ration of one and one-half pints for bathing and washing clothes.

13469

Sanitary conditions were frightful--the septic tanks were constantly overflowing. In the garden, after hoeing, they had to plant the potatoes and keep * them watered. They carried the water in buckets. There were about 500 or 600 people in the camp. There were many instances of face slapping and people being stood in the sun. Everyone had to bow to the Japanese. They were in this camp for about twelve months, and there were about twenty deaths, due mainly to malnutrition.

13470

* In October, 1944, all weakened people were moved to Banka Island. They had to load their own supplies from the train to the ship. The camp was a new one, but had no particular name. It was made up of large bamboo and atap huts. The camp was in a malarial area, and it was also subject to the Banka Island fever. From both

13471

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13472 The work consisted in looking after the sick and digging graves. The only medical supplies was an inadequate supply of quinine bark. Food was a small ration of rice with a little vegetables, and on some occasions some bad fish. The original 450 were joined by about 200 other women. In April, 1945, they were removed from Banka Island back to Sumatra. * In all there were 500. When they disembarked from the boat they were kept on a train overnight, traveled all the next day and were still kept on the train the following night. Twelve women died in the train in the section that he was with. In all there were three sections.

13473 On the trip they had very little food and only such water as they carried themselves. The people who moved were from the hospital, plus about 150 of the sick. * The hospital cases were in no condition to be moved. When they arrived at Lubukling'au, they found that the camp consisted of old atap buildings, which leaked, which was bad because it was the rainy season. The hospital accommodations were the same. The only medical supplies were quinine bark, which was not effective to cure malaria, and gave diarrhea to those who took it. The main diseases were malaria and beri-beri, which also affected the Sisters. * Over fifty died in six months. The food was a small amount of rice and a few vegetables.

13474 On August 24, 1945, Captain SEKI told them the war was over and gave them dozens of bottles of quinine tablets. They were also given other medical supplies and food, and were also given local anesthetics, which had been previously withheld. They were given fresh fruits and vegetables.

13475 * During her internment the only Red Cross parcels she saw were in August, 1944. Evidence of the remainder of the consignment had been seen in the Japanese houses. There had been several visits from high officials, all of whom were Japanese. She was never visited by any representative of Switzerland.

13476 * The witness stated that her wound got no attention after she gave herself up, and the Japanese did not know anything about it.

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Exhibit No. 1677, showed * that the NEI Army consisted only partly of Dutch troops, most of whom were civilian militia and territorial army, including home guards. These amounted to about 37,000 of the POWs who died.

13480

Exhibit No. 1678, a letter from the Foreign Office to the Swedish Minister in Tokyo, September 8, 1942, stated * that it was an act of grace to accord POW treatment to a subject or citizen of an enemy country. Japan notes that Holland has expressed its intention not to require that Mr. Starckenborgh be treated as a PW. Japan therefore feels at liberty to cease at any time to treat him as a PW, but to deal with him as an ordinary internee together with other enemy nationals whose liberation is deemed detrimental to Japan.

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Exhibit 1679, a cable from the International Red Cross to the Netherlands Government in which the Japanese government promised to apply the rules of the 1929 Geneva Convention on POW's to Dutch civilian internees.

13,484 Exhibit 1680, affidavit of Major General SAITO, stated * that in June 1942 he became head of all POW camps in Java, arriving in Batavia in July 1942. He had never been in the NEI before and prior to coming he had been in Manchuria from October 1940 to June 1942.

13,485 * He had received his appointment for Java by cable and at the same time received an order to attend a meeting in Tokyo. This meeting took place on July 7 & 8, 1942 in the War Ministry. The matter of punishment of POW's for infringement and escape was not discussed, but was given in typed instructions handed to all present. Everyone read how his particular position concerned him and asked questions about it. He does not recall that he asked questions as he knew nothing as to the international regulations regarding POW's.

13,586 Exhibit 1681, affidavit of Col. NAKATA, stated * that his immediate chief was Field Marshal TERAUCHI. His instructions were not given him directly but came through headquarters of General HARADA, the Commandant of Batavia. His cable went through these headquarters.

13,487 TERAUCHI's instructions * were neither harsh nor benovolent, but followed a middle course.

The witness stated he always executed the order according to instructions and never did anything on his own authority. Everything with respect to POW's and civilian internees he did entirely on the orders of TERAUCHI and deportation of prisoners was in close relation to active operations of the Army, however, he was entirely free to fix the degree of severity with which the POW's and internees would be treated.

13,489 Exhibit 1682, a memorandum of the Swedish Legation dated January 24, 1942, set forth a proposal of * the Dutch Government for exchange of POW's and civilian internees. This document was delivered on January 24, 1944 to the Japanese Government and on February 8, 1944 the Swedish representative was informed that this was at present regrettably impossible for military reasons.

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13,490 Exhibit 1683, letter of the Swedish Charge d'Affaires in Tokyo to the Japanese Foreign Ministry, December 30, 1943, * transmitted the Netherlands' protest against the location of POW's in danger zones.

Exhibit 1684, letter of the Swedish Minister, dated May 5, 1944, pointed out Burma as an example of a danger zone. The Japanese Foreign Minister answered that Burma was not dangerous.

13,493 Exhibit 1685, affidavit of Sgt. Major J.M.J. Muller, stated * that during activities around Tarakan a squad of 32 men was captured on January 11, 1942. After these men had refused to give the direction of Tarakan they were informed by an interpreter that they would be killed if they did not give this information. When this was unsuccessful the men were handcuffed and tied together and led across the swamp. At 10:00 P.M. they had to bivouac in the open, receiving no food or drink. On January 12, 1942 when Tarakan capitulated, they were tied together in groups of ten and led a short distance from the bivouac and their names and ages taken. The men were then blindfolded * and were slaughtered with bayonets. At the surrender of Tarakan the Dutch Commander sent an officer to instruct the batteries to cease fire since the telephone had been cut. This officer was intercepted by the Japanese and could not carry out his task and the batteries, as a result, sank two Japanese destroyers. Several weeks later the Japanese selected all POW's who belonged to that battery, 215 in all, and drowned them.

13,494

Exhibit 1686, the sworn report of Tan Eng Dhong, verified the information contained in Muller's affidavit.

13,497

* Exhibit 1687, synopsis of Dutch Borneo was offered and received in evidence.

Exhibit 1688, affidavit of F. R. Oldhan, stated that at Longnawan, which could only be reached by a trip through the jungle, in August 1942, the Japanese murdered 35 Dutch who had surrendered after resisting because they were unaware of the general surrender.

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13,499 Exhibit 1689, statement of Lt. SHOJI, stated * that the killing at Longnawan was under special orders from higher command at Tarakan as a punitive measure.

Exhibit 1690, statement of Warrant Officer TSUDA, stated that at Samarinda, East Borneo, in February 1945 three American airmen were beheaded.

13,500 From Exhibit 1686, affidavit of Tan Eng Dhong, it was stated that at Tarakan * all extra clothes were confiscated and each POW was allowed two pair of pants and no shirts or coats. Heads had to be shaved. All books, notes, were taken away and
13,501 burned. * Up until then they had always been able to smuggle in certain food to appease their hunger. Without their money there would be no extra food. The lack of clothing and shaved heads caused the sick number to increase and the death rate during May, June, and July 1944 was due to these measures. * It was
13,503 probably the intention of the Japanese to starve the men to death gradually. The quantity of food received was so negligible that the men could not keep alive. There were 75 grams of rice, plus two or three spoonful of native vegetable soup and a cucumber in 24 hours. For four months this witness was able to keep the men alive, thanks to the extra food he had sent clandestinely with the support of the kitchen and nursing personnel.

Exhibit 1691, Netherlands Forces Intelligence Service report stated the conditions at Balikpapan.

13,506 From Exhibit 1686 it was stated that the large majority did coolie work * which was heavy but there was not much beating or driving. On September 1, 1942 work was begun on an airfield which was hell for the
13,507 POW's. * These POW's did the heaviest work in all Borneo. Reports from Samarinda and Balikpapan mentioned lighter work and that the men got less rough and bestial treatment.

Exhibit 1692, affidavit of Sgt. P. H. Oudemans, stated that at Bandjermasin in July 1942 three Dutch POW escapees were executed without trial.

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13,508

From Exhibit 1691 it was shown that * at Balikpapan in March 1943 three Dutch and one Indian POW's were murdered for unknown reasons without trial.

13,510

From Exhibit 1686 it was shown * that in March 1944 three Dutch POW's were beheaded without trial. This is confirmed by the information of H. Loupatty.

13,511

Exhibit 1694, affidavit of Sgt. A.M.L. Mohr, showed that at Pontianak, West Borneo * in June 1942, three Dutch POW escapees were beheaded without trial.

13,515

Exhibit 1696, official record of murders between October 1943 and June 1944 at Pontianak, stated * that during that time murders occurred systematically on a huge scale. The navy military police pretended there was a plot and confessions were extorted. About 65 were tried and executed, but the legal procedure was an exception. In all, some 1,340 people were executed including several of the native rulers of West Borneo and many well-to-do Chinese and Indonesians and some Dutch. This was done on orders of Navy Headquarters at Surabaya.

13,516

According to YAMAMOTO, S. * the people were executed by order of the commander at Balikpapan. Sixty-three were taken before a court martial and sentenced to death. YAMAMOTO stated that it was incorrect not to take the rest of them. The suspects were dangerous to Japan and had to be punished.

13,517

TAKAGATSCHI of the Minseibu at Bandjermasin decided when a suspect would be court martialled. The arrestees were tortured during interrogation by the water torture * or the electricity test. YAMAMOTO said that all should have been court martialled but the trial of 1,000 people would have taken two or three years and the enemy was near. The conspiracy was discovered in October 1943 and while there was no enemy in the neighborhood, a submarine had been seen at the mount of the Kapoeas. There were no allied soldiers in the Indies. * Not all the men were arrested at one time and after the first arrests the others became afraid because their names were mentioned by the first arrested. Two hundred and fifty weapons were found with the suspects

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13,519 of British and Dutch origin. There had never been any revolt at Pontianak. The information of the conspiracy came from Bandjarmasin. He could well imagine that by torturing people they would confess to all sorts of things. The court martial consisted of several * officers and 36 accused in one session in a morning were all sentenced to death. All were navy officers. The charges were read out as were the results of investigation and translated into Malay. The accused all confessed guilty. There was no further interrogation of them or witnesses. After deliberating a half hour the court martial sentenced the accused to death.

13,520 Exhibit 1697, the Borneo Shimbun for July 1, 1944 gave the names of the * most prominent victims of the massacre.

13,521 Exhibit 1698, interrogation of S. HAYASHI stated * that in August 1944 he discovered at Singka-wang some Chinese were holding a meeting. This was reported and the affiant was given a list of 50 to arrest. A further list of 80 was made up from names obtained from the original 50 and these 80 were also arrested. In his opinion they were all arrested because of their wealth and not because of any crime. The plot was partly planned by OKAJIMA, NAGATANI, YAMAMOTO and the Affiant. Those guilty deserved imprisonment at the most.

13,522 * Seventeen only appeared before the court martial. Their papers were sent to Sourabaya and they were sentenced in absentia. Ten of the 130 were released and the rest executed without trial. The order for execution was given by OKAJIMA, Commanding Officer of the Keibitai Tokeitai. He received this order from the Second Southern Squadron at Sourabaya.

13,523 At the interrogations the Affiant acted as interpreter and made the arrests on order. Anyone whom he considered dangerous * he arrested. After torture these people admitted having planned a scheme for the overthrow of Japan. They signed reports. A great many of the 130 were innocent and should not have been executed. The confessions * were drawn up by the Tokeitai personnel and the suspects signed them. The Japanese anticipated that death sentence would be given

13,524

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on the strength of them. It was thought better to kill them because they were wealthy and important and their money and valuables were confiscated.

13,525 Exhibit 1699, affidavit of Lt. SHOJI, stated at Berau, Northeast Borneo, in June 1945, about 30 * Indonesians and a French couple were murdered without trial.

13,526 Exhibit 1700, N.E.F.I.S. report No. 817, showed at Kota Baru, Southeast Borneo, June 1944, seven were bayoneted to death without trial.

From Exhibits 1688 and 1689, * it was shown that at Longnawan civilians, including babies, were murdered.

Exhibit 1341, affidavit of Van Amstel, showed that the white population of Balikoapan was murdered after an ultimatum to refrain from destroying installations had been refused.

13,527 Exhibit 1701, statement of HAYASHI, S., stated * that at Pontianak women were arrested and imprisoned without suspicion to force them to submit to sexual intercourse with the Japanese.

Exhibit 1702, the report of Captain J. F. Heybroek, described the measures for enforcing prostitution.

DIRECT EXAMINATION OF NICHOLAS D. J.
READ-COLLINS, by Lt. Col. Damste

13,528 * The witness stated he was a Lieutenant Colonel in the British Army, Chief of the British Division of the Legal Section, SCAP. After the Japanese surrender he was in Rangoon, Singapore, Palembang and Batavia, arriving at the last place on September 18, 1945. * He was responsible in Batavia for the air supply of POW camps in Java and Sumatra and in Batavia he was responsible for feeding 65,000 POW's and women internees.

13,529

He visited the women's camps at Tjideng, Kramat and Struisweg, also convalescent homes known as Mater Dolorosa and St. Vincentius. His first impression was that he was talking to people who had died before. They

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were sub-normal and their reactions were those not expected from mature people. He was shocked and revolted by conditions because he had expected them to be the same under which the Japanese had been interned at Gwalior and at New Dehli in India. He had been impressed by the conception of Bushido and his surprise was, therefore accentuated. He found people suffering from acute malnutrition and accumulated attacks of dysentery. The conditions were quite unknown when the British plan for occupying Java and Sumatra was made and they had to recast all their ideas.

13,531

The men behaved only slightly abnormally * and physically they showed signs of prolonged starvation and were suffering from beri-beri, malaria and tropical ulcers. They found it difficult to coordinate and were extremely talkative. Their condition, however, was not as bad as that of the women; because, first, military discipline had been exercised and there was a higher state of morale, second, the men had responsibility only to themselves, while the women had responsibility toward their children and others.

In the 10th Battalion Camp conditions had improved slightly because of rapid evacuation to hospitals.

13,532

* The behavior of most of the women who were Europeans was distinctly abnormal. The men were European, both soldiers and civilians. While the physical condition of the women was similar to that of the men, their mental state was more acute. Their entire existence was motivated by an urgent and violent hunger drive. They were not responsible and were unaware of the normal stimuli and showed no clear response to any stimulus not directly related to satisfying hunger. The women were so conditioned to starvation that when the first regular supplies were taken to the camps, it was difficult to persuade the commanders * to issue them. They felt it necessary to hoard in case there should be a future decrease. Every article, flowers, insect, rat was critically examined by most women for calorific potentiation.

13,533

The second abnormality was the drive to possess and acquire small things such as a piece of string. Women nearly always carried about with them a collection of useless material. This made a semi-permanent

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13,534 impression because in January 1946 the witness traveled
13,535 with a number of internees en route to Holland and they
were still carrying some of these useless articles. He
watched the mothers brush crumbs from the table * and
take them away and keep them. At first there was very
little emotion shown. * The children showed signs of
starvation, malnutrition and some appeared not to be
too greatly affected. Others looked like plants which
had grown without light. The bodies were emaciated
and they had a pallor that comes from malaria. The
majority had dysentery and suffered from an intense
fear of Japanese guards. This was due to the beatings
the mothers had received. Children were at first si-
lent and slow to laugh.

13,536 The women's camp at Tjideng was the worst
13,537 which he saw. There were approximately 10,200 inhabi-
tants. These people were confined * in an area three-
fourths of a mile square. He was told that the Japan-
ese had taken a section of the poor residential district
and sealed it off as an internment camp. * There were
a number of derelict and delapidated houses without
doors and without windows, both of which had been pre-
viously removed to make room and to use for fire wood.
The houses were without fans and adequate ventilation
for the large number accommodated. The whole camp was
severely overcrowded and the original area * had been
reduced from time to time. In one house in which there
were 800 square feet of floor space 84 were living.

13,539 It was quite a normal thing for fifteen per-
sons to live in a garage of one automobile size. In
some houses there was sufficient space for people to
lie on the floor but in others it was impossible to
sleep at night in a lying position. There was very
little furniture. Most has been broken up * to provide
fuel for cooking. There were no amenities and no
space for children to play and there was no form of
education. The sanitation system was hopelessly over-
loaded and the water supply totally inadequate and
very often there was only sufficient water for cooking
purposes. As a result the septic tanks had overflowed.
He saw children walking and sitting in stinking filth
13,540 * and the stench was sickening. The camp was so full
of flies that one had to cover ones mouth when talk-
ing to prevent them from flying in. There had been some

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13,541 clearing of the camp before the witness arrived but not too much. * Each woman had one dress. Others were wearing the same clothes which they had worn all during the camp time, which were a pair of shorts and a bra. He never saw mosquito nets in the camp and did not believe they existed. The Japanese told him there was no malaria in Batavia. The main diseases were malnutrition, beri-beri, dysentery and nervous disorders. Practically everyone had the marks of tropical ulcers. * Every woman had had malaria as had every child, some as many as 20 times during internment.

13,542

13,543 The principal items of food when he arrived were rice, a small amount of meat, some black bread made from tapioca root and a reasonable amount of green material. The rations had been doubled since the Japanese surrendered. The women were generally satisfied, but the witness found that it was completely unpalatable. From his general survey of food stocks in Java on arrival, he would say there was no shortage of food in Batavia in the six months prior to his arrival and he saw no signs of malnutrition among the local people. * The Japanese had stored food in considerable quantities in Batavia. These were rice, tinned meat and fruit and white flour. There was sufficient in the stocks to feed all the internees in Batavia for six months. So far as the Japanese were concerned no emergency existed in connection with the internees' conditions and the only emergency foreseen was the invasion of Java and Sumatra.

13,543

13,544 When he came to Tjideng there were 1,200
13,545 in the hospital, which was immediately increased to 2,000 and every available building was converted into a convalescent home. Some of the worst cases were evacuated by air * to Singapore in about three days. * The hospitals were very much overcrowded and in many instances patients had no beds. There was no bedding. There were insufficient dressings, equipment and drugs. Medicines had been supplied before the surrender in inadequate amounts. A general anesthetic could be used only for major operations and appendectomies were performed with a small amount of local anesthetic. The Japanese had considerable stocks of medicine in Batavia. There was a chemical manufacturer who had worked for them during the occupation. Medical

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13,546 supplies were outside his responsibility but the witness requested the supply required. Aside from vitamin extracts, anesthetics, treatment for malaria * there was sufficient stock in Batavia to meet the needs of all internees and prisoners. The Japanese were perfectly fit and in good health. He had made regular visits to their barracks, and he also visited Japanese, Chinese and Indonesian civilians. Their living conditions were satisfactory. There was furniture and bedding and there appeared no shortage of the usual furniture. * The witness was told a number of incidents of Japanese brutality.

13,547

He saw one room in the camp in which women were imprisoned for long periods of total darkness in an unventilated room. A number had been questioned by the Kempeitai and were beaten and tortured. Women had been given manual tasks as punishment such as chopping and digging.

13,548

* He had not asked the women and children what they thought of the Japanese. The camp commander had been removed as soon as the surrender took place for his own protection. There was a current of hatred against the guards but this was masked by the problem of food-finding. There was no special diet provided by the Japanese in the hospital. There were cases of temporary blindness due to a lack of vitamins.

CROSS-EXAMINATION BY MR. BLEWETT

13,549

* The witness stated that he was a member of the artillery and was an officer in the regular army with 7½ years' service. Prior to joining the army he was a journalist. At the time of the surrender he belonged to the organization responsible for communicating with POW's and internees behind Japanese lines. He was on the spot and named to look after their interests in Java.

13,550

He was wearing a paratrooper's badge. When sent on September 18, 1945 to Java his job was to survey the stocks of food and to use them for the POW's and internees and to obtain for the South East Asia Command such food and medical supplies as were needed. The first visit in Batavia lasted two months but he had

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13,551 been back on temporary duty several times in 1946. He did not know the exact detail of the proportion of food brought in from outside as compared by that obtained in Batavia. * While he was in Batavia 35,000 pounds were being brought in by day consisting principally of drugs, milk and surgical instruments. He would not say that the bulk of food, drugs and supplies came from outside except for plasma, atabrine and anesthetics.

CROSS-EXAMINATION BY MR. LEVIN

The witness stated he had talked to two of the women who had been imprisoned in the dark room for asking for extra food but he did not know how many had been treated that way.

CROSS-EXAMINATION BY MR. BROOKS

13,552 * The overcrowding at Tjideng had been effective for about one year before the surrender. Some of the persons were children. The organization he belonged to before the surrender was charged with contacting POW's during war time, maintaining contact and offering them means of escape. * He had been engaged in it for four months.

13,553

DIRECT EXAMINATION OF MICHAEL C. G. RINGER, by Lt. Col. Damste

13,554

* The witness stated he was a Major in the British Indian Army and is attached to the British Division, Legal Section, SCAP. The witness, prior to the war, was a partner in the company of Holme, Ringer and Company in Kyushu, Japan and was honorary vice consul for Greece and also acted in his father's absence * as honorary consul for Britain, Netherlands, Norway, Sweeden and Portugal. His company was in shipping, banking and insurance. He left Japan in September 1940 because he was arrested in July for alleged spying and he was sentenced to 14 months penal servitude. The sentence was suspended and he left Japan, going to India where he trained as an officer cadet. He was commissioned in March 1941 and was stationed at Kuala Lumpur, Malay as an intelligence officer.

13,555

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- 13,556 At the time of the surrender of Singapore he was enroute to Java * but was captured as a POW in the Bangka Straits. He was confined at Muntok and Palembang; from February 17, 1942 to March 1942
- 13,557 he was at Muntok and after that at Palembang. * At Palembang until April '44 they were in the city but then were taken to a jungle camp. In the camp he was interpreter, working party officer and assistant adjutant. After his release he went home to England but volunteered to come back to the Far East in May 1946 in connection with the war crimes as a staff officer investigating war crimes in Singapore.
- 13,558 In August 1946 he went to Medan, Sumatra to help Dutch investigations there. * He interrogated Japanese war criminals and many ex-POW's and internees. He read all reports on POW camps in Sumatra and he had a comprehensive knowledge of conditions at such camps from personal experience and investigation. In minor cases Japanese were helpful but were very obstinate in major crimes. They tried to protect officers and blamed the buards.
- 13,560 * The witness left Sumatra in November. Twenty-four Japanese had been tried of which nine were sentenced to death, thirteen to various terms of imprisonment and two acquitted. The maximum number of
- 13,561 * POW's in early 1944 in Sumatra were 2,000 British and 6,500 Dutch. Up to the time of surrender 1,400 died. When the witness was first captured they were
- 13,562 treated as plain criminals * until September 1942 when they were forced to sign a parole form, which he did under duress. Six hundred and fifty British POW's were put into a small school. This included hospital patients. Senior commanders were put into solitary confinement and the men were put on minimum rations. One man died and on the 8th day they signed the parole form.
- 13,563 Until October 1943 there were three camps at Palembang, Padang and Me'dan. The major camps were split into minor ones. The prisoners were reshuffled many times. Most had to work on airdromes and railways and when their work was finished they were moved to new places. * All camps very very much alike in conditions--all bad. POW's were moved to

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Sumatra in troop transport. He met one ship that arrived at Palembang. The Dutch commander stated that the POW's had been batted down in overcrowded holds with only one meal a day. The only water they had was that which they had brought in their canteens. The latrines were completely inadequate. Several died.

13,564

On another occasion in May 1945 a draft of 1,600 POW's was sent from Palembang to Singapore on a 2,000 ton collier fully loaded with coal. POW's were billeted on the hatches without cover for five days. * The witness was personally told by a submarine officer that the ships had no POW signs. In June 1944 the Van Waerwyck with 7,000 POW's was torpedoed and 250 POW's were drowned. The Japanese commander admitted that there was not sufficient life-saving equipment and all were batted in one hatch with only one escape ladder.

13,565

In September 1944 the Junior Maru was torpedoed carrying 2,300 POW's and 5,000 coolies. After torpedoing the POW's and coolies were machinegunned in the water and others had their hands chopped off and skulls smashed in. * POW's on land were transported by truck, railway cattle cars and long marches.

13,566

At Palembang the POW's were originally quartered in schools, but after April 1944 they lived in atap huts without flooring and bamboo beds. The roofs leaked and the houses, due to overcrowding, were full of vermin. In the city they were in the slums. In the jungle they were in the midst of the jungle.

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13,568

* At Pakanbaru the camps were in jungle and swamp and were continually flooded, sometimes up to a man's armpits. In the school camp there were six toilets for 600 prisoners and in the jungle camps the latrines were trenches. Bathing facilities were from wells and in the summer during the draught they went without baths. They had one pint of water per day to drink and then they had to let this settle. In the Pakanbaru camps there were no disinfectants provided, but in the witness's camp they sometimes got oil for the latrines. There was no bedding or mosquito * nets, although the area was mosquito infested. * In the early stages there were big stocks

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of clothing at Palembang and the men were provided with one suit and a pair of boots. By June 1945 they had not been given any further clothing and the POW's were working in "TOJO step-ins," without boots, shirts or hats. After the surrender they were provided with too many clothes and mosquito nets and the commander asked them to wear the clothing since the local natives should not see the members of a great empire going around without clothes.

The survivors of ship wrecks were not supplied with clothes and POW's had to share with them.

13,569

There was a Japanese doctor for the camp but he took no interest and POW doctors * provided all medical attention. The hospitals were atap huts with only bamboo bed. Boarding was refused for the sick. There were no bed pans and the dysentery patients had to walk.

13,570

In Pakan Baru there was a certain amount of medical equipment supplied. In others there were none and the POW supplies were confiscated. The Japanese informed them that it was against the High Command's orders for any POW to be allowed in a Japanese military hospital. * The most frequent diseases were malaria and dysentery. There was practically no quinine and the only thing given for dysentery was charcoal made from the POW fires.

13,571

In Pakan Baru no quinine was supplied. Nearly everybody had tropical ulcers and were only given an adequate amount of rags and papers for dressings. The men used to use the bark off banana trees. The Japanese were not short of medical supplies. The POW had chemists who sorted drugs and medicines for them.

* Right after the surrender the POW's were supplied with all necessary drugs and all sick were moved to the Japanese hospital. In September 1944 they received a small supply of Red Cross supplies and the liaison officer saw the Japanese doctors remove the drugs. The Japanese camp doctor inspected once a week but after he left in June 1945 they only saw the Japanese doctor once every two weeks.

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13,572

They were given a certain amount of rations for the whole day. In his camp they eked it out for three meals, but others had only two. For breakfast they had watery rice, for lunch the same mixed with sweet potato leaves. In the evening they had dry rice with a taste of dried fish or meat. As for the official ration laid down by the Japanese * up to October 1943 there were 700 grams for heavy workers, 500 for light. After that until May 1944, heavy workers 500 grams, light workers 300 and from that time until the surrender, heavy workers 400 grams and light 250, sick 150. The official ration of meat and fish was 50 grams a day and vegetables 250. The rice was issued according to the scale except for loss in bag. They often had rice sweepings and limed rice which had to be sorted and washed.

13,573

After May 1944 they never saw any fresh meat or fish and received about 10 grams per day of dried fish or meat. One time they were given dried tapioca root for a week's ration. When they complained they were told to give it to the pigs. * The Japanese had 600 grams of rice per day and 150 fresh meat or fish right up to the end of the war. The Japanese took all the POW sweet potatoes and tapioca. The POW calorific value was about 650 to 700 calories and the food lacked vitamins of all sort, especially B. Since the Japanese did not like red rice the POW's asked for it for the vitamin B in it but the Japanese refused. As a result of the diet severe malnutrition resulted and owing to the lack of vitamin B practically everybody had beriberi. At the end of May there were 1,050 POW's. In June, 42 died; July, 99; August, 135.

13,574

* The other consequences of malnutrition were exhaustion, heart attacks, pellagra and loss of eyesight. The average percentage of sick was 25% in his camp and in some of the camps as high as 60%.

13,575

Letters of protest were sent to the camp commander but there was no improvement in conditions and they were advised not to annoy the staff with so many letters. Their attitude toward sick POW's was that they were like sick animals. * All POW's had to work. If they didn't, they were put on hospital rations. They all worked building airdromes, anti-aircraft and search light positions, unloading at the dock, in precision factories repairing weapons. Officers supervised working parties and worked in the gardens.

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13579 * The witness stated that for white men working
13580 in the tropics in the sun was very exhausting, * especially
where there was insufficient food. It was all heavy
manual labor, such as working on airdromes; on docks
unloading cement; in swamps building anti-aircraft
emplacements; and working on railroads. In the witness'
camp working hours were from 8 a. m. to 6 p. m., with
two hours for lunch. At first they had one day off a
week, later a half day, and in that half day they had
to do camp fatigue. The sick continued to work for fear
of going on minimum rations. They were ordered to send
13581 down a quota * daily, and they had to fulfill this re-
gardless of sickness.

The work was supervised by camp guards and
guards from companies that employed POW labor. Super-
visors were very strict, and any slackness brought beatings
or other punishment. Both written and verbal complaints
were lodged about the beatings, but the PWs were advised
by the interpreter not to send any letters of complaint,
since it annoyed the senior staff. Alleged offenses were
dealt with by corporal punishment and mass punishment.
13582 * There were no investigations or court martials, except
in one case where a man allegedly hit a Japanese soldier.
They knew this from a Japanese, and were told that this
was an example case. Corporal punishment consisted of
slappings and beatings, continuing until the men fell,
when they were kicked until unconscious. There were many
cases of broken limbs, jaws, and cracked ear bones, and
in two cases the men died three or four weeks later.

13584 * The prisoners were tortured by putting bamboo
between their fingers and crushing them; by having a log
of wood put under their knees while in a squatting
position and having the guards jump on the ends of the
log; by burning with cigarettes; by forcing the head into
chili water. The commandant knew this from their com-
plaints, and was present in the case of the chili water.

13585 * For confinement a barbed wire cage, 6 by 4,
with a flat atap roof and no sides, was provided. It
was built on a red ants' nest. At one time there was
nine prisoners in it, on a minimum ration of rice and
water. They had to stand at attention all day, and most
had to stand at night. All had been sentenced to 90 and
60 days, but had to be removed after 16 days. In other
camps there were wooden slats with no light.

Page

13586 In one camp, the whole camp, as punishment, was kept for three days on a minimum ration of 150 grams of rice per day. On one occasion * all were paraded at 10 p. m. until 4 a. m. Three died. It was alleged that someone had stolen tapioca roots. In March, 1942, three Australians were caught trying to escape and they were beheaded without investigation or court martial. In Pakan Baru Camp, a Dutch soldier, a mental case, was severely beaten by the Kempeitai and was put into a cell without food or water until he died. * In this latter case the camp commander complained to the Japanese commander, who showed an order from Tokyo dated April, 1943, listing 28 offenses and their punishments. The punishment for attempted escape was death.

13587 On one occasion during an air raid an Indonesian was found outside with a fire. He was severely beaten and tortured by having boiling water poured over him. He died the next morning.

13588 * In September, 1944, the order with the punishments was put on the camp bulletin board, listing the punishment for offenses, and it was merely dated Tokyo, April, 1943. It was in Japanese, but the witness did not know its meaning.

13589 The three Australians decapitated were artillery men. Two thousand Javanese coolies had been brought in October, 1943, to build an air strip. In June, 1945, when this was completed, the Japanese * gave the coolies no pay or food. When the chief reported after the surrender there were only 700, in a dreadful state. The witness often saw Indonesians tied to trees and lamp posts, beaten by any Japanese who passed.

13590 The PW were not allowed to keep any money in their possession other than camp pay. All valuables had to be handed in. About 30 or 40% was received back at the end of the war, and the men were given a certain amount of money for the rest in Japanese occupation guilders, which were useless. * Senior officers received 50 occupation guilders a month, junior officers 40, NCOs and others 25 and 15 a day. * PWs were supplied supplementary food and clothing up to their camp pay, but it was impossible to buy any clothing because of high prices. When they moved from camp to camp, PWs could take only what they could carry. This meant they had to leave bedding behind.

13591

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13592 On arrival at the new camp or on leaving an old one, all personal effects were searched and all valuables looted. POWs were allowed to send two 25 word postcards each year. Most of them were actually received. * In the witness' camp odd packages of mail were received. After release the witness found thousands of letters that had been stored in Singapore.

13593 Next of kin were not informed of death of a PW, and the belongings of those who died were sold by Japanese Headquarters and the money was supposed to be credited to the next of kin. The Japanese would buy at official prices and then re-sell on the black market. In November, 1942, they received a fairly large shipment of Red Cross goods, and again in September 1944 a small one. The first batch were not opened before, but as to the second * most had been opened and cigarettes and vitamin tablets taken out.

The men were allowed to read books when they could get them, but they had to be censored. This included bibles. The men were allowed to play cards, chess, and other games. The men were allowed a canteen, but only at official prices, and it was no good at those prices. At first the men were allowed to play basketball, but later were much too tired to play.

13594 The PWs had no air raid trenches, * and during raids the men were shut up without protection. There were no lights after a raid in August, 1944, and on January 25, 1945, two bombs dropped on the camp, but the men were still not allowed to dig trenches. The camps were visited by General SAITO in April, 1944, but the men were concentrated on the parade ground and guarded while he was there, and could not lodge complaints. After that conditions became worse. All PWs had to pay respects to all Japanese, and the men were forced to give orders to their own men in Japanese.

13595 * The witness stated that he interviewed the
13596 Japanese staff officers of the 25th Army, including General TANABE. *General TANABE appeared to be unaware of the brutalities and tortures, but was aware of the ration scales. He stated his staff officers were too busy to inspect. The witness stated that after the men signed their parole forms the Japanese commandant at the camp did his best for them. The first Red Cross parcels were personally superintended and none were looted, and he tried to assist the men to send some of these supplies to the women internees, but this was refused by the

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governor of Palembang. This commander left in early 1943.

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* The witness stated that when he was captured a Mr. Bowden, Australian Trade Commissioner from Singapore, took on the job of interpreter. Mr. Bowden claimed diplomatic privileges, and was beaten and kicked by a corporal and then was shot. The witness then took over as interpreter, and he met a corporal of the RAF who told him that three of them had surrendered to a Japanese patrol and were bayoneted. This corporal had three bayonet wounds in his body. He met another man who was the only one * who had escaped from a party of 16 which had been shot and bayoneted on Bangka beaches. He also met Sister Bullwinkle, who was the only survivor of 22 women who had been shot.

13598

In July, 1943, the men were taken off work parties and shut up in the camp. The sick from the hospital were brought into the camp. That evening many people were arrested. On the third day they resumed working. Three days later two of the people were brought back into the camp and their bodies were in a fearful condition. They had been put to the water torture and burned. Ten days later they were rearrested by the Kempeitai and court martialed.

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After the surrender the two sisters who had been serving prison sentences were released, and they stated that a doctor * had been sentenced to work in the tin mines and had died. * The offenses alleged were that these men had been implicated in stirring up Ambon troops, and that the hospital was being used as a spy center. The sisters were charged as spies and saboteurs. These sisters were all Dutch. One had been beaten unconscious. Her husband, with 80 other Ambonese, were taken and murdered. Three military men were given a trial, but the rest were forced to confess and not given a trial. The trial was a military court martial, with five judges and no defense counsel. There was an interpreter. One sister who refused to confess was stripped naked, taken to a door of the Kempeitai building and told she would be marched to the city and tied to a tree. She confessed.

The chief of the Javanese coolies reported that two airmen who had bailed out at a landing strip were beheaded and bayoneted. Two other airmen who got out of a burning plane were thrown back in by the Japanese.

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13602 * Seven other airmen were executed in Singapore in June, 1945. The witness also investigated a case in Medan where eight British and Dutch, alleged to have
13603 escaped from Padang, were caught and executed. * He had also read affidavits of other atrocities.

Exhibit No. 1703, the synopsis of Java, was admitted into evidence.

13607 Exhibit No. 1704, the affidavit of Dr. W. Mooij, stated * that on March 29, 1942, as a PW he was at Bandoeng with several other medical officers. They had heard that there had been a mass execution on the turnpike. They urged their colonel to go and look for the bodies. Finally the colonel obtained permission from the Japanese to send a party of 30, including the witness, arriving on March 29, 1942, at a quinquina plantation about 300 meters from the principal road.
13608 There the witness saw * a large number of bodies in groups, which proved to be bodies of soldiers quite decomposed. They were in groups of three and five, bound together with puttees and ropes. Fingers had been cut off from nearly all bodies, and no rings were found on the bodies. Many still had identity plates, and they collected other such property.

13609 During his internment he met survivors of the detachment of Lt. Postuma. In 1943 he spoke at Bandoeng with a soldier, who told him * that he belonged to the Postuma detachment, which had been taken prisoner. Seventy men had been brought together and put under guard. In the beginning there was no evidence of evil intention. After a few hours the guards became nervous and machine guns installed, tying the soldiers in groups. They were led to an open field and machine gunned. After all groups had been machine gunned, the Japanese came with their bayonets and went between the victims. The informant, by playing dead, was able to escape,
13610 taken to a hospital * and later reinterned. In 1944 he met a second soldier, a Eurasian, who told him that the Postuma group had been taken prisoner. Postuma had given orders not to tell who the commanding officer of the detachment was for fear that the Japanese would question him concerning the position of the Dutch troops. The
13611 Japanese put the 70 in groups of three or five, * and then machine gunned them. The lieutenant was shot but did not die at once, but did die a little later. The witness was able to escape.

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- 13615 Exhibit No. 1705, the affidavit of Private A. Moess, stated * that on March 6, 1942, he was at Lembang. A section of 35 soldiers were shot at from the front by the Japanese, and behind them there were tanks. A white flag was put up, and everyone stopped firing. The men laid down their equipment and rifles and surrendered. They were received in a friendly spirit. * Another section which did not know of the surrender continued to fire, but two of the witness' group made known the situation and the firing stopped. They asked permission to get the wounded, but were fired upon by a Japanese soldier sitting in a tree. An order was given that the men should march behind some Japanese soldiers, and they were taken to a plain, where they were forced to sit down and the Eurasians were separated from the Europeans. The men were searched and their valuables taken, and they were interrogated.
- 13616 * During the interrogation a Japanese plane flew over and a news tube was dropped. The commander looked through the paper and then shouted at his inferiors. The men were ordered to take off their puttees and keep their wrists crossed behind their backs, and then the wrists were fettered with the puttees and they were tied together in groups of three. The groups were lined up, an order given, and machine gunning started. The witness was shot in the pelvis and became unconscious. When he regained consciousness he still heard the machine guns firing. When the firing stopped some * Japanese soldiers made a rush with fixed bayonet. The witness pretended to be dead. The Japanese bayoneted the soldiers who were groaning and screaming. The witness again became unconscious for two or three hours. He then unbound his wrists and found that he also had been bayoneted. he crawled on his hands and knees to another man who had been hit in the legs, and he untied his wrists.
- 13617
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- 13619 * He saw about 80 soldiers, some of whom eyes had been put out or heads cut off, and abdomen opened. He and the other man crawled in the shrubbery and stayed in the field for three days.
- 13620 Exhibit No. 1706, the report of Captain Leyder, * showed that several PWs were murdered at Kali Djati, West Java.
- 13621 Exhibit No. 1707, the affidavit of E. G. DeVries, gives an account * of the murder of about twenty RAF personnel, hospital patients.

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- 13622 Exhibit No. 1708, the report of Sgt. C. Vijlbrief, * showed that several PWs were murdered at Kertosono, East Java.
- 13623 Exhibit No. 1709, the affidavit of Major General Sitwell, stated that after the surrender he had been given specific assurances that the 1929 Geneva Convention would be applied. This was never implemented and the treatment of PWs was in contradiction to the Convention. Later he was told that the Japanese would apply the rules only in so far as it suited them. The type of treatment at Bandung * was testified to by Brigadier Blackburn.
- 13624 Exhibit No. 1710, the affidavit of Flying Officer R. P. Bullcock, * showed that at Jaarmarktcamp at Sourabaya, there were bad conditions, and there were similar conditions at Lyceum Camp. There were severe and cruel beatings at Cycle Camp and Bandung.
- 13625 Exhibit No. 1711, the affidavit of Lt. Col. C. W. Maisey, stated * that he was taken prisoner on March 8, 1942, at Java, and arrived at the Boie Glodok camp on April 10, 1942, where he stayed until May 28. He was senior medical officer. Conditions were very bad, being overcrowded, inadequate sanitary arrangements, and food bad and inadequate. Food mostly consisted of rice in bad condition, although there was plenty of rice available.
- 13626 Medical arrangements were disgraceful; although plenty of medicines were in the camp the Japanese refused to allow the doctors to use them. The Japanese supplied * twenty aspirin tablets for a week for over a thousand patients with high fever. They refused to supply malarial stain, although it could have been obtained from a chemists' shop. Hygienic conditions were appalling. There was an order that no refuse was to be taken out, with the result that the refuse brought in a large number of flies. After repeated requests the Japanese allowed this to be taken out, but already there had been an outbreak of dysentery, which later became severe.
- 13627 Around the end of April three RAF PWs attempted to escape, * planning to steal an airplane. They were caught and executed. The Japanese stated that they had been shot for some serious offense, but did not specify it.

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Early in May a PW had an acute intestinal obstruction requiring operation. The Japanese refused any facilities, either hospital or instrumental. This was a typical example. The persons responsible were the commandant, the doctor, and the commander in Batavia.

13629 * Exhibit No. 1712, the affidavit of Doctor Maisey, regarding L.O.G. Camp, Bandung, showed similar conditions.

13630 Exhibit No. 1677, it was shown * that prisoners were constantly moved around, which aggravated conditions. At least five ships were torpedoed, and about 2700 Dutch prisoners suffered shipwreck, of whom 1900 were drowned.

13631 Exhibit No. 1713, the affidavit of Lt. G. J. Dissevelt, stated * that at L.O.G. Camp in April, 1942,
13632 * Capt. KAWAKATSU delivered a speech which the witness was ordered to translate, which stated that three men had committed a serious transgression by attempting to escape, for which the Dutch officers were held responsible. The victims were then blindfolded and preparations made to execute them. The witness asked for authority to take down the last wishes of the three, which information he passed on to his colonel.

13633 * After this the commander gave the order to begin, and the Japanese started to take up the required position and began bayonetting the victims. One died quickly, but the other two lived for some time. One had to be shot through the head before he died.

13634 Exhibit No. 1714, the affidavit of Major P. Doornbos, told * of the execution of two Dutch PWs at Tjimahi, West Java, in May, 1942.

13635 Exhibit No. 1715, the affidavit of F. H. Terheege, stated * that six Indonesians were executed at Tjimahi, and he had to administer the coup-de-grace to one.

Exhibit No. 1716, the affidavit of Medical Officer F. M. Vonk, showed the execution of two Dutch PWs at Agricultural School Camp, Sukabumi, West Java, in May, 1942.

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- 13636 Exhibit No. 1717, the affidavit of Ensign F. J. Reemer, * showed the execution of three Dutch and three Indonesian PWs at Djati Nangor, Central Java, March 31, 1942.
- 13637 Exhibit No. 1718, the affidavit of C. Broertjes, * showed the execution of three Dutch PWs at H.B.S. Camp, Djoejakarta, Central Java, May, 1942. The affidavit of Lt. Col. Maisey showed the execution of three British PWs at Glodok Camp, Batavia, in April 1942.
- 13639 Exhibit No. 1719, the affidavit of Mrs. Alida Horst, stated * that an hour after the Japanese arrival the whole group came to the bazaar. Each of the evacuees were asked their names. Only man was born in holland, and he was told that he was to die. He was later executed.
- 13640 On March 5, 1942, all the evacuees remained in a large room together. The Japanese appeared mad and wild. * That night a certain family of Ambonese were maltreated, the two girls being raped. The witness was allowed to return to her home. She saw her husband and some others there, but was driven past with a bayonet. Their house was packed with Japanese. The Japanese stated that they had killed her husband and the others.
- 13641 * On Friday the witness went to the emergency hospital, where things were in a state of hysteria. On March 7, 1942, the soldiers appeared in the emergency hospital where the women and children were. The ladies were raped, in the absence of the children. From March 7 to 17, 1942, there was continuous and merciless rape.
- 13642 At first this was done by three enlisted men. The * Chinese doctor reported that to the commandant, and the affiant and others had to appear before him, and he promised to kill the ones who had misconducted themselves. Nothing happened and they were sent back to the emergency hospital.
- That night they were transferred to a nearby school for their own safety, they were told. Between ten and midnight a whole mass of Japanese soldiers entered with this commandant, and he watched how each of the women was dragged away to be raped.

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13644 Exhibit No. 1720, the report of J. C. Reinders, a former bank manager and honorary consul in Tokyo, * stated that he had acted as camp interpreter. At L.O.G. Camp there were beatings, food was insufficient and bad; sanitary conditions were bad, and entertainment and divine services forbidden, as was correspondence, even with relatives. In Baros Camp, conditions deteriorated when the Japanese Army took over administration. Food was poor--about a thousand calories a day. The prisoners kept alive by buying extra food out of valuables. They ate rats and dogs, and gave them to the more serious cases for meat. Medicines were * inadequate and poorly supplied, although the Japanese had ample supplies.

13645 Red Cross parcels were distributed twice, after the Japanese had stolen part and after ordering all tins and containers to be emptied immediately. Reprisals and collective punishments were inflicted. The children were separated from their mothers. Of the money sent by the Pope, only one-third was given. The Japanese made complaints against the internees, that their attitude was bad; they were not humble enough; they were arrogant and conceited; they had no etiquette or that their hearts and thoughts were not sincere, or insulting to the Japanese Army. The attitude of the Japanese was the background of all cruel punishment inflicted for trivial or no offenses. Conditions, however, were better than in other islands, * and a Japanese red cross official is said to have expressed anger at the relatively favorable conditions.

13646 Exhibit No. 1721, the affidavit of G. DeLang, stated * that there were 1500 deaths in the Tjimahi Camps due to malnutrition, stomach complaints, and lack of medicines.

13647 Exhibit No. 1722, the affidavit of Mrs. A. M. Droog, stated * that the transport of patients was conducted by brutal methods. There was forced labor by 2,000 women, 1200 children under eleven, 900 boys between 11 and 13, and 500 women and 625 boys were detailed for extra heavy work.

13649 Exhibit No. 1723, the affidavit of Miss J. P. Risselada, stated * that at Banjobiroe Camp, Ambarawa, 13650 Central Java, * food was 90 grams of rice daily, and very cruel mass punishments were inflicted.

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13651 Exhibit No. 1724, the affidavit of Mrs. M. P. Haverkamp, stated that at Karang Pana's Camp, in Central Java, to check an outbreak of infantile paralysis the Japanese housed 125 old men with the women in the chapel. Beatings occurred regularly. Children above nine * were sent away to do heavy work, for which insufficient numbers had been allotted. This had to be done by women. Food was scanty.

Lampersarie Camp was located in a cleared native quarter; outdoor work for women was compulsory; young girls had to carry heavy rice bags more than 500 yards; collective punishments occurred; torture was inflicted on one occasion, continuing for seven days.

13652 Exhibit No. 1725, the affidavit of Mrs. J. Beelman, * relates cases of rape and forced prostitution at Moentilan, Central Java, arranged by Kempei officials, the victims being examined prior to being raped.

Reference was made to Exhibit No. 1351 on the treatment and deportation of native labor.

Exhibit No. 1726, synopsis of coolie labor on the Burma-Siam Railway, was received in evidence.

Exhibit No. 1727, A.T.I.S. report containing Japanese reports on Javanese labor, gives the number of deceased and sick deserters.

13658 Exhibit No. 1728, the affidavit of Doelahmaro, stated * that he and 17 others were sent to Djurong Camp near Singapore, where conditions were appalling. Bad and insufficient food caused beriberi. Only 600 survived at the end of the war.

13659 Exhibit No. 1729, the affidavit of Kasa Bin Santami, stated * that he was ordered to work for the Japanese and sent to a place near Singapore. The sick were beaten, and every torture was inflicted. In one year 500 out of 750 died.

13660 Exhibit No. 1730, the affidavit of Sanrawi, stated that he also was at the same place as Kasa.
* Between 200 and 300 died out of his group of 500.

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- 13662 Exhibit No. 1731, the affidavit of Parman Bin Djotaroeno, stated * that he was also ordered to work for the Japanese. Seventeen out of his group of 30 died and in a year 140 coolies out of 490 died. There were the usual conditions of bad food, no medical facilities, and beatings.
- 13663 Exhibit No. 1732, the affidavit of Selemat Bin Joences, stated that he witnessed the torture of a coolie who was wrapped in a mat and set afire. This was done * by a Japanese doctor.
- Exhibit No. 1733, the affidavit of Achmad Bin Ketajoeda, stated that he was detailed to work at Kampong Baroe, Singapore. Of the 2,000 coolies, only 1,000 were fit to work. Four to six died every day. Heavy work under harsh discipline was enforced. The coolies were prevented from taking shelter during an air raid.
- 13664 Exhibit No. 1734, the affidavit of Goedel, stated * that as a Javanese had been told to appear before his headman, who told him to go to work for the Japanese for seven weeks. He was put on a train with about a thousand men and taken to Batavia, and imprisoned
- 13665 in a camp guarded by the Japanese. A few tried * to run away, but were nearly beaten to death. They were taken aboard a ship directly to Singapore, where he was taken to a camp and remained there. Food was a little rice mixed with maize and sweet potato. There were many sick. There was no quinine or other medicines, and no bandages. This was a transient camp where all Javanese came to be transported, and the sick were left behind. Every day 15 to 20 died. He would estimate the total number at 2,000. The dead were left for about two days, and were then taken away on a motor truck.
- 13666 There were frequent beatings by the Japanese. The witness himself, for an alleged theft which he did not commit, * had a rope bound around his neck and left suspended for the night. The next day he was maltreated and 260 Javanese each were forced to give him a few blows with a leather strap; the maltreatment lasted from 7 to 11. Thereafter his head was pushed into a basin of water and he was half drowned. He was then bound to the wall of one of the barracks, and was also cut with a knife. The only thing he had to eat during that period
- 13667 was a little rice porridge * twice a day.

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When finally unbound, he was badly swollen and no longer in any condition to move, and had to be carried by others. It took a month before he could move again, but he had no lasting injury.

Exhibit No. 1735, the statement of Boejong, described the illtreatment at Pulau Damar, near Singapore, and how a coolie was buried alive after severe corporal punishment.

13668 Exhibit No. 1736, the statement of Rebo, * described how he was forced to work near Singapore. In nine months 400 out of 750 died.

13669 Exhibit No. 1737, the affidavit of Tahir, testified to the torturing of * a Chinese coolie who was beaten until his thigh bone was broken. He received no medical treatment, and his fellows were not allowed to help him. He was buried with only his head exposed, and was later thrown into the sea while possibly alive.

13670 Exhibit No. 1738, the statement of Dachlan, showed * that he was sent to Macassar, Celebes, and on the trip four coolies died out of 400 on board.

13671 Exhibit No. 1739, the affidavit of Amat Nawi, stated * that when 55 years old he was sent to lead 100 villagers, of a draft of 1500 coolies. Five hundred died in a year, and out of his group only 60 survived.

Exhibit No. 1740, the statement of Goenoeng, stated he was sent to Balikpapan, where the conditions were the same as in other coolie camps.

13672 Exhibit No. 1741, the statement of Paiman, stated * that on a week's voyage to Singapore 30 died, and 16 more died on the wharf. In a period of about two and a half years before the surrender, at least a thousand died. The corpses were not buried immediately, but were kept in the open field for a few days and then carried away.

13673 Exhibit No. 1742, the statement of Abdul Mazid, stated * that he made a forced trip and was ordered to work under miserable conditions at Singapore, Macassar, and Celebes.

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Exhibit No. 1743, the statement of Madali, showed that he was sent to Manila to work.

13674 Exhibit No. 1744, the statement of Koper, stated * that when 17 years old he was sent as coolie labor to Siam, where 30% of the coolies died.

Exhibit No. 1745, the series of pictures taken at Seletar Camp, was received in evidence.

13676 Exhibit No. 1746 the survey made by the head of the War Crimes Section of N.E.F.I.S., showed that 439 persons were sentenced and executed by court martial in Java, but this number does not include many death sentences of the local Kempeitai, and 38 persons from Kesilir Camp. 1,175 were punished by court martial, with sentences from one year * to life. 304 persons died in jail before being sentenced as a result of torture.

13677 Exhibit No. 1747, the affidavit of Doctor H. E. Boissevain, mayor of Semarang, stated that he was * asked by the Kempeitai whether he had plotted against Japan and what espionage he had done. When he denied having served as a spy he was beaten with a bamboo and a dog whip, and constantly pummeled by an interpreter. After three hours trial he was just able to walk back and bathe. When he undressed he found that his shoulders were black and blue. He was carried to a separate cell, and from October 9, 1943 until January 31, 1945, he endured solitary confinement. The trial was continued the next day, and he was beaten * and his spots turned to wounds. He was scorched with burning cigarettes and shocked with electric current to get his confessions.

13679 When the trial lasted for about a week and he still denied the charges, he was thrashed until he became unconscious. He awoke in the jail hospital, having been doctored by fellow prisoners. * He lay there for some weeks while his trial went on. He was called nearly every day for trial, and dragged to the torture chamber.

13680 * Sometimes they succeeded in bringing him to a state of semi-unconsciousness and apathy by thrashing and other tortures. They once tried to break one of his wrists. At moments the witness then admitted the most fantastic charges, but the next day denied them. He was in such a bad condition that in October, 1943, two kempei men ordered him taken to the Central City Hospital.

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After the trial had lasted for more than 14 months without having gotten any story except without logic the case began to bore the Kempei office in Batavia. The trial was closed in December, 1943. They made reduced reports in the Japanese language, which the witness could not read but which he and others were compelled to sign without any knowledge of the contents. They turned out to be confessions in which they were charged with the queerest facts, like using their grandmothers to seduce the soldiers.

13682 Exhibit No. 1748, the statement of W. F. Wijting, relates * his experiences at Batavia Kempeitai, and the trial.

Exhibit No. 1749, the report of Major A. Zimmerman, reported on methods of Kempei torture at Buitenzorg, showing a specialised and high grade skill. They had specialists in hanging, kidney-beating, water-test, and electricity.

13683 Exhibit No. 1750, the statement of Lie Beng Giok. * His examination was resumed in the afternoon. They wanted to know if he had any people in Buitenzorg. When he stated he knew no one there he was beaten with a three inch thick bamboo pole. When it was beaten into ribbons it was put into water and the beating continued.

13684 Later the bamboo was replaced * by an iron rod and a rubber trunk.

13685 This went on for days, he being questioned two or three times daily. To prevent monotony they used electrization, which he received about 39 times. He was questioned about almost everything, about spies everywhere, and was given a thrashing for denying ever having seen certain spies. They then gave him the water test. He was tied to a bench with his hands tied to his back. The Japanese stepped on his stomach and tried to stamp so long as water came out. * He was also burned with glowing cigarette ends.

Exhibit No. 1751, the statement of Doctor E. DeVries, stated that he was tortured at Buitenzorg. His first interrogation was the kindest. Others were treated badly. One man was tortured 47 times, and 14 times he was beaten into unconsciousness. One man died the day after being tortured, and another because of lack of skill of the torturer.

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- 13686 * At Semarang he suffered the watertest 22 times over two months, his interrogation amounting to 500 hours.
- 13687 Exhibit No. 1752, the statement of Dr. R. Flachs, stated * that at Bandung, during the first 35 days the food calories did not exceed 650, instead of the required 1650. During the second period, when his relatives made payments, they amounted to 1120, with fats and albumen missing.
- 13688 * For 100 prisoners they had only one latrine and one water tap. The tap was about one meter high and served as a shower. The latrine was filthy and the stench was unbearable. PWs used the latrine only one by one; it would take ten hours for all the prisoners. Permission to use the latrine was only granted from 8 a. m. to 8 p. m., so prisoners could only go once in 24 hours. The prisoners were subject to great contamination. Some were so weak that they were brought to the hospital, where many died.
- 13689 * All PWs arrested on June 2 were given numbers. Three days later the first was called out. This first man was convinced of his innocence and presumed he would be set at liberty. When he did not return by 6 p. m. everyone assumed he had been released. An hour later he appeared with a blood congested face and hardly able to stand. He had been so manhandled by Japanese and Indonesian officers that he was unable to speak, and he only told his story the next day when the second man had already gone.
- 13690 * When called up the prisoner was asked why he was arrested, and when he said he did not know he was flogged with from 50 to 300 strokes. If he still did not confess then further cruel punishment was inflicted. In flogging great variety was shown, starting with a single stick, then a rattan, followed by a whip with leather thongs weighted with metal balls. The meanest instrument was the whip with iron hooks, which tore the flesh to bits. The worst treatments took place in the cellar, with the prisoner tied to a post or manacled sitting. * Another punishment was electric current, with 110 volts A.C. being used, one terminal being fixed with a clamp to the leg and the other left free. The second terminal, in the case of men was connected with the arm or nostril, and with women was applied to the breast nipple.
- 13691

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The third degree of punishment was suffocation by immersion, where a towel was fixed under the chin and drawn over the face. Many buckets of water were poured so that the water gradually reached the mouth and nostrils, preventing breathing. This was sometimes repeated five or six times in succession, and produced unconsciousness.

13692

The next punishment consisted of bandaging fingers with a stick between the fingers, and was fastened that it could be tightened by a rope. This produced unbearable pain, and made * fingers useless for days. Another punishment was to shave the head, and a number of cuts were inflicted with a razor. These wounds were then treated with tincture of iodine. Putting out cigarettes and cigars on all parts of the body was common, resulting in festering wounds. The most recalcitrant had their fingers broken. One of the meanest punishments was kicking with hobnailed boots in the soft parts of the body, resulting in internal bleeding.

13693

* Men were kept standing for four days and nights without food and drink, and thrashed every three or four days. The chief of the police took special delight in judo, by throwing the men from one corner of the room to another like a ball.

13694

At Bantjeij a few Kempeitai and some Indonesians appeared for interrogation. They showed a partiality for hanging until unconscious, * for several times in succession. One man was forced to drink the water of the latrine.

13695

Exhibit No. 1753, the affidavit of Mrs. H. E. Engelen, described the methods of the Sourabaya Kempeitai, and showed that the tortures did not discriminate for sex.

Exhibit No. 1754, the affidavit of Mrs. A. D. Van Mook, stated * that in Batavia the Kempeitai on July 21, 1942, made her sit Japanese style on five sharp little beams so that she sat with her shins on the sharp edge, from 11 a. m. to 4 p. m. This was repeated the next day. On the following day the water torture was applied twice, in the morning and again in the afternoon.

Exhibit No. 1755, the affidavit of Mrs. S. M. J. Idenburg, wife of the Chief of Cabinet of the Governor-General, describes her tortures.

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- 13699 Exhibit No. 1756, the affidavit of F. H. Loupatty, and Exhibit No. 1757, the affidavit of S. Pattinama, was received in evidence, and described * their sufferings and the tortures and ill-treatment of Mrs. Van Waveren, who died under the most miserable conditions.
- 13701 Exhibit No. 1758, and Exhibit No. 1759, related to the execution of 19 civilians at Sourabaya more than a week after the Japanese surrender, * with the knowledge of Major General YAMAMOTO, governor of Java at that time. This document of YAMAMOTO affirms the affidavit of Doctor Van Der Plas.
- 13702 Exhibit No. 1760, the statement of Major KATSUMURA, admitted that 239 persons in the "Ki" case were executed in strict secrecy. * To settle the case as soon as possible the case was dealt with on the spot. The investigating officer decided whether to inflict the death sentence, and his decision was approved by the higher officials on the authority of the commander-in-chief.
- 13703 Exhibit No. 1761, summary by the head of the War Crimes Section of N.E.F.I.S., described all prisons as places of terror and misery. The summary dealt only with 38 out of 104 prisons in Java and Medura. In these * 38, 1717 died, and the cause of death is stated in only 154 cases. In 1940, the average death rate in NEI prisons was 1.8%. The Tjipinang prison, near Batavia, had a death rate of 4% from May 1, 1943, to May 1, 1944, 51% from May 1, 1944, to May 1, 1945. This is 2257 deaths out of 4400. The monthly death rate increased from one to ten percent.
- Exhibit No. 1751 showed that in this prison out of 4,000, five hundred were confined in the death ward from which only two survived.
- 13707 Exhibit No. 1762, the affidavit of Brigadier Blackburn, stated * that the film "Nippon Presents" had been made from an original in Java during the occupation by Japanese, which he believed was intended to give a faked impression of the treatment by the Japanese of their men and women PWs. English and Dutch PWs, and women and children were forced to play in the film. The film was captured after the liberation of Batavia and taken to Australia, where some of the players were gathered together by the NEI Film Unit to give the real

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13708 occurrences and conditions in women's and children's camps in Java. The statements made by him and the other actors in the Australian part of the film are given according to the truth as he and his co-actors expressed them. *The shots which were interpolated in Australia have been taken from other Japanese films and from films made by Allied cameramen of the camps at Batavia when conditions had been slightly better.

13709 Exhibit No. 1763, the statement of Major Schim Van Der Loeff, stated * that in September, 1945, he arrived in Batavia in charge of a NIGIS detachment. They captured several Japanese propaganda films, including one called "Australia calling". He learned

13710 how this film was made to create * an anti-war spirit in Australia. It was decided to send this film to Australia and to try and collect the same players, and to insert in the Japanese film cuts from films which showed the real conditions under which the PWs had lived. For these cuts they used films captured in Java. They also used some cuts from captured Japanese news reels. * The new cuts were not faked, but showed the real conditions of the PWs and women camps in Batavia.

13711 Exhibit No. 1764, the film "Nippon Presents", was received in evidence.

DIRECT EXAMINATION OF CORNELIS C. LEENHEER,
by Lt. Col. Damste.

13733 * The witness stated that he was Dutch, and was serving as a civilian attached to the British Army, with a status of the rank of major. * Before the war 13734 he was employed by the U. S. Rubber Company in Sumatra as an agricultural assistant, controlling the native labor, welfare, and administration of the laborers. When Sumatra surrendered he was on guard duty in the protection camp at Lawesegalagala, a protection camp for the wives and children of the natives. After that he resumed his normal occupation until interned on March 17, 1943.

13735 * He was first interned in Sungei Sengkol Camp in Medan. On October 1, 1944, he was transferred to Si Rengo Rengo, which was about 200 miles from Medan. He worked in the kitchen for two years, and the last year was also a woodchopper. Kitchen people worked on two jobs.

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13736 After his release on October 1, 1945, he went back to Medan and joined the War Crimes Investigation Teams in Medan under Colonel Read-Collins. He interrogated Japanese suspects and officials of the Japanese Army, and some internees. * He read reports on all civilian internment camps, and had a comprehensive knowledge of conditions there, and he had notes on those camps made at that time or shortly afterwards.

13737 Japanese headquarters seemed quite cooperative but very unsatisfactory, since they had burned all their original documents after an order from the Southern Expeditionary Corps. He left Sumatra on September 11, 1946, and came to Tokyo, where he is connected with the British Division of * Legal Section, SCAP. His wife was also interned on July 17, 1942, after having been confined to the home for four months. She stayed at Tandjong Balai Camp until May, 1945, when she was transferred. He didn't see her from July, 1942, to September, 1945, and never had any communication whatever. His two children were interned.

From twelve to thirteen thousand civilians were interned in Sumatra. There were about 300 British, a few Americans, some Czechs and Belgians, but the majority were Dutch. There were about 70 internment camps in Sumatra during the war, but toward the end of 1945 there were three areas--the north Sumatra area, the middle Sumatra area, and the south Sumatra area. There were many shufflings of internees and re-shufflings, and the internees lost their possessions. Conditions differed in various camps in that each new camp conditions were worse than in the former one.

13739 * As for transportation of civilians, the witness himself was transferred only by train, but they also used trucks, tramways, trains, and ships. When he left Sungei Sengkel to go to Si Rengo Rengo, they had to break up at 5 a. m. and walk five miles to the station to get on a half-open cattle wagon, which held 50 men in a space of 7 by 30 feet. They arrived at Kisaran at night, when they got their first meal and latrine facilities. They stayed that night in the station, and next day went home to Rantaan Prapat. When they arrived at their destination they were told they had to walk another five miles. * When they protested they were told to get on the move, and were forced with rifle butts and sticks.

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13741 The sick and old were left behind, and were later picked up by trucks. 2,200 women and children were told in the morning that they would have to move to the jail in Padang, a distance of one kilometer. There was no transport, and they had to drag and push luggage. * The commander rode.

They were crowded into a jail originally meant for six hundred. Some could not find a place to sleep, and had to sleep in the open. The reason for the transfer, according to the Japanese, was that the camp had to be used for the military troops, but the camp leaders said it was meant as punishment for refusing to supply girls for Japanese canteens. There was no explanation of what the girls would be expected to do there.

13742 * In Si Rengo Rengo they had huts of about two by seven feet for each person. There were double-deckers. Each hut contained 220 people, and they were built of wood and dry grass. Maintenance was very bad, and after a rain they leaned over and had to be propped up. Some of the camps had plenty of shadow trees, but this one had none, being situated in a grassy valley. For shade they had to stay in the huts.

13743 * Sanitation was most unsatisfactory. Buildings were overcrowded and facilities were short. At Si Rengo Rengo there were only twenty lavatories for 2,000, and these were only holes in the ground. The water was usually from rivers or wells, and the rivers were always muddy.

13744 Medical attention was given by a medical orderly who didn't know anything about it. Each camp had its own Allied doctor, and when it was necessary to remove a patient to the hospital for operation he had to ask the medical orderly for his consent. The hospitals were just like the ordinary camp buildings, being a special barrack too small and too badly built. * At times of epidemic it could hold only 20% of the sick. Medical instruments were not provided, but the doctors succeeded in smuggling in some. The most frequent diseases were malaria, dysentery, and tropical ulcers.

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Medical supplies were provided, but were very scarce. At Si Rengo Rengo they received 1500 pills of quinine, each of one-third gram, for two months supply. This was 250 grams for more than 200 malaria patients. There were 600 malaria sufferers.

13745

* There were no drugs provided for dysentery, despite a big epidemic in June and July, 1945. To dress wounds they used old rags and banana tree leaves.

After the surrender, big supplies of quinine and other drugs were sent to the camp, and huge stores of supplies were found, both Japanese and pre-war. There was sufficient quinine for a normal supply of the Sumatra population for about two years.

Red Cross medicine was supplied only once, but in insignificant quantities.

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* The witness stated that sometimes medical officers inspected. The chief medical officer of the 25th Army visited Bangkinang Camp twice, but never any of the others. Another medical officer stated he had to ask for permission to visit the camps from the Divisional Commander but he never asked for it.

13,749

A menu for a day consisted of two or three meals--breakfast, two ounces of polished rice; * lunch was four ounces of corn with vegetables, as was dinner. After April they never got any meat but from two to four times a week they got fish in the form of a kind of oyster at the rate of two ounces per day, only three percent was edible. There was an official ration laid down by the Japanese in 1942 and 1943--18 ounces of rice, two ounces of meat, eight ounces of vegetables, one ounce of sugar. In 1943 it went down to 11 ounces a day in bulk food such as rice and corn. There was always a shortage. The ordinance officer stated that a shortage of 10 percent in bulk food was officially accepted * and this was sometimes 15 to 20 percent. Vegetables were sometimes 90 percent rotten and in November 1944 they got one ounce of vegetables instead of seven. This improved in 1945. The ration laid down for laborers in Sumatra was 1½ pounds per day to be supplied by the company. However, the laborers had their own gardens with sweet potatoes, rice, vegetables and also had three to five ounces of fish or meat per day.

13,750

13,751

The doctor's opinion was this diet was unsatisfactory in calories, proteins and vitamins. * The effect was that the men went back mentally and physically and contracted all kinds of diseases.

In the beginning the average of all kinds of sickness was 10 to 15 percent and went up to 40 to 45. Camp leaders protested almost daily and one camp leader in Bangkinang wrote in 2½ years 400 letters without results.

Internees had garden duties, woodcutting and there was forced labor on the air dromes in 1942 and 1943.

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13,752 The women in one camp had to sweep the streets. Offenses against orders * resulted in beatings and punishments and this was done against the women. They also withheld food in the women's camp for two days because of an alleged crime.

13,753 He knew of only two investigations by the Kempeitai after an alleged crime. In the cases without investigation the commandants knew about it and often took part in them themselves. * When a laborer committed a crime he was put in the dysentery barracks until he died. Another was tied to a pole and scalded with boiling water. This was done for doing something against orders. This kind of punishment came for slackness or anything done against camp orders or not being polite to the Japanese.

13,754 * On May 1, 1943 all valuables and monies were taken from the internees. The money was never returned but some valuables were after the surrender.

13,755 The death rate at the witness's camp was 6 to 8 percent and in South Sumatra it was 28 percent and in Palembang 53 percent. General YAHAGI, Chief of Staff of the 25th Army, visited Si Rengo Rengo in July 1945 and the visit was planned for General TANABE. This visit never came off. YAHAGI * only walked through the camp while the internees were lined up. He spoke to no one. They were not allowed to address him.
13,756 * At various times there were requests for Red Cross inspections but this was always refused.

At the time of the surrender the internees were very thin or very swollen. The children had not grown.

13,757 The witness also knew of the murder of five Chinese on March 13, 1942 in Medan by beheading by the Kempeitai. He knew this from statements by eye-witnesses. On March 15, 1943 three British civilians were murdered. This he learned from a Dutch police officer who investigated. * This police officer was ordered by the Kempeitai to find out what happened to these civilians and after he found out that the murder was done by the Japanese nothing more was ever heard about the matter.

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13,758 On March 15, 1942, 22 Dutch troops were killed. They had been taken prisoner just about 10 minutes after the witness went through there and he heard the news the next morning. He also had gotten a statement from * a native witness. There was only one Japanese who did his best to relieve the women internees.

CROSS-EXAMINATION BY MR. LOGAN

13,759 The witness stated that Sungei Sengkol Camp was built in 1910 * by the Arendsburg Tobacco Company as a hospital. It was used as such until the war and consisted of 8 barracks. The conditions existing there had not existed for a long time previous to his arrival, because he arrived on March 17, 1943 and the camp was opened on the 15th.

13,760 As to the number of lavatories, they were the same as before he arrived but the conditions in which the buildings were were not because they had become more delapidated since they had grass roofs which had to be maintained every year and there had been no maintenance for a year while the hospital was empty. * The internees attempted to fix the roofs, but they got nothing to repair them with until 1944.

13,761 Si Rengo Rengo was a hospital built for internees by a Chinese contractor with native labor. They differed from the buildings in other camps. Some had been erected especially for the internees. These * huts were atap and were very hot in day and cold at night. This is typical for this climate.

13,762 The witness never saw any medical officer inspect the two camps. What he knew about other camps is what he read from sworn statements. He knew nothing about food at other camps from his own personal experience because he was not there.

* The food situation at Si Rengo Rengo where he was got worse during the war because it was 200 miles from the capital and the two nearest depots. He could not state that the NEI did not provide sufficient food for the consumption of its own people. Before the war rice was imported from Siam and Burma; during the war he did not know of any imports. The

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13,763 Netherlands Government, even before the invasion, had started growing foodstuffs on all possible estates. He did make an investigation concerning shipping and cutting off food in one case when the Muntok internees were transferred to Lubuklingau. The reason given by General YAMAMOTO was lack of shipping space because the food had to come from Palembang. This general did not state that a number of ships containing foodstuffs were sunk by allied submarines.

13,764 In 1945 they did have vegetable gardens outside the camp * and they got the sweet potato leaves from these gardens.

13,765 He did not personally see the forced labor in some of the other camps or the beatings in those camps. * He had already heard about these in camp during his internment. He personally had not taken any statements of anybody who saw the women beaten. When he stated the Japanese commanders knew about the corporal punishments he knew this of his own knowledge because he had seen the camp commandant at his camp thrash one of the boys, but he had not seen the women. The commandant who thrashed the boy was a sergeant. He never saw the Japanese commanders thrash their own soldiers and never heard of it.

13,766 * He had not seen the incident where the laborer was sent to a dysentery barrack, but had gotten it from a statement by Dr. Messing. The same was true with respect to the man tied to a pole.

13,767 The death figures were compiled out of statements from camp leaders and drawn after the war and were already compiled in the statements made. As to his own camp the figures were compiled by the statements, 123 out of 2,000 * died in 10 months. About ten days before YAHAGI visited, a Japanese civilian inspected and gave orders for cleaning the camp and the internees were used for this work. When YAHAGI visited the camp it was the best of the worst conditions. The internees were specially dressed. Everyone had some kind of a shirt. * The witness did not believe the camp commander wanted to make a favorable impression but the commander never told him anything about it.

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13,769 The murder of the five Chinese and three British took place about the time of the surrender. * It occurred in fact before the surrender on March 27, 1942. He had not seen any of the killing. He had seen four statements with respect to the five Chinese but had not personally taken any or talked to any eye witness. He did not take the statement with respect to the three British, but acted as interpreter. He did not take the statement of the Dutch police officer * but acted as interpreter. He also acted as interpreter for taking the statement of two Dutch police officials and had given the substance of what they had told. He had not taken statements on the 22 Dutch troops from any eye witness. He had, however, seen one statement and one report. He had made an investigation and the men were not killed while fighting, but while they were prisoners. * He had not made a personal investigation, it was impossible to reach the village where it happened.

13,770

13,771

The witness had to send his own boy to Switzerland last year because he had gone blind in one eye because of lack of protein. He has recovered about 80 percent of his eyesight, but is still suffering from occupational malaria. His other child, a girl, is quite all right now.

13,772

* Medical supplies were very scarce in the camp. After the war huge stocks were discovered and a huge amount of quinine was sent in. There was one store in Medan and one in Seantar. As to other places in Sumatra he did not know. The Dutch stores must have been there from before the war. The others he did not know about. These stores were in the hands of the Japanese. He had not ascertained how many Japanese soldiers had died of sickness and disease.

CROSS-EXAMINATION BY MR. LEVIN

13,773

* The witness stated that so far as he could see from the statements, it was customary for the POW's to work in the kitchen, but he did not know from personal experience because he was not a POW. The investigators appointed after the war were for all camps. The only case he knew of good treatment was the one Japanese he had spoken of before. The reports they got

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13,774 in writing * from headquarters 25th Army were made up partly from memory and partly from copies, everything having been burned around August 15, 1943, and stated that internees should be treated as POW's.

CROSS-EXAMINATION BY MR. SAMMONJI

With respect to conditions on transfer of women internees to Padang Jail, the affidavit he saw was by Frater Hoppenbrouwers, a Catholic clergyman.

13,775 * The witness knew about the huge stocks of medical supplies from a statement of the head pharmacist of Rathkamp in Medan, who took official stock when the Japanese surrendered over the stores to Netherlands officials.

13,776 With respect to the killing of the three Britishers he had not found any other evidence except the statement of the police officer because circumstances are not favorable for spot interrogation. The Dutch police officer stated that the bodies showed that the men had been shot. * An investigation as to the reason of the killing was made but the police officer did not know the reason.

13,777 As to the killing of the 22 Dutch, investigation was impossible because of political circumstances, but the witness himself was about four miles from the place where the boys were captured. * These soldiers were killed along the high road at a very small village.
13,778 The witness had not seen their bodies. * The reason for the killing of these soldiers was not shown in this statement.

The witness stated that prior to the war he had no experience as a prosecutor or an attorney at law.

13,779 * After two years' internment his wife got kidney trouble and could not work any more. After the surrender until November 1, 1946 she had been in the hospital for about six months.

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RE-DIRECT EXAMINATION BY LT. COL. DAMSTE

- 13,780 * So far as bulk food is concerned this had to come from Palembang to Muntok. There are about 1,200 internees and in an average of 300 grams per day it would take 1,100 tons of bulk per month, which could have been shipped in a small Chinese prau. The Japanese on the whole were well fed and well clothed.
- Exhibit 1766, synopsis on Sumatra was offered and received in evidence.
- 13,781 Exhibit 1767, interrogation of E. A. Lloyd, * covers the same material testified to by Sister Bullwinkel and also certain Australian servicemen.
- 13,784 Exhibit 1768-A, statement of Sgt. Melkianus Latuperissa, * stated that at Kotaradja, North Sumatra, on March 18, 1942, fifty Dutch POW's were pushed into sloops, taken to open sea and shot.
- 13,785 Exhibit 1769, statement of Wing Commander P. S. Davis, gives * a summary of conditions of POW camps at Pakan Baru, Central Sumatra, where originally 2,000 Dutch and British POW's were confined. Surroundings were filthy, accommodations bad and heavy labor started immediately. Little and poor food was provided. Labor consisted in building a railway under a group of Japanese soldiers from the Burma railway gang with the same slave-driving conditions as shown in the testimony of Colonel Wilde. Dysentery was unavoidable because the men had been lodged in an overcrowded jail at Padang under bad sanitary conditions together with native coolies.
- 13,786 No medicine * was supplied and no dressings although large stores were available. The number of sick rose to about 40 percent. The least sick had to work in the garden. One hundred and seventy shipwrecked POW's arrived in bad condition and many died because of bad care. The death rate rose to 80 and more per month but forced labor was still increased. The commander showed no interest and there were several instances of brutality and cruelty. The deponent was told that No. 2 Camp was to be the sick camp with all sick returned to him until fit to act as replacements

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13,787

or to work at the camp. * The witness and the senior medical officer made repeated appeals for improved conditions and less work but the appeals were useless since they were informed that food was unavailable and the only medicine available was herbs. The least sick were forced to do garden work because the Japanese said the ration situation would deteriorate due to lack of transport. The allied doctors had difficulty in dealing with the 800 sick.

13,788

About September 17, 1944 the deponent was ordered to expect the arrival of further sick and he heard from a Korean guard that another ship had been torpedoed with heavy casualties. On September 19 two ambulances arrived * with about 20 cases, most dying in a day or two. The rest were at Padang. A week later 150 sick and dying arrived and the witness was ordered to produce as much clothing as possible since the Japanese said they could not. At the end of November 1944 the witness was informed that another camp had been established. The men arrived in very bad condition but were immediately put out to railway construction work.

13,789

* At this period the general situation was deteriorating rapidly and the witness made repeated appeals for improvement but all were refused. The witness produced reports showing the death rate of 80 per month was due to lack of food and heavy work but the Japanese informed him that he considered that all officers should do more work and that the POW's were trying to sabotage the Japanese war efforts. Conditions were deteriorated further.

13,790

On June 16, 1945 he was informed that the railway must be finished by August 15 and every available man sent to work. Medical parades were * held and the men forced to go out. The health situation was deteriorating rapidly and the whole group was exhausted and depressed. Supervision by the Kempetai was increased and all sorts of disciplinary pressure was brought to bear.

13,791

Exhibit 1770, affidavit of Private W. Hagedoorn, stated that in Kota Tjane, North Sumatra, in October 1944 the POW's * were forced to march day and

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night for 90 miles in 68 hours. The slackers were beaten.

13,792

Exhibit 1771, affidavit of K. E. Krijogsmen, stated * that he was taken POW on March 17, 1942 and interned at Lawe Segala Camp in June 1942. In May 1943 he was told by the Japanese commander that POW's would soon have to enlist in the Japanese Army. On May 29 a Japanese officer and a Kempetai arrived at the camp. The interpreter told the men that they had five minutes to decide whether they would enlist in the Japanese army. The POW's were divided into three groups: those rejected medically unfit, volunteers and those who refused. The witness was with the volunteers. The names of all volunteers were recorded. Everyone was allowed to return to his quarters. * On May 29, 1943 those who refused to enlist were taken to Kota Tjane. The witness was driver to the camp commander and drove the prisoners. The men were locked in the jail and were bound hand and foot and publicly shown to the population. They were executed on May 29, 1943 with the population watching. * The execution was murder.

13,793

13,794

13,797

Exhibit 1772, affidavit of Mrs. A. E. Prins, * stated that at Brastagi, North Sumatra in the month of September 1944 she and another woman were camp managers. The supply of food was extraordinarily bad and for 2½ months had neither sugar nor fat. The official rations were rice for grown-ups, 200 grams; children, 100 grams and vegetables 50 grams per head daily. In reality they got only 140 grams for grown-ups, 80 for children and 20 grams of vegetables.

13,798

They were continuously complaining, but they got no results. They had spoke to an officer named TANAKA who had charge of food supply and after he left the commander was so furious that he struck both women. Discontentment increased daily and the women threatened to break out to get food. They proposed a hunger demonstration * and demanded a supply of official rations. The commander promised to see what he could to but there was no improvement.

They asked for permission to get food from outside but this was refused. The managers proposed to the inmates, in order to stop a demonstration, that they wait until November 25, 1944, hoping that by that

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13,799 day there would be improvement. They told the commander that they could not prevent the inmates from breaking out if there was no improvement on the ration due on November 20 and pointed out to him that he would get into trouble. They asked him to appoint other managers but he refused. * He promised that the request for more food would be answered on November 20, however, they were the same. They complained daily and the promises were never kept. It was agreed that 40 women would leave the camp on November 26 but 386 actually left.

13,800 The managers were ordered to bring the women back. They went out to ask the women to return but the women refused to do so before they had settled their business. The Japanese also got no results. By 9:00 P.M. all had returned. This had been reported to the M.P.'s * and the camp managers were interrogated. The managers were accused of having incited the women and were beaten. They were ordered to line up the women who were away but the whole camp came to the office. The Japanese understood that this was a demonstration and one got so furious that he struck a woman with a golf club. After 15 minutes the women were dismissed but the managers had to remain. They were again questioned and beaten and ordered * to write down the names of all the guilty.

13,801 The lists were taken on the 27th to the commander and included all persons who had been present the evening before. They could hear the women being interrogated screaming. * When the witness entered she saw a curtain rod on the table which had been used on one of the women. She protested against the mistreatment and she was told that the investigation would be stopped if everyone would plead guilty. The witness told him that the Japanese were guilty and was struck with this rod. When the investigation was over the witness could not walk without help. Under ordinary circumstances she could not have done her daily work for some days.

The witness refused to go to be interrogated again the same day but on the morning of the 28th she was ordered to the Japanese office with some other ladies. They were taken to the penitentiary at Kaban Djahe and they were locked up. The cells were without

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13,804 light or ventilation and was dirty with urine and feces. These cells were for lunatics in transit. There were no beds nor toilet. On the 29th she was taken to a room in the outer building where she saw all kinds of cudgels, belts and whips and on the floor was a coal fire with irons. * The witness was threatened with torture if she refused to plead guilty. She was made to stand on a chair after her wrists had been tied behind her back and a rope was run over a pulley and she was held suspended until she could hardly reach the seat of the chair with the points of her toes. Each time that she lowered herself to get a little more support, the rope was tightened and drawn higher. She was beaten with a rubber stick while in that position. After ten minutes they suddenly let her go, the shock causing unbearable pain. She was taken back to her cell and thrown in.

13,806 About nine o'clock she was again taken to the torture chamber and again suspended and questioned. She was not beaten. The head of the M.P.'s had entered. He slapped her face because she had spoken about officers and ordered her follow him to his office. He ordered a typewriter and ordered the witness to type out the names of the women * who had been out of the camp. The witness said she was unable to do this and he told her to dictate. She dictated the names of all the women who lived in the camp and she was taken back to her cell and for the first time got some food consisting of 72 grains of maize. There was no water.

13,807 On the morning of the 30th she was again taken to the head of the M.P.'s and was interrogated but not ill-treated and was told that she could be shot for escape. Mrs. Akins was also interrogated and later told the witness she was condemned to death. * An hour later they were taken back to the camp. The camp managers were taken to a bungalow. The rest to the camp. They expected to be shot. They were placed with their faces to the wall. They heard three Japanese enter and open the locks of their rifles. A further Japanese entered and roared at the men to fire but nothing happened. On another command * they were struck and then taken out of the room and back to the camp. For ten days the witness could not move her arms

13,808

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and use her hands and had to be helped by other people. It was impossible for her to work.

13,809 Exhibit 1773, affidavit of Amir Bin Sarodin,
* showing that the aborigines of Sumatra suffered from enslavement.

13,811 Exhibit 1774, affidavit of L. G. Emmels,
* showed that at Medan, Northeast Sumatra, the methods of torture used were water tests and severe beatings. The treatments drove some of the victims to suicide.

13,812 Exhibit 1775, affidavit of Suyker, showed
* that at Shibolga, Northwest Sumatra, the prisoners were beaten, tortured with injuries, the water test and exposure of the naked victim to the local population.

13,813 Exhibit 1776, affidavit of J. C. Teerlink,
* stated that at Tandjeng Karang, South Sumatra, there were beatings, burnings of moustaches and other tortures. The Kempeitai officers condoned ill-treatment.

13,814 Exhibit 1777, affidavit of Dr. Lo Djien Sioe,
13,815 * stated that they arrived at Kertopati, Palembang and * were taken to the Kempeitai. They were given something to eat and a conversation started. Without warning they were beaten with fists. On the next morning, August 17, 1943, he was interrogated by a corporal and beaten with fists and a horsewhip. The Deponent was left lying throughout the night on a cement floor without cover.

The next day the witness came into a cell and found some Ambonese policemen who had been accused of participating in an anti-Japanese plot. Although the witness was extremely dizzy and ill he was not allowed to lie down and had to sit up.

13,816 Food was bad and consisted of a helping of white rice and a few slices of cucumbers three times * a day and did not have a calory-value of 500 per man per day. The cell was about 2x4 meters and they were packed pretty much like sardines. Hygienic conditions were pretty bad. When the witness became fit he was again beaten on the lower half of his body so that it

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was impossible to sit. He had to stand or lie on his belly.

One Indonesian was kept standing in the middle of a circle and used as a ball and the water cure was applied to him. This man died without regaining consciousness.

13,817

* Mr. Stevens received the worst treatment. He was tortured time and time again by the water cure, hanging head down and fire treatment. The witness saw his wounds.

13,818

Daily each prisoner was beaten with a stick or a horsewhip or a rope. The screams and groans were heard all the time. There were several special torture chambers and the lightest treatment was standing in the sun for the whole day. Men so punished got food only in the morning. During August and September 1943 there was a raid among the Ambonese suspected to be in a plot against the Japanese. The Kempeitai * participated in this. The witness continued to be interrogated about all kinds of things and since he could not reply properly had to undergo tortures. He was once accused of owning a firearm, which was not true. On that occasion he was brought by car to a plantation. A pit was prepared and he had to kneel while a saber was put to his neck. However, they did not go through with this. In September 1943 many prominent people were arrested.

13,819

* The witness had won the confidence of the Kempeitai and was allowed to attend the POW's.

13,820

Exhibit 1778, affidavit of F. R. Kramer, stated * that in the jail at Pematang Siantar, Northeast Sumatra, more than 300 of the 550 POW's died in two years from dysentery and malnutrition. POW's expected to die were put into a special cell and dying was speeded up by leaving the patient outside in the sun.

13,821

Exhibit 1779, * synopsis on Timor and Lesser Sunda Islands was admitted into evidence.

13,822

Exhibit 1780, affidavit of Private R. B. Crow, stated * that at Oesapa Besar in February 1942, eight Australian POW's were shot without trial.

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Exhibit 1781, interrogation of T. W. Binder-
man, stated that at Babaoe, Dutch Timor in February
1942 an Australian medical corporal in charge of the
hospital was hanged and his throat cut.

This affidavit also examined the murder at
Oesapa Besar.

13,823 Exhibit 1782, affidavit of Lt. Col. W. W.
Leggatt, stated * that at Babaoe in February 1942, three
Australian POW's were killed by being tied together and
their throats cut.

13,824 Exhibit 1783, affidavit of S. Graca, stated
* that at Tatu Meta in February 1942, seven Australian
soldiers were bound with telephone wire by piercing
through their wrists and then bayoneted.

At Dilli, Portuguese Timor in March 1942, an
officer was tied to a tree and bayoneted for about 20
minutes and then stabbed to death.

13,825 Exhibit 1784, affidavit of Mr. Augustun,
* stated that at Soeway in August 1942, the Japanese
murdered by beheading a Dutch lieutenant.

Exhibit 1782, affidavit of Lt. Col. Leggatt,
stated that at Oesapa Besar conditions were bad for
food, drinking facilities, accommodation and sanitation.
Medicines were not provided but the POW's had enough
of their own.

13,826 Exhibit 1785, the report of Captain De Thouars,
Private Brants and Lieutenant De Vries, stated * that
at Flores Island conditions were terrible with no dwell-
ings being provided in the first month. Sick had to
stay in the open air. There were no bed pans but only
a little hole dug at each bed place. Some of the men
had to go 40 to 60 times a day and new holes had to be
dug until a patient had to be moved. If the patient was
too sick to roll over, a hole was dug through his sleep-
ing mat.

Food was bad and health deteriorated--more than
half were ill. The sick were forced to labor. Of the
2,079 Dutch POW's, 211 died within a year. Discipline

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was harsh with corporal punishment causing death some-
times. POW's were not protected against air raids.

13,827 Exhibit 1786, affidavit of Lt. L. L. McKenzie,
stated * that at Soemba Island interrogations were held
under beatings and threats.

13,828 Exhibit 1787, affidavit of Sgt. C. H. Van Der
Sloot, stated * when on February 16, 1942 with some 20
Javanese soldiers he was taken to Timor in a voyage
of four days, during which they were badly fed and given
nothing to drink for one day, they were sent to Koepang
airfield, walking on foot for five days. During this
trip the witness's hands were tied behind his back. The
13,829 day following his arrival the Deponent had to act as in-
terpreter * with the Japanese. There were more than
1,000 Australians. A medical officer asked for medical
treatment and medicine for the sick. This was bluntly
refused. The men lived in a barbed wire and bamboo
inclosure in the open air. After a fortnight about 50
Australians died and were buried within the inclosure.
The area was about two acres.

13,830 The food was very poor with only dry rice
supplied with the men doing their own cooking and break-
fast lasted from six to eleven. The Australians asked
that conditions be improved. The witness transmitted
this request but received a blunt refusal. No vegetables
nor meat were supplied. The witness during two weeks
asked for improvement several times on orders * and also
on his own accord but to no avail.

The Japanese demanded a 500 man working party
to repair roads, cut trees and dig. There were only about
300 men a day fit to do some work. The remainder were too
sick or weak. Food supply amounted to one liter of rice
porridge per man per day.

13,831 There * were wounded personnel with about 30
in two weeks being operated upon for extraction of shell
splinters. The patients were tied to a chair. The
doctors were compelled in some cases to operate without
anesthetics. Admission to the hospital at Koepang was
refused.

In July 1942 a Timorese had cut a telephone wire.
He and two brothers were sentenced to death. The suspect

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who was cutting the wire was merely asked his name and why he had cut the wire. He stated his name and said that he wanted the wire for private use. The two others were never asked any questions.

13,832

The same day on orders the witness had to draw up a document in Malay * announcing the death sentence and instructing the public to watch. The witness was told to attend and when he arrived he saw three new graves. The three convicted, with their hands tied behind their backs, were made to kneel before the graves, facing the firing squad. The sentence was read in Japanese warning anyone committing sabotage would be shot. The witness translated. The three were shot. One was still alive and moaned. One of the bystanders was forced to throw a heavy stone at the head of the wounded man. The graves were ordered filled up by bystanders.

13,833

Exhibit 1782, affidavit of Lt. Col. Leggatt, * stated that at Cesapa Besar Camp an Australian POW who had struck a Japanese NCO and escaped was killed without trial on instructions from headquarters.

At Flores, two POW's were executed without trial.

13,834

Exhibit 1788, affidavit of W. F. H. Plas, * stated that at Soemba conditions were bad, although there was only a small number of internees. Accommodations and food were inadequate, property was looted and severe beatings occurred.

Exhibit 1789, affidavit of C. J. Sequeira, stated that at Liquica, Portuguese Timor, Portuguese civilians were interned. Accommodations were bad as were food and medical care. Internees were exposed to air attacks without protection.

13,835

Exhibit 1790, affidavit of Pte. E. Simoes, * stated that at Aileu in September 1942, the Japanese, directing the natives, made an attack on Portuguese guards and killed most * of them.

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13,837

Exhibit 1791, affidavit of Flight Officer * Beattie, stated that at Ainaro in October 1942, two

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Priests were murdered. At Atsabe in December 1942 the Japanese, when attacking Australian forces, used 50 to 60 natives as a screen. They also burned the native huts at Mt. Katrai and shot the women and children. This was a regular practice.

13,837 Exhibit 1792, affidavit of L. A. N. Rodreigues, * stated that the Japanese attacked and sacked native villages in Portuguese Timor, using indiscriminate machinegun fire.

Exhibit 1787, showed that two natives were killed without proper trial and 1781 showed that a native was killed without trial.

13,838 Exhibit 1793, the report of Major General Y. TANAKA, stated * that in September 1944 he ordered a punitive action against the islanders of Loeang and Ser-mata because some Kempetai had been murdered by the natives.

13,839 * The suppression party, about September 29, 1944, arrived at Sulmata Island. Most of the natives had retreated into the mountains but there was some resistance. The party captured some of the remaining natives, investigated the mutiny and inquired about information as to the whereabouts of Yoos, son of the Radja, who was directing the whole thing. When the party landed Yoos had gone to the south coast, stirred up the natives and spread false news that the Australians were landing. The party followed Yoos but could not find him. They questioned the village chiefs but got no answers. This made the searching extremely difficult.

13,840 A part of the party was sent to Luan Island and when charged with rifle fire they fired back. The Radja and his family tried to shoot * the Japanese by bows. The Radja and his family were arrested and returned to Sulmata. The main body of the party continued to search for Yoos and ordered the Radja to search him out within three days with the death penalty to be imposed in case of default. The Radja assented but could not find Yoos and he was executed. Yoos was found and arrested. After Yoos was arrested TANAKA was asked for instructions. He ordered Yoos and other suspected criminals brought to Lautem and executed.

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13,841

* The natives of Luan were especially atrocious. They moved to Sulmata to join the attack against the air watch party. As a result of assault to M.P.'s and stiff resistance TANAKA had 34 natives executed on Moa Island. About 60 people who joined the mutiny were put to death.

13,842

Exhibit 1794, statement of Lt. S. OHARA, gave * a further description of the killing on Moa Island. The natives were killed by bayonetting, three at a time. The witness organized a brothel in which native women were forced to act as prostitutes as punishment.

13,844

Exhibit 1795, affidavit of Chung Hai Cheng, * stated that he acted as interpreter for the Kempeitai at Dilli. Conditions were very bad and the prisoners very weak. Both men and women were beaten. At Manatuto the Portuguese Chief was murdered and his cut up remains put in a sack and sent to his wife.

13,845

Exhibit 1796, * synopsis of the Celebes and the surrounding islands was received in evidence.

13,846

Exhibit 1797, affidavit of Medical Officer Mingelen, stated * that at Ralla in March 1942, eight Dutch POW's were killed by bayonetting.

13,847

Exhibit 1798, affidavit of Major T. ODUMURA, * stated that at Tomohon in September 1944 the Deponent brought two American airmen POW's to that place. The commander saw these Americans the first day and on two other occasions and once questioned them. Permission was asked several times to kill them. The Deponent said he had no authority and he would have to go to headquarters for it. He was asked on three occasions to go to headquarters for authority. He finally spoke to the colonel and told the colonel that it would be better to send the men to the POW camp at Java and the colonel said that war conditions did not * permit it and also because of possible American landings it was necessary to execute the Americans because they might give away some of the Japanese secrets. The Deponent told the colonel that this was against international law, but the colonel stated that the POW's were under the jurisdiction of the Second Area Army Headquarters. He said they must be executed. The same day after supper the witness heard

13,848

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13,849 the colonel stated that the Americans would have to be executed that same evening and the witness was ordered to execute them that same night. The witness * turned the job over to the man who had been urging the execution. The next day this man reported that everything had been completed but he did not get the details. So far as the Deponent knew there had never been a trial, court-martial hearing or any form of judicial process before the execution.

13,852 Exhibit 1799, affidavit of Y. HAYASHI, stated * that at Toli-Toli in October 1944, eight American POW airmen were executed.

13,854 Exhibit 1800, affidavit of Captain G. TANI-GUCHI, stated that he knew that nine Americans had been detained at Kendari in October 1944 and one in January 1945 and two in February. On October 1, 1944 an American plane left Morotai and on the same day the plane was hit by Japanese gunfire and crashed off the coast of the Celebes. There were 11 men in the plane but two died in the crash. * The natives reported nine men on the islands and the witness sent a boat and ten men to pick them up. They were brought to Kendari and turned over to the commanding officer of the Tokkei Tai.

13,855 The witness informed Admirals OSUGI at Makassar and FURUKAWA at Kendari. The men were kept there for six or seven weeks. On November 23, 1944 the witness received an order from Makassar to execute the nine POW's. The order was sent by Admiral OSUGI. It said to dispose of or execute the prisoners and * was so ordered that it was unlikely that it was a mistake. When the message was brought to the witness he told a lieutenant that they should go ahead with it. The lieutenant said he would make the arrangements. He next reported that the POW's would be executed the next day or two days later. He cautioned the lieutenant to abide by the Samurai Code.

About this time an order was received from the 23rd Air Unit at Kendari to send four of the POW's to them. His lieutenant stated that they wanted to execute four. The witness sent the four. The other

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13,856 five * were executed either the next day or two days later as scheduled but the witness did not attend nor did his lieutenant. The lieutenant reported that the men had been executed and the Deponent sent a radio message stating that this had been done. This was
13,857 sent to Admiral OSUGI. As to the other four * the witness had a report stating that four had been executed.

13,858 Exhibit 1801, statement of Colonel M. NAKA-
13,859 MURA, stated * that at Singkang in July 1945 he took * steps to have one of his men see an officer on the staff of Lt. General TESHIMA to have five American fliers removed to Second Army jurisdiction. He had been trying to have them removed ever since he arrived at Singkang. He reason was that they interfered with the Kempeitai questioning of natives and their other duties and he felt that they should be kept by the Second Army. Three days later after the second trip to see General TESHIMA's man the execution was held.
13,860 This was probably * in the last two or three days of July 1945. The colonel had suggested that the Kempeitai dispose of the Americans, taking this for an order the deponent ordered the execution. The deponent was told the date and place of execution. About three
13,861 days later the witness left Kempeitai quarters with other officers and men. * They arrived at the place of execution which was a small clearing surrounded by trees and bushes. A grave had been dug among the trees. The Americans were kept before a large tree and blindfolded. The Americans were brought one after the other to the grave, placed in a kneeling position and executed.

13,862 * The witness returned after the execution and ordered his officer to report the execution to Second Army Headquarters and it was reported to him that a report had been made. The witness stated there was never any court-martial hearing, trial or other legal process given and he knew that they could not be executed without a court-martial and the Kempeitai could not do so without a court-martial or orders from higher authority. He felt that TESHIMA must have given approval since he had always told his officer that even the natives must receive a court-martial or hearing before execution and he would have followed this procedure in the Americans' case. Also at the execution

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there were at least two soldiers from the Second Army jail.

13,864 Exhibit 1802, statement of Col. KOBA, stated * that at Beo, Talaud Islands in March 1945 four Allied airmen were executed as punishment without trial on the order of General KATSURA and at Rainis, Talaud in June 1945 another airman was executed under the same order.

13,865 Exhibit 1803, affidavit of Lt. Y. NAKAMURA, * stated that at Maros in July 1945, four Allied airmen were executed.

13,866 Exhibit 1804, affidavit of Lt. Commander G. T. Cooper, stated * at the POW Camp at Macassar accommodations were bad, there being no furniture, bedding, and clothing. Camps were overcrowded and labor exhausting. Sanitation was bad, medical supplies were inadequately provided and bad health resulted and a high death rate. * No Red Cross parcels were distributed and no recreation provided. There was no mail. Discipline was terrorizing with severe corporal punishment.

13,868 Exhibit 1805, report of Dieudonne, stated that at this camp * POW's had to climb and stand in a tree full of red ants. Various tortures were applied such as severe beatings, resulting in bruised and cracked ribs and skin grafting. The camp commander took part in the beatings. There was strangling, watertest and confinement in cells. Sick people were forced to labor. * Men were executed.

13,872

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STARTED JUNE 28 1946 FINISHED JUNE 29 1946 TOTAL NUMBER OF IMAGES 2902		PERIOD UNITED NATIONS WAR CRIMES COMMISSION (UNWCC) Member Governments, other National Authorities and Military Tribunals PAG-3/2.3.4. boxes 429-431	CODE NO.
APPROVED:		Transcripts of Proceedings and Documents of the International Military Tribunal for the Far East (Tokyo Trials): International Prosecution Section Documents <u>Individual Defendants</u> Shimada - Umezu <u>Reply of Prosecution to Defense Summation (Parts I-III)</u> <u>POW Summation</u> Appendix A - Summary of Evidence of Atrocities Committed by Japanese in China between 1937 and 1945 Appendix B - Summary of evidence in relation to treatment of Prisoners of War, Civilian Internees and Inhabitants of occupied countries in places other than the Philippines between December 1941 and September 1945 (English and Japanese) Summary of evidence showing proportion of Allied P.O.W. who were killed or died in captivity to the number of Allied P.O.W. captured. Narrative Summary of the Records A page-by-page synopsis of the Court Proceedings (incomplete) <u>Page Nos:</u> 1,516 - 1 3,872 (wide gaps) ----- END OF REEL No. 160 -----	
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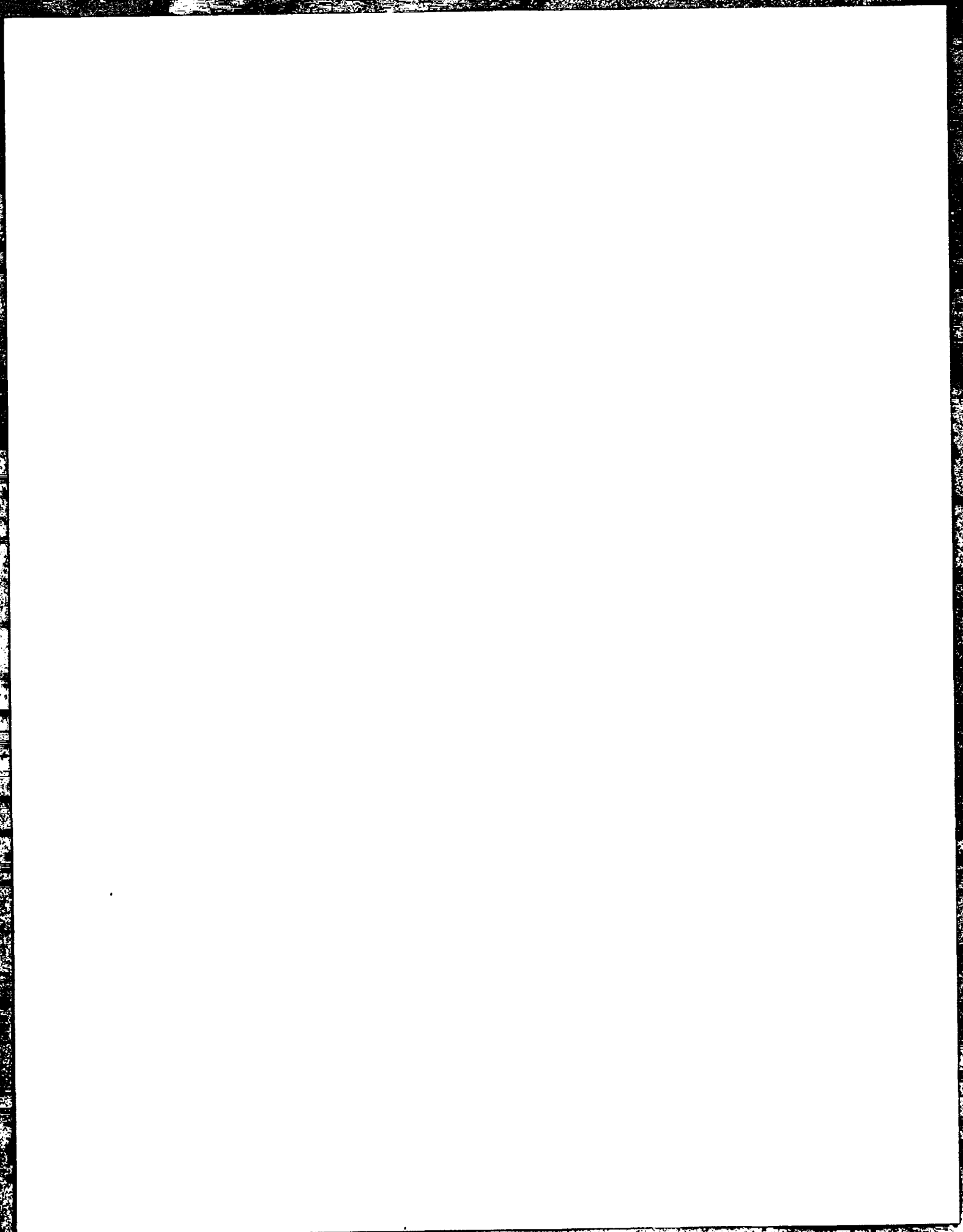
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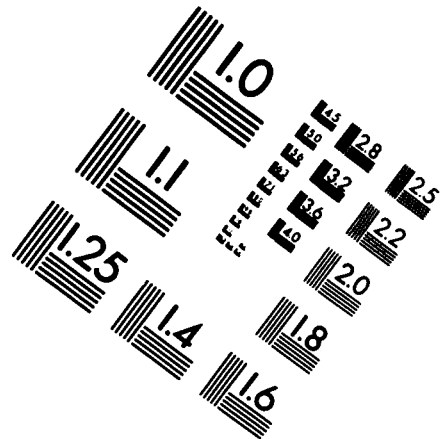
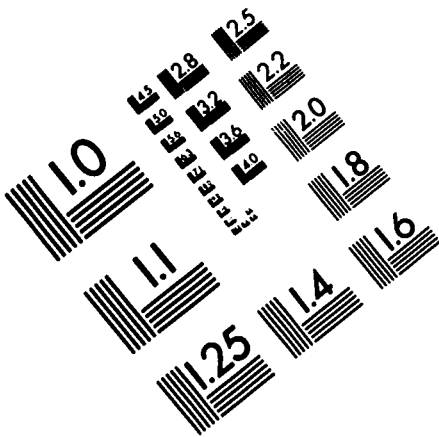
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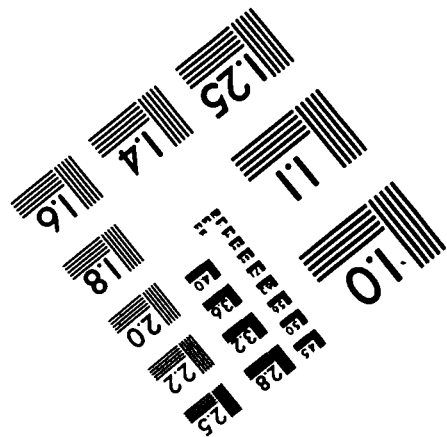
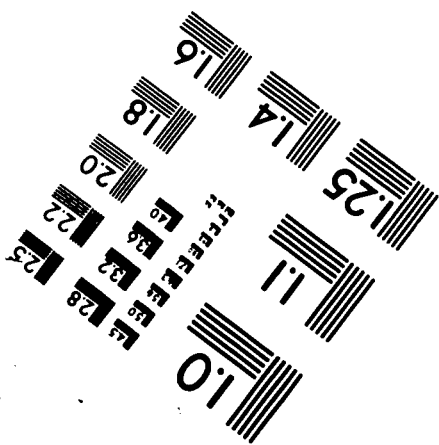
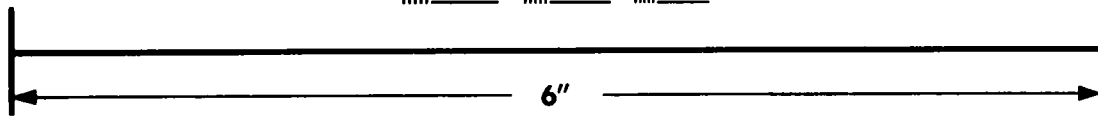
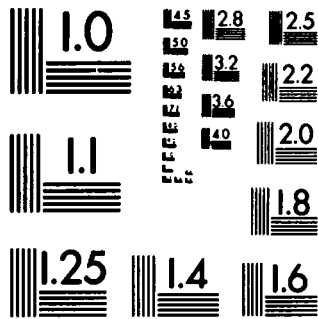
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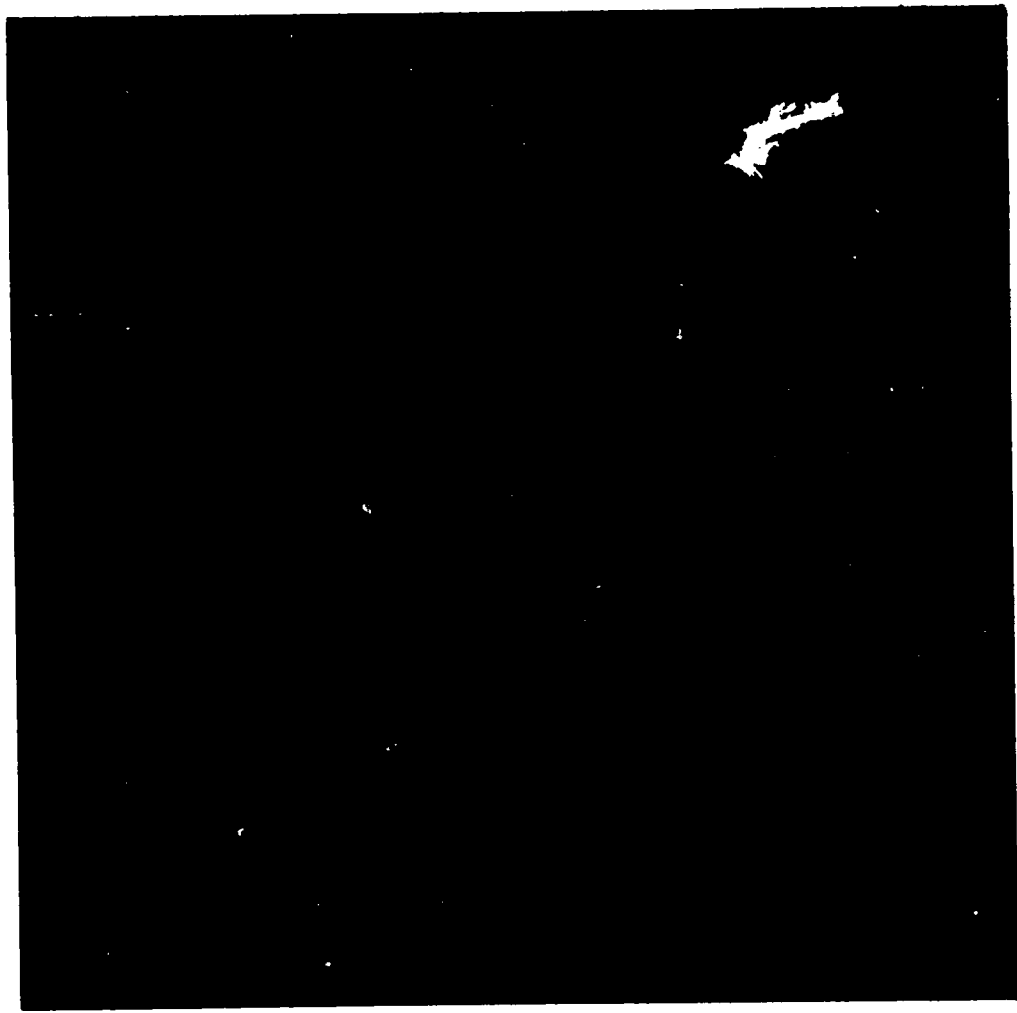




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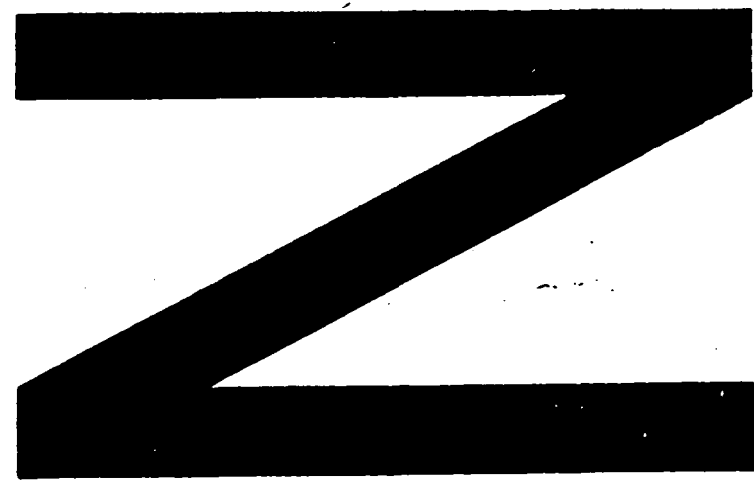
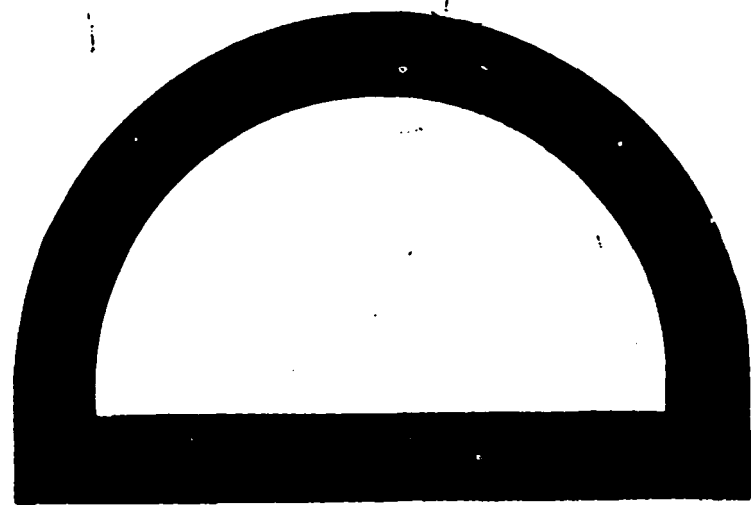
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